

Council Meeting

Agenda

28 September 2022 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website www.ballarat.vic.gov.au in the days following the meeting.

Although every effort has been made to protect the privacy of the public, members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by council.

Information about broadcasting and publishing recordings of council meetings is available in council's Live Broadcasting and Recording of Council Meetings Procedure which is available on the council's website.

PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Planning Meeting apart from those listed in the confidential section.
- Presentations must be submitted in writing, not more than 500 words by 2:00pm on the day of the relevant meeting:
 - i. In the form approved; or
 - ii. by email to Council's prescribed email address;.or
 - iii. in person during normal office hours at the Council Offices at 25 Armstrong Street South, Ballarat.
- If a person submitting a presentation is not present in the gallery, their presentation will be read out subject to the time limits.

ORDER OF BUSINESS:

1. Opening Declaration.....	6
2. Apologies For Absence.....	6
3. Disclosure Of Interest	6
4. Matters Arising From The Minutes.....	6
5. Confirmation Of Minutes.....	6
6. Public Question Time	6
7. Chief Executive Officer Report.....	7
7.1. Chief Executive Officer Report.....	7
8. Officer Reports.....	10
8.1. Inflationary Pressures	10
8.2. Recommended Budget Carryovers 2021/22.....	14
8.3. 2021-2022 Annual Community Engagement Review Report	23
8.4. Annual Community Satisfaction Survey.....	41
8.5. Amendment to Rock Ballarat Strategic Partnership.....	100
8.6. Trial of Reusable Cloth Nappy and Reusable Sanitary Product Scheme	105
8.7. Tender 2021/22 - 753 Her Majesty's Theatre Stage 3 - Awarding Construction Tender.....	109
8.8. Tender 2021/22 - 714 Urban Forest Project	113
8.9. Road Naming Proposal - Kunuwarra Drive, Lake Gardens	117
8.10. Road Naming Proposal - Nyaninyuk Road, Glendaruel.....	122
8.11. Audit and Risk Committee Biannual Report.....	127
8.12. S6 Instrument of Delegation (Members of Staff).....	140

8.13. S11A and S11B Instrument of Appointment and Authorisations	326
8.14. Outstanding Question Time Items	336
9. Notice Of Motion	344
10. Reports From Committees/Councillors	348
11. Urgent Business	348
12. Section 66 (In Camera)	348
13. Close	348

The next Meeting of the Ballarat City Council will be held on Wednesday 26 October 2022.

1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE OF INTEREST

4. MATTERS ARISING FROM THE MINUTES

5. CONFIRMATION OF MINUTES

6. PUBLIC QUESTION TIME

Note – all public representations will be heard before each item on the agenda.

QUESTION TIME

- Questions must be in English and must be 75 words or less and not include a preamble, other additional material, or multiple parts.
- Questions must be submitted by email to governance@ballarat.vic.gov.au, no later than 12:00pm on the day of the Council Meeting.
- **Please note:** no person may submit more than two question at each meeting; questions may not be allowed if the time allotted for public question time has finished.
- If a person submitting a question is not present in the gallery during Public Question Time, their questions will be read out and a response provided at the meeting.

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Evan King
Author/Position: Evan King – Chief Executive Officer

PURPOSE

1. The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

BACKGROUND

2. The Council of the City of Ballarat is responsible for setting the municipality's strategic direction. The CEO of the City of Ballarat is the sole employee of the Council and is responsible for establishing the organisational structure and resource allocation to achieve the objectives set by the Council. This operational report provides greater detail about organisational activities and issues involved with service delivery.

KEY MATTERS

1. Bridge Mall Redevelopment

The final designs which will see the redevelopment of the Bridge Mall precinct into what will be a vibrant tree-lined destination, soon to be known as Bridge Street, have been unveiled. The \$15 million plans demonstrate how the magnificent Sturt Street gardens will extend into Grenville Street, creating a landscaped entry into Bridge Street – attracting shoppers, diners, residents and visitors – to meet and stay longer. The final designs reveal how one-way, low-speed vehicle access will create a shared streetscape, enabling vehicle movement through the area, where bollards will be used to block off vehicle access as needed, particularly for markets, festivals and events. Preliminary works to transform the mall into Bridge Street are expected to begin this year with major civil works commencing 2023. Construction is expected to take 12 to 18 months. A big thanks to all who have worked on this important transformational project to help it reach this point in time and I am incredibly excited to see what's to come.

2. Youth Awards

The City of Ballarat celebrated almost 100 young people and influential adults who were nominated for a commendation at the 2022 City of Ballarat Youth Awards on August 12. The Major Award 12 – 17 was won by Millie Collins and Major Award 18 – 25 went to Ruby Lloyd-Vend. The awards pay tribute to diverse contributors in the community including in the arts, sport, equity, diversity and inclusion, and community service. This year the Youth Awards Ceremony returned to an in-person event after two successful COVID-friendly virtual presentations. A total of 13 award categories were presented across the night in supporting partnership with 15 government and community agencies.

3. Inclusive framework and consultation

Six new plans, strategies, and frameworks designed to create a more inclusive Ballarat community have undergone public exhibition. The draft documents include a new Inclusion Framework, Reconciliation Action Plan, Intercultural Plan, Disability Access and Inclusion Plan, LGBTIQA+ Inclusion Plan, and Ageing Well in Ballarat Strategy. In April of this year, the City of Ballarat undertook a comprehensive community engagement project to inform Council's work in a range of inclusion areas. The engagement process was two-phased and attempted to engage the general community and target the specific groups in the community who can face discrimination and exclusion. From this feedback, a range of strategic plans and a new framework that outlines how the City of Ballarat will work towards inclusion have been drafted and were available for four weeks for a final round of community consultation during August and September. They will soon be finalised and return to Council for consideration and endorsement.

4. Outdoor Activation Projects

With funding from the State Government's COVID Safe Outdoor Activation Fund 2021, 12 outdoor dining pods are being installed across the CBD. The aim is to attract more people to various area by creating a comfortable space for people to enjoy food and drink from local businesses. The pods are in areas identified as under utilised and close to surrounding hospitality businesses and workplaces. They will allow workers to enjoy their lunch in a pleasant space, and families to be able to enjoy picnic style meals in the heart of Ballarat as we head into the warmer months. The pods comfortably seat 8 people and will create great socialisation opportunities. The table and roof cover extends providing accessibility for prams and wheelchair users to access the table and shelter. Paths and garden beds are also being installed to complement the pods in their locations.

5. Completion of the Buninyong Street upgrade

The Buninyong community has recently celebrated the official opening of the township's \$1.287 million streetscape upgrade. The project was co-funded by \$859,000 from the City of Ballarat's Capital Works Program, \$300,000 from the State Government's Regional Infrastructure Fund, \$100,000 from the Bendigo Bank's Buninyong branch and \$28,000 to upgrade the existing bus stop from Public Transport Victoria. The streetscape upgrades spanned Warrenheip Street (east side) between Eyre Street and Forest Street, as well as a section of Learmonth Street. Key features overall included improved access for pedestrians, reduced gradients and better access, outdoor activation and dining areas, improved streetscape furniture, bollards and traffic safety, improved parking, new street trees, increased greening and trellis/vines, and stone entry walls. The project was designed by local consultants and constructed by Ballarat-based firm Enoch Civil Pty Ltd.

6. Welcoming Black Spot Funding for four Ballarat projects

The City of Ballarat welcomed the recent announcement of more than \$1 million in funding for safety improvements at four intersections across the municipality through the Australian Government's Black Spot program. A total \$1.03 million has been allocated to four projects being Eureka Street and Fussell Street, Ballarat East roundabout upgrade, pedestrian and bicycle lane improvements (\$354,000); Eureka Street and Otway Street South, Ballarat East central median strip and pedestrian upgrades (\$160,000); Urquhart Street and Ripon Street South, Ballarat Central, roundabout construction, separated bicycle lanes, kerb extensions and outstands (\$464,000); Coltman Plaza and Dyson Drive, Lucas, fully controlled right turn signal phase, upgrade two lights and add additional traffic light (\$50,000). Black Spot projects

are aimed at improving the safety of intersections and stretches of road and reducing the risk of crashes.

OFFICER RECOMMENDATION

7. That Council:

7.1 Receive and note the CEO's Operational Report.

ATTACHMENTS

Nil

8. OFFICER REPORTS

8.1. INFLATIONARY PRESSURES

Division: Corporate Services
Director: John Hausler
Author/Position: Jason Clissold, Executive Manager Financial Services

PURPOSE

1. The purpose of this report is to provide information on the potential financial impact on Council, of the current inflationary pressures being experienced and action Council can take to minimise the impact.

BACKGROUND

2. When developing the four-year budget 2022/23 - 2025/26, numerous assumptions were made in relation to CPI, wage growth, interest rates, etc. Table 1 summaries the assumptions that were generally applied.

Table 1

Year	CPI % p.a.	Wage Increase % p.a.	Interest Revenue % p.a.	Interest Expense % p.a.	Capex. Cost Escalation % p.a.
2022/23	1.75	1.40	0.35	3.00	1.75
2023/24	2.00	1.60	0.60	3.00	2.00
2024/25	2.25	1.80	0.85	4.00	2.25
2025/26	2.50	2.00	1.10	4.00	2.50

3. These assumptions were conservative at the time, and as we now know, considerably lower than current inflation and future short-term expectations, so it is necessary to understand the possible financial impact of this higher rate of inflation.
4. In late July CPI was reported as 6.1% over the last 12 months, the highest inflation in over 20 years and much higher than the budgeted 1.75%. Interest rates have also risen sharply recently as the Federal Government looks to control the higher inflation.

KEY MATTERS

5. The key areas expected to be impacted, both negative and positive, are salaries and wages, capital works, interest revenue, interest expenditure and possibly Federal Assistance Grants.
6. Based on Council's current level of expenditure, initial modelling indicates a potential financial impact to Council of approximately \$20 million to \$30 million over the next four years, depending on how quickly inflation is brought under control.
7. The lesser scenario assumes the following key factors over the next 12 months:
 - a. CPI at 5%;
 - b. Property and Building construction costs escalate at 25%; and
 - c. Other capital project costs escalate at 10%.

Whilst the higher scenario (\$30m) assumes these increases continue for 24 months.

8. It is possible that \$15 million of this could be incurred in 2022/23 as a result of already known and forecast variances. For example, Her Majesty's Theatre \$3.637 million, Lake Lighting \$0.370 million and other variance's relating to the delivery of the balance of Council's forecast Capital Works Program (approximately \$120 million).
9. An initial review of the 2021/22 unaudited statements indicates an estimated net permanent positive variance of \$14.135 million compared to forecast. This variance was identified as part of assessing the level of carryovers required for 2021/22 and is discussed in more detail in the next agenda item.
10. Given the current inflationary pressures being experienced, it would be prudent for Council to retain all, or part of, the positive variance from the 2021/22 financial year in a provision to support the funding of any planned projects that may be impacted by cost escalations over the short term.
11. If the provision is not required, it will be used to fund debt repayment. If the provision is exhausted and future funds are required to fund additional inflationary pressures beyond the provision, those pressures will be referred to future budget review processes.

OFFICER RECOMMENDATION

12. That Council:

12.1 Note the information provided.

12.2 Support the establishment of an inflationary provision to address potential future inflationary pressures, funded by the expected positive result from the 2021/22 financial year.

12.3 Allocate any remaining funds in the inflationary provision to debt repayment, once the provision is deemed unnecessary.

ATTACHMENTS

1. Governance Review [8.1.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report supports Goal 6 of the Council Plan 'A council that provides leadership and advocates for its community'. Specifically, within the Annual Plan, it contributes to the achievement of action 6.6 and 6.7
 - 6.6 - Ensure accountability with public resources
 - 6.7 - Ensure good governance and leadership

COMMUNITY IMPACT

2. This report highlights how the current economic conditions has the potential to impact Council's adopted budget and the projects and programs contained within it.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. No climate emergency or environmental sustainability implications are relevant to the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. No economic sustainability implications are relevant to the subject of this report.

FINANCIAL IMPLICATIONS

5. As summarised in the report there will be financial implications resulting from the current level of inflation. The report estimates this could be in the vicinity of \$20-\$30 million over the next four years.
6. This amount is considered to be 'worst case scenario' and is expected to be managed within future budgets.
7. It is considered that there is no risk to long term financial sustainability.

LEGAL AND RISK CONSIDERATIONS

8. No legal or risk implications are relevant to the subject of this report.

HUMAN RIGHTS CONSIDERATIONS

9. 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

10. The purpose of this report is to inform the community of the current challenge facing Council.

OFFICIAL

OFFICIAL

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

8.2. RECOMMENDED BUDGET CARRYOVERS 2021/22

Division: Corporate Services
Director: John Hausler
Author/Position: Jason Clissold – Executive Manager Financial Services

PURPOSE

1. This report sets out those items that are required to be carried forward to the 2022/23 Budget from the previous financial year due to timing issues relating to:
 - a. Funded projects still in progress at 30 June 2022;
 - b. Grants being received in advance; and
 - c. Additional unbudgeted grants received.

BACKGROUND

2. Carryovers result from recognising the timing differences, in the delivery of already committed or funded projects. They do not increase Council's overall expenditure.
3. Carryovers allow for projects that were funded in the 2021/22 budget, to be completed in the 2022/23 financial year.

KEY MATTERS

4. As attached, there is a total of \$24.139 million of new carryovers recommended for year-end, summarised as follows:

Table 1

	Operating \$'000	Capital \$'000	Total \$'000
Timing Adjustments to approved 2022/23 Budget	-930	-4,072	-5,002
New timing requests	1,424	27,717	29,141
Total Year End Carryover	494	23,645	24,139

\$18.27 million of the new requests relate to the following two projects:

- \$10 million relating to strategic land purchases
 - \$8.27 million relating to projects to be funded from DCP reserves
5. In addition to the year-end carryover amounts, there will be \$20.8 million relating to new and unexpended grants as at 30 June 2022. This is an adjustment required by accounting standards that will have no overall net impact on Council's financial position.
 6. A review of the 2021/22 unaudited statements indicates an estimated net permanent positive variance of \$14.135 million compared to forecast. \$2.577 million of this permanent positive variance is for Developer Contribution Plan (DCP) works not completed in 2021/22 which are now not required until beyond 2022/23, which will be added to the DCP Reserve.

7. As indicated in the 'Inflationary Pressures' report, this identified positive variance could be utilised to fund existing known budget shortfalls for Lake Lighting, Wendouree West and Her Majesty's Theatre (Depending on Council Decision in future report on the agenda) and to create a provision to support planned projects impacted by cost escalations.
8. It is proposed that the identified variance is also utilised to fund the Visiting Friends and Relatives (VFR) marketing project which was not included in the 2022/23 adopted budget.
 - a. The visiting friends and relatives' tourism segment is a significant, and yet under researched, part of the visitor economy. In Ballarat, they accounted for 40-45 per cent of total visitation for the five years to March 2021.
 - b. The key to maximising the value of this market lies in developing a thorough understanding of behaviours and motivators of these visitors and, more importantly, their Ballarat hosts. This will then be used to develop and implement ongoing and tactical campaigns to stimulate visitation. Initial research will be conducted in FY21-22 with further tracking research required every 2 years.
9. If Council chooses to extend the Reusable Cloth Nappy and Reusable Sanitary Product rebate, there is also an opportunity to confirm funding of that program.
10. Taking the above approach would result in the following allocations of the \$14.135 million:
 - Wendouree West \$1.500 million
 - Her Majesty's Theatre \$3.637 million (Depending on Council Decision in future report on the agenda)
 - Lake Lighting \$0.370 million
 - Visiting Friends and Relatives project \$0.200 million
 - Extension of Reusable Cloth Nappy and Reusable Sanitary Products rebate \$0.030 million
 - DCP Reserve increase \$2.577 million for works beyond 2022/23
 - Debt Payment Reserve / Inflationary Escalation Provision \$5.821 million

2022/23 Budget Submissions

11. At the time of adopting the 2022/23 Annual Budget, Council requested a report outlining possible opportunities to fund budget submissions.
12. It is recommended that no additional projects be added to the 2022/23 program to address the budget submissions received in June. The primary reason for this is:
 - As outlined below the 2022/23 capital program is already considered undeliverable due to its size.
 - Uncertain economic and inflationary pressures.
13. It would also be prudent for the additional Financial Assistance Grant's funding of \$0.756 million to be retained to address any inflationary challenges Council may incur over the next few years.
14. It would be envisaged that any funds not required to address inflationary pressures on projects, etc in 2022/23 would be retained to meeting debt commitments as previously indicated.

Capital Works Timing Changes

15. After including the proposed carryovers and grant commitments, the 2022/23 capital works program would total \$168.8 million, which is significantly larger than any capital works program Council has previously delivered.
16. With this in mind, Council has undertaken a review of the proposed 2022/23 capital works program to realistically assess the timing of what expenditure will be occurred in the 2022- 23 financial year, given the current delays and other challenges being experienced in the sector.
17. An estimate of \$19.737 million has been identified as expenditure that will not be incurred in 2022/23 and will be deferred to future budgets. The proposed timing changes of costs for these projects is outlined in attachment 2.

OFFICER RECOMMENDATION

18. That Council:

18.1 Approve the \$24.139 million of funds to be carried over to the 2022/23 adopted budget.

18.2 Approve the proposed accounting adjustments totaling \$20.8 million relating to new and unexpended grants as at 30 June 2022.

18.3 Note the \$14.135 million positive variance and approve the allocation of the positive budget variance to the following items:

- Wendouree West \$1.500 million
- Her Majesty's Theatre \$3.637 million (Depending on Council Decision in future report on the agenda)
- Lake Lighting \$0.370 million
- Visiting Friends and Relatives project \$0.200 million
- Extension of Reusable Nappy and Reusable Sanitary Product rebate \$0.030 million (Depending on Council Decision in future report on the agenda)
- DCP Reserve increase \$2.577 million for works beyond 2022/23
- Debt Payment Reserve / Inflationary Escalation Provision \$5.821 million

18.3 Endorse the timing changes of expenditure for capital projects from 2022/23 to 2023/24 of \$19.737 million as per attached.

ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]
2. 2021-22 Carryover List [8.2.2 - 3 pages]
3. Capital Works Timing Changes 2022-23 [8.2.3 - 1 page]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report supports Goal 6 of the Council Plan 'A council that provides leadership and advocates for its community'. Specifically, within the Annual Plan, it contributes to the achievement of action 6.6 and 6.7
 - 6.6 - Ensure accountability with public resources
 - 6.7 - Ensure good governance and leadership

COMMUNITY IMPACT

2. This report details how programs and/or projects that were budgeted for, but unable to be finalised, in the 2021/22 financial year will be funded and delivered to the community.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. No climate emergency or environmental sustainability implications are relevant to the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. No economic sustainability implications are relevant to the subject of this report.

FINANCIAL IMPLICATIONS

5. There are no material financial implications as a result of this report.
6. The details contained in this report primarily relate to the timing of revenue and expenditure recognition and have no negative impact on Council's long term financial sustainability.

LEGAL AND RISK CONSIDERATIONS

7. No legal or risk implications are relevant to the subject of this report.

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. The content of this report has principally been generated from the 2021/22 adopted budget of Council, which was subject to a community engagement process.

OFFICIAL

OFFICIAL

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.

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

OFFICIAL
CITY OF BALLARAT
RECOMMENDED CARRYOVERS 2021/22

Project Detail	Capital or Operating	New/Adjusted Carryover Calculated 2022/23
Strategic Land Purchases	Capital	10,000,000
DCP - Tait St Construction	Capital	3,042,111
DCP - DTC Junction Being Constructed By VicRoads	Capital	2,659,127
DCP - Basin MR Power Park Design & Part Construction	Capital	1,580,623
BRL Capital Expenditure	Capital	1,517,873
Plant Replacement	Capital	1,184,845
Sturt Street shared path and streetscape upgrade	Capital	1,125,463
Town Hall Restoration (A Hall)	Capital	979,530
Fast Track Recreation Projects	Capital	874,118
Ligar Street, Ballarat North	Capital	865,599
Footpath program	Capital	628,216
Little Bridge Street - Central (Sturt Street project)	Capital	531,392
DCP - Alfredton CF	Capital	513,444
DCP - Community Centre Ballymanus	Capital	502,745
North Ballarat Netball	Capital	494,724
Windermere Street, Ballarat Central	Capital	392,000
Ballarat Animal Shelter Donation-Bequest	Capital	337,116
Humffray Street, Mount Pleasant	Capital	329,865
Steinfeld Street shared path, Lake Gardens	Capital	253,932
Community and Industry Resources & Recycling Centre	Capital	250,000
MRF	Capital	250,000
Airport Runway Upgrade	Capital	225,287
DCP - Alfredton CF	Capital	221,548
Skate Strategy	Capital	200,000
Whitehorse Road Landfill Capital	Capital	200,000
Dell Laptops on order	Capital	194,305
Crocker Street renewal, Lake Wendouree	Capital	179,065
Drainage projects major and minor	Capital	164,930
Geelong Road service road, Mount Clear	Capital	164,546
DCP - Greenhalgs Rd Design	Capital	154,962
Trench Room / Chamber - Quotes outstanding	Capital	150,003
Facilities capital renewal program - Airport Stormwater mains extension	Capital	137,978
Art Gallery facade renewal	Capital	127,950
Netball Replacement Program	Capital	122,701
Sebastopol Community Hub concept design and cost plans	Capital	120,000
East Ballarat CC Cricket Nets	Capital	111,656
Wendouree Parade raised pedestrian crossing, Lake Wendouree	Capital	64,076
Blackhill Landfill Capital	Capital	50,000
DCP - Studies regarding MR Power Park	Capital	50,000
Miners Rest Drainage plan	Capital	50,000
Minor Community Infrastructure Plan Implementation	Capital	50,000
Cornish Street Dam Wall Construction, Buninyong	Capital	45,500
DCP - Greenhalgs Rd Design	Capital	45,124

OFFICIAL

OFFICIAL
CITY OF BALLARAT
RECOMMENDED CARRYOVERS 2021/22

Project Detail	Capital or Operating	New/Adjusted Carryover Calculated 2022/23
Brown Hill Kindergarten	Capital	45,000
Iris Ramsay preschool	Capital	43,943
Royal Park Community Facility	Capital	42,871
Wendouree Children's Centre Canopy cover - design improvement	Capital	40,000
801540 Library Books	Capital	39,779
Royal Park Community Garden upgrade	Capital	31,043
Library Print Management	Capital	30,000
Bus Shelter repairs and replacement	Capital	27,782
Sebastopol South Kindergarten refurbishment	Capital	27,477
Christmas Motif delivery	Capital	26,500
Art Gallery - Improvements to fire detection	Capital	18,880
Public Art Program	Capital	17,500
Mount Clear Kindergarten accessibility improvements	Capital	16,000
Eastwood Community Hub redevelopment	Capital	15,000
Alfredton Reserve Upgrade	Capital	14,345
Recreation Capital Improvement	Capital	13,794
Alfredton Kindergarten yard expansion	Capital	10,000
Botanic Gardens cold house roof louvre	Capital	8,215
Minor Community Infrastructure Plan Implementation	Capital	6,000
Major Infrastructure Renewal Project - Winter St Buninyong*	Capital	- 12,410
Major Infrastructure Renewal Project - Havelock Street - Ballarat North*	Capital	- 20,605
Recreation Capital Improvement - Burrumbeet Cricket Club*	Capital	- 6,780
Recreation Capital Improvement - Nuninyong Aths Relocation*	Capital	- 7,560
Major Infrastructure Renewal Project - Cromwell Street*	Capital	- 11,595
Ballarat Regional Tennis Centre	Capital	221,751
Mt Clear CC Net Renewal*	Capital	- 74,670
Central Library	Capital	104,808
Bakery Hill	Capital	874,899
Learmonth Netball Courts*	Capital	- 225,000
Pleasant Street Soccer Pitch Renewal*	Capital	- 289,887
Lake Wendouree and Victoria Park Link Lighting Project	Capital	495,519
Alfredton Rec Reserve Netball Court	Capital	50,000
Spotlight on Sebastopol*	Capital	- 2,871,054
Charlesworth St Retarding Basin	Capital	50,860
Wendouree Community Recreation Project*	Capital	- 2,128,000
HMT Stage 3*	Capital	- 4,131,570
My Neighbourhood Capital program	Capital	9,680
Arts Incubator*	Operating	- 65,514
Assessment & Review*	Operating	- 605,000
Link Road Stage 2A - Early Investigation	Operating	294,650
Support and enhancements to COB website	Operating	153,430
Ballarat Visitor Arrival Masterplan – Stage One - Early Investigation	Operating	120,000
Business Improvement Projects	Operating	100,000

OFFICIAL

OFFICIAL
CITY OF BALLARAT
RECOMMENDED CARRYOVERS 2021/22

Project Detail	Capital or Operating	New/Adjusted Carryover Calculated 2022/23
BI - Statutory Planning System	Operating	100,000
Tourism Events Grant Program	Operating	73,697
Ballarat Sports and Entertainment Precinct Masterplan - Early	Operating	70,000
Finance Software Maintenance	Operating	68,484
Community Impact Grant Program Round 3 and 4 2021/22 successful	Operating	64,827
Strategic Partnerships Program payments	Operating	63,959
Law Courts Central Park - Early Investigation	Operating	51,294
BI - Asset Management System	Operating	50,000
Changes to Early Years arrangements - Early Investigation	Operating	50,000
Miners Rest Recreation Facilities - Early Investigation	Operating	50,000
Early Years Project Planning*	Operating	- 70,119
Empowering Communities*	Operating	- 250,000
Finance System Health Check	Operating	42,000
Heritage Plan Implementation	Operating	36,100
BI - Planning Assessment Tool	Operating	35,000
World Heritage Listing	Operating	33,222
BI - Capital Works Dashboard	Operating	30,000
Animal Shelter Early Verification works	Operating	26,757
BI - HR Information System	Operating	25,600
Heritage Policy and Gaps Review	Operating	23,525
Eco Dev Innovation projects	Operating	22,270
BI - PMO Implementation	Operating	21,200
Visitor Centre Plan Implementation	Operating	20,350
Victoria activation - Fed Square project - September/October 2022	Operating	20,000
Visitor Centre Digital upgrades	Operating	20,000
Event Acquisition - Event Development - Badminton Australia	Operating	12,800
Employment Lands Strategy	Operating	10,000
Event Acquisition - Event Development	Operating	8,700
Theatre and Performance training program	Operating	6,150
Public Health & Wellbeing action plan*	Operating	- 32,000
Street Lighting - Operation Maint & Report*	Operating	- 108,190
Latrobe St Sale Yards*	Operating	- 108,381
Ballarat Sports and Event Centre - Future Renewal Works	Operating	29,136
		24,138,811

* Negative values relate to adjustments to carryovers in the adopted budget or timing of grant funding.

OFFICIAL

OFFICIAL
CITY OF BALLARAT
CAPITAL WORKS 2022/23
TIMING CHANGES

	Budget 2022/23 \$'000	Proposed 2022/23 \$'000	Movement to 2023/24 \$'000
Recommended Timing Adjustment			
Charlesworth St Retarding Basin	\$ 3,402	\$ 200	\$ 3,202
Cornish Street Dam Wall Construction, Buninyong	\$ 1,246	\$ 200	\$ 1,046
Town Hall restoration (A Hall)	\$ 980	\$ 100	\$ 880
Community and Industry Resources & Recycling Centre	\$ 4,865	\$ -	\$ 4,865
Central Library	\$ 6,939	\$ 4,164	\$ 2,776
Her Majesty's Theatre Stage 3	\$ 8,550	\$ 5,130	\$ 3,420
Sebastopol Community Hub - Major Comm Infrast	\$ 2,000	\$ 1,200	\$ 800
Royal Park Community Hub - Major Comm Infrast	\$ 750	\$ -	\$ 750
Burrumbeet Caravan Park Facilities	\$ 400	\$ -	\$ 400
Western Oval	\$ 650	\$ 150	\$ 500
Buninyong Little Athletics - Rec Capital Improvement	\$ 150	\$ 50	\$ 100
Waste Fleet Replacement - Compactors x 2	\$ 1,000	\$ -	\$ 1,000
Total	\$ 30,930	\$ 11,194	\$ 19,737

OFFICIAL

8.3. 2021-2022 ANNUAL COMMUNITY ENGAGEMENT REVIEW REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey – Coordinator Community Participation

PURPOSE

1. To provide a report to Council on community engagement activities undertaken in 2021-2022.

BACKGROUND

2. The Victorian Auditor-General's Office (VAGO) report into Public Participation and Community Engagement was published in 2017 and recommended that Council should consider an annual review which reports on community engagement activities over the previous 12 months. This report provides a review of the period 1 July 2021 to 30 June 2022.
3. In response to the VAGO Report, the City of Ballarat also developed a Community Engagement Framework that was adopted in 2019 (R54/19).
4. Council's Community Engagement Policy forms part of the Framework and was reviewed and adopted in February 2021 to align with the requirements of the Local Government Act (2020).

KEY MATTERS

5. The City of Ballarat undertakes an annual community satisfaction survey which includes assessment of community satisfaction with the consultation and engagement efforts of the Council. In 2022, the City of Ballarat scored 51/100, which is a decrease from the score from the previous year (55). This score is the same as the City of Greater Bendigo but lower than the City of Greater Geelong and the average of all regional Victorian Councils (Table 1).

Table 1: Community satisfaction with community engagement - City of Ballarat compared with Cities of Greater Bendigo and Geelong and the average of all Victorian regional Councils.

Council	City of Ballarat	City of Greater Bendigo	City of Greater Geelong	Regional Centres
Score	51	51	54	54

Engagement overview

6. In 2021-2022, there were 33 engagement campaigns undertaken by the City of Ballarat.

7. Online engagement continues to be the main platform for engagement with the community. Thirty-two (32) projects had an online engagement component.
8. Sixteen (16) projects took a mixed methods approach with online and offline engagement methods employed.
9. Detailed engagement campaign data has only been collected for the previous two years and there is little benchmarking data available to compare results with similar Councils. It is therefore too early to establish what an 'average' year of community engagement looks like for the City of Ballarat or local government in general.

Online engagement

10. Council's MySay site has become the main platform for engagement with the community, offering a range of engagement options including surveys, interactive maps for place-based projects, expected timelines, videos and storage of downloadable documents.
11. From 1 July 2021 to 30 June 2022 there were 11,915 visits to the site, with 32 projects accessible from this platform.
12. There has been a significant reduction in the number of online engagement projects from 2020-2021 (n=49) to 2021-2022 (n=32). Subsequently, there has also been a significant reduction in the number of visits to project pages.
13. There has, however, been an increase in the number of people who have engaged on engagement campaigns. This is primarily due to three campaigns that garnered a significant online response from the community:
 - Generation NOW - Youth Voices. Youth Vision
 - Family entertainment - fireworks or sound and light show?
 - Ballarat Regional Animal Facility
14. The number of submissions received does not fully represent the reach of an engagement campaign. Only 30 per cent of site visitors provided submissions in 2021-2022. Many people visit the site for information but choose not to provide a submission. The MySay platform plays a significant role in informing our community about Council projects and activities alongside providing opportunity for those motivated to share their opinion.
15. All projects listed on MySay are included in the attached report. The top five projects are shown in Table 2.

Table 2: Top five online engagement campaigns 2021-2022

Project title	Aware (Visited at least one page for the project)	Informed (Downloaded a document, watched a video, visited multiple pages)	Engaged (Participated in survey or activity)
Generation NOW - Youth Voices. Youth Vision Engagement to inform Youth Strategy	1470	1237	1092

Family entertainment - fireworks or sound and light show? Engagement to inform choice of fireworks or sound and light show to replace Australia Day fireworks	935	831	777
Ballarat Regional Animal Facility Engagement around advocacy for new animal shelter	1473	918	764
Inclusive Ballarat Engagement to inform the Inclusion Framework, Disability Access and Inclusion Plan, LGBTIQ+ Inclusion Plan, Ageing Well Strategy, Intercultural Plan and Reconciliation Action Plan	1037	511	320
The next stage of the Ballarat Link Road Engagement about the impact of the next stage of the Link Road on community members	325	180	145

Mixed methods engagement

16. Sixteen projects (16) employed both online and offline engagement methods in 2021-2022. These are outlined in the attached report.

17. Engagement methods used include:

- Displays and drop-in opportunities at the Bridge Mall shop front
- Advisory committee meetings
- Workshops
- Drop-in sessions at community venues
- Community-led conversations
- Interactive comment boards in community locations
- Activity sheets
- Online interviews
- Interactive play with children
- Classroom activities

18. Two projects that used a mixed methods approach are the Generation NOW and Inclusive Ballarat campaigns (Table 3). The Generation NOW campaign was able to increase the number of responses by 16 per cent by including face-to-face methods. The Inclusive Ballarat campaign garnered 65 per cent of responses offline.

Table 3: Engagement campaigns that successfully used a mixed methods approach

Campaign	Engagement methods used	Total number of responses
Generation NOW - Youth Voices. Youth Vision	Surveys (for young people, for youth sector, for general community), youth sector and community workshops, internal staff workshops	1,297
Inclusive Ballarat	Survey, interactive boards, quick poll, town planning activity, activity sheets, postcards, community-led conversations, mapping tool, written submissions, internal staff workshops	886

Elements of successful engagement campaigns

19. Analysis of the engagement campaigns with the largest number of responses illustrated some of the things that promote strong community engagement include:

- Issues of interest to a larger proportion of the community
- Strong promotion of the engagement campaign
- The use of co-designers or involvement of the community of interest in the planning and implementation of the engagement campaign
- Simple surveys or ways to engage (when appropriate)
- The use of a range of tools to enable people to engage in a way that suits them

Continuous improvement

20. The City of Ballarat has undertaken a range of continuous improvement processes in the previous 12 months including:

- Provision of a central community engagement resource to support teams across Council and advise on engagement campaigns
- Annual engagement schedule to allow proactive campaign planning
- Engagement training for 32 staff
- Updating of engagement resources used by staff
- Monthly engagement newsletter to more than 3,000 registered MySay users

OFFICER RECOMMENDATION

21. That Council:

21.1 Note the City of Ballarat Annual Engagement Report 2021-2022.

ATTACHMENTS

1. Governance Review [8.3.1 - 2 pages]
2. Annual Community Engagement Report 21-22 [8.3.2 - 12 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This Report aligns with Council's Community Engagement Framework and, in particular, the Community Engagement Policy.

COMMUNITY IMPACT

2. This Report provides information to the community about community engagement activities undertaken by the City of Ballarat throughout 2021-2022, providing transparency about the number and type of projects, and the number of submissions received.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. It is considered there are no climate or environmental sustainability implications.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. It is considered there are no economic sustainability implications.

FINANCIAL IMPLICATIONS

5. It is considered there are no financial implications.

LEGAL AND RISK CONSIDERATIONS

6. This Report outlines community engagement undertaken in the 2021-2022 year, including engagement required under the Local Government Act 2020.

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. None required for the development 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.

OFFICIAL

OFFICIAL

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

OFFICIAL



2021-2022

ANNUAL COMMUNITY ENGAGEMENT REPORT

OFFICIAL

Contents

Executive Summary.....	3
Introduction	4
Community satisfaction with engagement.....	4
Annual engagement.....	4
Online engagement.....	5
Mixed methods engagement.....	7
Elements of successful engagement campaigns.....	8
Continuous improvement	9
Appendix A – Online engagement 2021-2022	10
Appendix B – Mixed methods engagement 2021-2022	12

OFFICIAL

OFFICIAL

Executive Summary

This report provides a review of community engagement undertaken by the City of Ballarat from 1 July 2021-30 June 2022.

Over the last year, a total of 33 community engagement and consultation campaigns were undertaken. The Departments conducting the most community engagement and consultation were the Engaged Communities department with seven projects and the Financial Services and Economic Growth departments with four projects each.

There was a significant reduction in the number of engagement campaigns delivered in 2021-2022 compared with the previous year. There has, however, been an increase in the number of people who have engaged on engagement campaigns. This is the result of both several campaigns that stimulated much community interest, and a general increase in community feedback across campaigns.

Detailed engagement campaign data has only been collected for the previous two years and there is little benchmarking data available to compare results with similar Councils. It is therefore too early to establish what an 'average' year of community engagement looks like for the City of Ballarat or local government in general.

Online community engagement continues to be the primary form of engagement with the community, although many projects use a mixed methods approach to provide the widest access for the community as possible. Over the past year, there were almost 12,000 visits to the MySay platform. While online engagement spreads the potential net of participants far and wide, many community members prefer other methods of engagement including the opportunity to meet face to face with Council representatives or provide feedback in non-written form. A range of in-person and other interactive engagement methods were used throughout the year, as and when the COVID-19 pandemic restrictions allowed.

Analysis of the engagement campaigns with the largest number of responses illustrated some of the things that promote strong community engagement include:

- Issues of interest to a larger proportion of the community
- Strong promotion of the engagement campaign
- The use of co-designers or involvement of the community of interest in the planning and implementation of the engagement campaign
- Simple surveys or ways to engage (when appropriate)
- The use of a range of tools to enable people to engage in a way that suits them

OFFICIAL

Introduction

Community engagement is a core element of the overarching governance and supporting principles of the Local Government Act (2020).

In March 2019 Council's Community Engagement Framework was adopted (R54/19). The framework was prepared to directly respond to recommendations made in the 2017 Victorian Auditor-General's Office report into Public Participation and Community Engagement. The Framework includes a step-by-step guide for Council staff to conduct effective public participation activities. In February 2021, Council's Community Engagement Policy was reviewed and adopted (R30/21) to align with the requirements of the Local Government Act (2020).

This report provides a review of community engagement undertaken by the City of Ballarat from 1 July 2021 - 30 June 2022.

Community satisfaction with engagement

The City of Ballarat undertakes an annual community satisfaction survey which includes assessment of community satisfaction with the consultation and engagement efforts of the Council. This includes consulting and engaging directly with the community on key local issues requiring a decision by Council. In 2022, the City of Ballarat scored 51/100, which is a decrease from the score from the previous year (55). This score is the same as the City of Greater Bendigo but lower than the City of Greater Geelong and the average of all regional Victorian Councils (Table 1).

Table 1: Community satisfaction with community engagement - City of Ballarat compared with Cities of Greater Bendigo and Geelong and the average of all Victorian regional Councils.

Council	City of Ballarat	City of Greater Bendigo	City of Greater Geelong	Regional Centres
Score	51	51	54	54

Annual engagement

Over the last year, there were 33 community engagement and consultation campaigns undertaken across Council, many using multiple methods to engage the audience. The Departments conducting the greatest number of campaigns were Engaged Communities, Financial Services and Economic Growth (Figure 1).

OFFICIAL

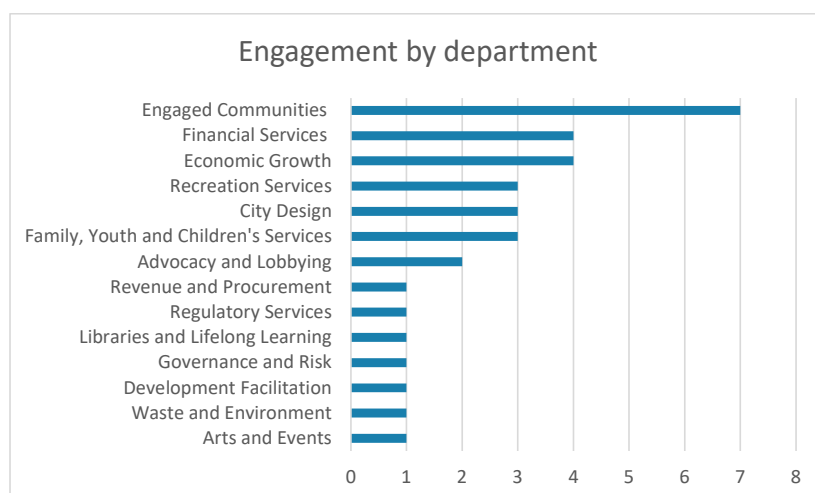


Figure 1: Engagement projects by department 2021-2022

Online engagement

With the COVID-19 pandemic restricting opportunities for face-to-face engagement, online platforms have become vital over the previous two years and are among the most efficient tools to engage the community. Council's MySay site has become the main platform for engagement with the community, offering a multitude of engagement options including surveys, interactive maps for place-based projects, expected timelines, videos and storage of downloadable documents. Each project can be analysed for the level of engagement with the community, and the page acts as a reference point while the project progresses, and even after it is finished.

From 1 July 2020 to 30 June 2021 there were 11,915 visits to the 32 projects on the site. There were 22,645 pages viewed.

There has been a significant reduction in the number of online engagement projects from 2020-2021 to 2021-2022. Subsequently, there has also been a significant reduction in the number of visits to project pages. There has, however, been an increase in the number of people who have engaged on engagement campaigns (Figure 2). This is primarily due to three campaigns that garnered a significant online response from the community:

- Generation NOW - Youth Voices. Youth Vision
- Family entertainment - fireworks or sound and light show?
- Ballarat Regional Animal Facility

Detailed engagement campaign data has only been collected for the previous two years and there is little benchmarking data available to compare results with similar Councils. It is therefore too early to establish what an 'average' year of community engagement looks like for the City of Ballarat or local government in general.

OFFICIAL

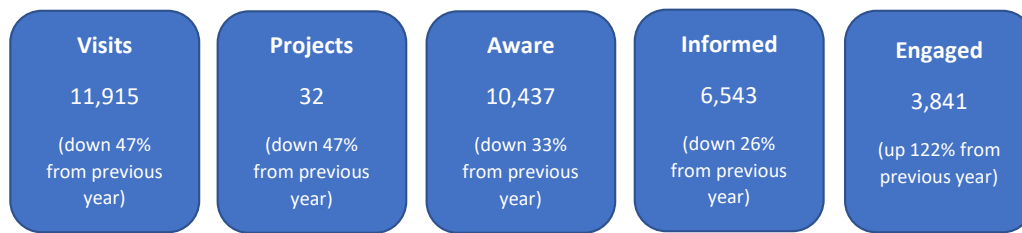


Figure 2: Online engagement data 2021-2022

Many campaigns contain both online and other engagement processes. The MySay data (Figure 2) outlines the extent of the online engagement for each project. Over the last 12 months, 76 per cent of visitors have visited at least one project page to read project information (aware). Sixty-six per cent sought further information by watching videos and reading documents (informed). Approximately 30 per cent of MySay visitors took part in surveys or activities to provide their feedback (engaged). This illustrates that survey responses don't fully represent the reach of a project's engagement. The MySay platform plays a significant role in informing our community about Council projects and activities alongside providing opportunity for those motivated to share their opinion. The level of engagement can be seen to vary significantly across campaigns, with some high-profile projects receiving a strong level of response, while smaller projects that impact of fewer people typically result in fewer people engaging.

All MySay campaigns for the year are listed in [Appendix A – Online Engagement 2021-2022](#). The top five projects are shown in Table 2.

OFFICIAL

Table 2: Top five online engagement campaigns 2021-2022

Project title	Aware (visited at least one page for the project)	Informed (downloaded a document, watched a video, visited multiple pages)	Engaged (participated in survey or activity)
Generation NOW - Youth Voices. Youth Vision Engagement to inform Youth Strategy	1470	1237	1092
Family entertainment - fireworks or sound and light show? Engagement to inform choice of fireworks or sound and light show to replace Australia Day fireworks	935	831	777
Ballarat Regional Animal Facility Engagement around advocacy for new animal shelter	1473	918	764
Inclusive Ballarat Engagement to inform the Inclusion Framework, Disability Access and Inclusion Plan, LGBTIQ+ Inclusion Plan, Ageing Well Strategy, Intercultural Plan and Reconciliation Action Plan	1037	511	320
The next stage of the Ballarat Link Road Engagement about the impact of the next stage of the Link Road on community members	325	180	145

Mixed methods engagement

While online engagement spreads the potential net of participants far and wide, many community members prefer other methods of engagement including the opportunity to meet face-to-face with Council representatives or to provide feedback in non-written form. In-person engagement methods were used throughout the year at workshops, forums, presentations, and the pop-up shop front in Bridge Mall. These types of engagement traditionally reach fewer community members than online processes but offer the opportunity for more detailed and considered feedback and involvement. Taking the consultation out to the community, meeting on site, at times and venues which are accessible and using relevant stakeholders to encourage participation are all methods which promote broader engagement.

Sixteen projects undertook in person or interactive engagement activities as part of their campaigns. These are outlined in [Appendix B – Mixed methods engagement](#)

Engagement methods used include:

- Displays and drop-in opportunities at the Bridge Mall shop front
- Advisory committee meetings
- Workshops
- Drop-in sessions at community venues
- Community-led conversations
- Interactive comment boards in community locations
- Activity sheets
- Online interviews

OFFICIAL

- Interactive play with children
- Classroom activities

Two projects that used a mixed methods approach are the Generation NOW and Inclusive Ballarat campaigns (Table 3). The Generation NOW campaign was able to increase the number of responses by 16 per cent by including face-to-face methods. The Inclusive Ballarat campaign garnered 65 per cent of responses offline.

Table 3: Engagement campaigns that successfully used a mixed methods approach

Campaign	Engagement methods used	Total number of responses
Generation NOW - Youth Voices. Youth Vision	Surveys (for young people, for youth sector, for general community), youth sector and community workshops, internal staff workshops	1,297
Inclusive Ballarat	Survey, interactive boards, quick poll, town planning activity, activity sheets, postcards, community-led conversations, mapping tool, written submissions, internal staff workshops	886

Elements of successful engagement campaigns

When assessing the success of engagement campaigns, the number of responses is not the only indicator of success. Consideration should be given to the size and breadth of the target group and stakeholders in a project. For example, a small capital project in a single recreation reserve may be of interest to only a small sub-section of the community whereas the development of major strategy that impacts on the whole community will be of interest to a broader cross-section of the community.

Consideration should also be given to the complexity of the engagement. Some engagement campaigns are seeking quite simple feedback – a yes or no answer or a preference out of a range of activities. These types of campaigns can receive many responses due to their simplicity. Some engagement campaigns require more in-depth input from community. These campaigns are often seeking community input and experience. The more complex nature of these investigations often results in fewer responses but very rich information.

A third consideration is the community interest in the topic. This is a key factor in the level of engagement with a topic and is not always aligned with the level of organisational interest in a topic. Community members may engage very strongly on a relatively simple topic such as the timing of the fireworks show but show less interest in having input into the long-term strategic direction of the Council or the city.

When reviewing the engagement campaigns over the 2021/2022 year, those that elicited the greatest active engagement throughout 2020/2021 did so for a range of reasons.

‘Generation NOW: Youth Voices. Youth Vision’ was a fantastic example of a co-designed strategy and engagement campaign. A diverse group of young co-designers were recruited to help shape and implement the engagement campaign and resulting strategy. Their connections with other young people led to great

Co-designers

OFFICIAL

success in promotion and to engagement with a broad cross-section of young people in the municipality.

The 'Family entertainment – fireworks or sound and light show' campaign received a strong response as there was a lot of community interest in the issue and the survey was short and easy to complete.

Short survey

The 'Ballarat Regional Animal Facility' campaign was part of an advocacy campaign for state funding of a new animal shelter. There is a strong network of supporters in the community who are passionate about the need for a new shelter. Many of them follow the Animal Shelter Facebook page, providing a captive audience for sharing news and engagement opportunities. This was a positive opportunity for that community to share their support for a new shelter. The survey was also a simple, enabling people to make a submission easily and quickly. The Ballarat Link Road campaign followed a similar approach.

High profile issue

The 'Inclusive Ballarat' engagement campaign was given a brand and heavily promoted. It involved the use of 11 engagement tools to maximise opportunities for engagement. Sixty-five per cent of responses were received through offline methods. It was a two-phased campaign which was promoted to the general community, but particular cohorts of the community were also targeted through a range of networks.

A range of tools

Continuous improvement

The City of Ballarat have undertaken a range of quality improvement processes in the previous 12 months. These have focused primarily on having a central community engagement resource to support and advise on engagement campaigns. An annual engagement schedule was developed which allowed engagement staff to proactively work with the relevant teams in planning their engagement campaigns. Thirty-two staff took part in Engagement Basics training to build capacity to undertake quality engagement across the organisation. Resources available on the internal Engagement Hub have been updated to reflect training materials. A monthly engagement newsletter is also distributed to more than 3,000 registered MySay users.

OFFICIAL

Appendix A – Online engagement 2021-2022

Project Title	Department/Team	Aware	Informed	Engaged
Generation NOW - Youth Voices. Youth Vision	Families, Youth and Children Services	1470	1237	1092
Family entertainment - fireworks or sound and light show?	Arts and Events	935	831	777
Ballarat Regional Animal Facility	Advocacy and Lobbying	1473	918	764
Inclusive Ballarat	Engaged Communities	1037	511	320
The Next Stage of Ballarat Link Road	Advocacy and Lobbying	325	180	145
Council Budget 2022-2023	Financial Services	375	207	128
Waste, Recycling and the Circular Economy	Waste and Environment	200	138	114
Buninyong Botanic Gardens Masterplan - Draft Released	City Design	455	259	56
Children's Consultation	Families, Youth and Children Services	210	94	55
Brown Hill Recreation Reserve - Masterplan	Recreation Services	245	132	52
Operating your business outdoors	Economic Growth	121	101	49
City of Ballarat Draft Budget 2022/23	Financial Services	434	290	44
Draft Community Infrastructure Plan 2022-2037	Engaged Communities	712	389	37
Draft Gambling Harm Minimisation Policy	Engaged Communities	228	168	22
Solar Lighting Trial at MR Power Park Dog Park Entrance - Outcomes	City Design	109	42	20
Financial Plan 2021-2031	Financial Services	176	61	16
Understanding Ballarat's Workforce Shortages	Economic Growth	47	38	16
Draft Domestic Animal Management Plan 2021-2025	Regulatory Services	130	83	11
Libraries and Learning Strategy 2022-2027	Libraries and Lifelong Learning	116	84	10
Draft Municipal Early Years Plan - Have your say!	Families, Youth and Children Services	179	84	7
Redevelopment of 5 Peel Street South, Bakery Hill	Economic Growth	177	28	6
Draft Governance Rules	Governance and Risk	36	22	4
Defining Community Safety	Engaged Communities	6	4	2
Bridge Mall Precinct - Design Development	Economic Growth	580	305	1

OFFICIAL

OFFICIAL

Marty Busch Reserve Masterplan - Have your say!	Recreation Services	9	2	66
Marty Busch Plan Update	Recreation Services	4	3	1
Buninyong Streetscape Improvements - Work has begun!	City Design	361	230	26
Employment Lands Strategy	Development Facilitation	146	96	0
Outdoor Pool Kiosk - Customer Survey	Engaged Communities	70	0	*0
Prince of Wales Recreation Reserve - Road Naming	Revenue and Procurement	56	4	*0
Draft Borrowings Policy	Financial Services	10	1	*0
Spotlight on Sebastopol - Community Reference Group	Engaged Communities	5	1	0

*Submissions received by email or SurveyMonkey rather than the MySay platform

OFFICIAL

Appendix B – Mixed methods engagement 2021-2022

Project title	Department	Methods used
Generation NOW - Youth Voices. Youth Vision	Family, Youth and Children's Services	Workshops
Inclusive Ballarat	Engaged Communities	Community-led conversations, meetings with advisory committees, hard copy surveys, interactive engagement boards, mapping tool, activity sheets, hands-on activities, written submissions, quick poll, postcards
Bridge Mall Precinct - Design Development	Economic Growth	Shop front in Bridge Mall, interview and meetings
Buninyong Botanic Gardens Masterplan - Draft Released	City Design	Drop-in session
City of Ballarat Draft Budget 2022/23	Financial Services	Community information sessions
Brown Hill Recreation Reserve - Masterplan	Recreation Services	Drop-in session
Children's Consultation	Family, Youth and Children's Services	Hard copy surveys sent to schools, online interviews, drawings
Redevelopment of 5 Peel Street South, Bakery Hill	Economic Growth	Direct engagement with neighbouring businesses
Financial Plan 2021-2031	Financial Services	Community information sessions
Libraries and Learning Strategy 2022-2027	Learning and Community Hubs	Small group sessions, virtual meetings
Outdoor Pool Kiosk - Customer Survey	Engaged Communities	Focus group with primary school aged children
Prince of Wales Recreation Reserve - Road Naming	Revenue and Procurement	Direct mail to stakeholders affected
Marty Busch Reserve Masterplan - Have your say!	Recreation Services	Drop-in session
Spotlight on Sebastopol - Community Reference Group	Engaged Communities	Face-to-face and online meetings
Draft Community Infrastructure Plan 2022-2037	Engaged Communities	Drop-in sessions
Active 2 School	Engaged Communities	Workshops

12

OFFICIAL

8.4. ANNUAL COMMUNITY SATISFACTION SURVEY

Division: Corporate Services
Director: John Hausler
Author/Position: Peter Donohue - Manager Business Improvement

PURPOSE

1. This report provides Councillors with the 2022 Community Satisfaction Survey results.

BACKGROUND

2. The Community Satisfaction Survey is commissioned each year to ask the opinion of local people about the operations of Council.
3. The Community Satisfaction Survey also makes comparison to other regional centres and statewide benchmarks.
4. The City of Ballarat has changed survey providers for the 2022 survey from NewFocus to JWS to better align with other regional Councils operating in Victoria. This will enable improved bench marking of results and provide consistency in the analysis of indicators commonly used by the local government sector.

KEY MATTERS

5. The change in measurement systems and survey approaches from NewFocus to JWS makes a direct comparison of year-on-year results difficult as the underlying method of measurement is different.
6. JWS has specialised knowledge and expertise in developing and executing community satisfaction research programs including large-scale studies.
7. JWS has developed for local government the largest longitudinal community satisfaction survey undertaken in Victoria, providing valuable direct feedback on council performance, consultation and engagement, advocacy, customer service and direction.
8. There are a small number of similar indicators across the two different methodologies – Overall Performance (65 [2021] vs 54 [2022]), Customer Service (80 [2021] vs 67 [2022]), Community Decisions (58 [2021] vs 53 [2022]), Consultation and Engagement (55 [2021] vs 51 [2022]) and Sealed Local Roads (52 [2021] vs 41 [2022]). Whilst there is no direct correlation between the two methodologies used, each of these similar indicators are showing lower levels of satisfaction in the 2022 survey results
9. The downward trend in results for 2022 experienced by the City of Ballarat is in line with trend across local government in Victoria.
10. The Community Satisfaction Survey is one of many tools that aim to inform future planning and programs of work and supports continuous improvement in service delivery.

11. The information detailed in the survey is one of the tools utilised for Council to receive high level generic feedback on its performance. Officers also receive feedback through engagement and consultation with our community, and on a daily basis as we provide services.
12. All the information Council receives as feedback, along with targeted consultation on specific matters that come before Council helps guide both how services are delivered and highlights areas of focus for Council to seek improvement.

OFFICER RECOMMENDATION

13. That Council:

13.1 Receive and note the 2022 Community Satisfaction Survey results; and

13.2 Place the 2022 Survey Report on Council's website for public viewing.

ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]
2. CSS 2022 Ballarat City Council Report [8.4.2 - 55 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Annual Community Satisfaction Survey 2022 aligns with the Council Plan Goal 6: A Council that is accountable, transparent and advocates for its community and the strategic indicator: Ensure the effectiveness and efficiency of Council services.

COMMUNITY IMPACT

2. The results of the Community Satisfaction Survey 2022 are based on community feedback from a series of questions asked in the survey.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. It is considered there are no climate or environmental sustainability implications.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. It is considered there are no economic sustainability implications.

FINANCIAL IMPLICATIONS

5. It is considered there are no financial implications.

LEGAL AND RISK CONSIDERATIONS

6. It is considered there are no legal or risk implications.

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. The community are consulted during the survey.
9. The survey is anonymous

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

OFFICIAL

OFFICIAL

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

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

2022 Local Government Community Satisfaction Survey

Ballarat City Council

Coordinated by the Department of Jobs,
Precincts and Regions on behalf of
Victorian councils





Contents

<u>Background and objectives</u>	<u>3</u>
<u>Key findings and recommendations</u>	<u>4</u>
<u>Detailed findings</u>	<u>10</u>
<u>Overall performance</u>	<u>11</u>
<u>Customer service</u>	<u>21</u>
<u>Council direction</u>	<u>27</u>
<u>Individual service areas</u>	<u>31</u>
<u>Community consultation and engagement</u>	<u>32</u>
<u>Decisions made in the interest of the community</u>	<u>34</u>
<u>Condition of sealed local roads</u>	<u>36</u>
<u>Waste management</u>	<u>38</u>
<u>Detailed demographics</u>	<u>40</u>
<u>Appendix A: Index scores, margins of error and significant differences</u>	<u>42</u>
<u>Appendix B: Further project information</u>	<u>47</u>



Background and objectives

The Victorian Community Satisfaction Survey (CSS) creates a vital interface between the council and their community.

Held annually, the CSS asks the opinions of local people about the place they live, work and play and provides confidence for councils in their efforts and abilities.

Now in its twenty-third year, this survey provides insight into the community's views on:

- councils' overall performance, with benchmarking against State-wide and council group results
- value for money in services and infrastructure
- community consultation and engagement
- decisions made in the interest of the community
- customer service, local infrastructure, facilities, services and
- overall council direction.

When coupled with previous data, the survey provides a reliable historical source of the community's views since 1998. A selection of results from the last ten years shows that councils in Victoria continue to provide services that meet the public's expectations.

Serving Victoria for 23 years

Each year the CSS data is used to develop this State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 23 years of results, the CSS offers councils a consistent, long-term measure of how they are performing – essential for councils that work over the long term to provide valuable services and infrastructure to their communities.

Participation in the State-wide Local Government Community Satisfaction Survey is optional. Participating councils have various choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.

Key findings and recommendations



Ballarat City Council – at a glance

Overall council performance

Results shown are index scores out of 100.



Ballarat 54







State-wide 59



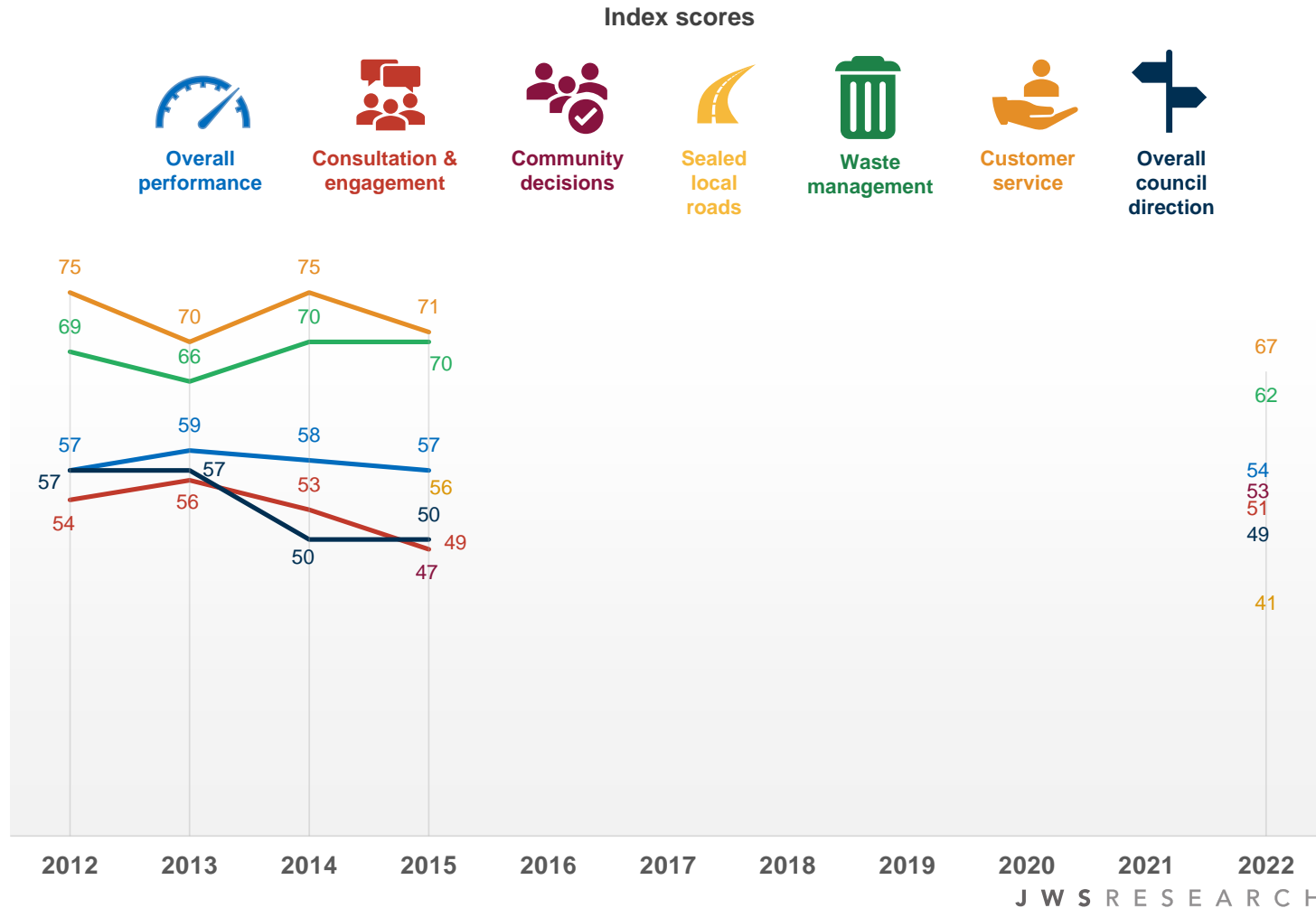
Regional Centres 59

Council performance compared to State-wide and group averages

	Areas where Council performance is significantly higher	Areas where Council performance is significantly lower
Compared to State-wide average	None	<div> Sealed local roads</div> <div> Waste management</div> <div> Consultation & engagement</div>
Compared to group average	None	<div> Sealed local roads</div> <div> Waste management</div> <div> Consultation & engagement</div>



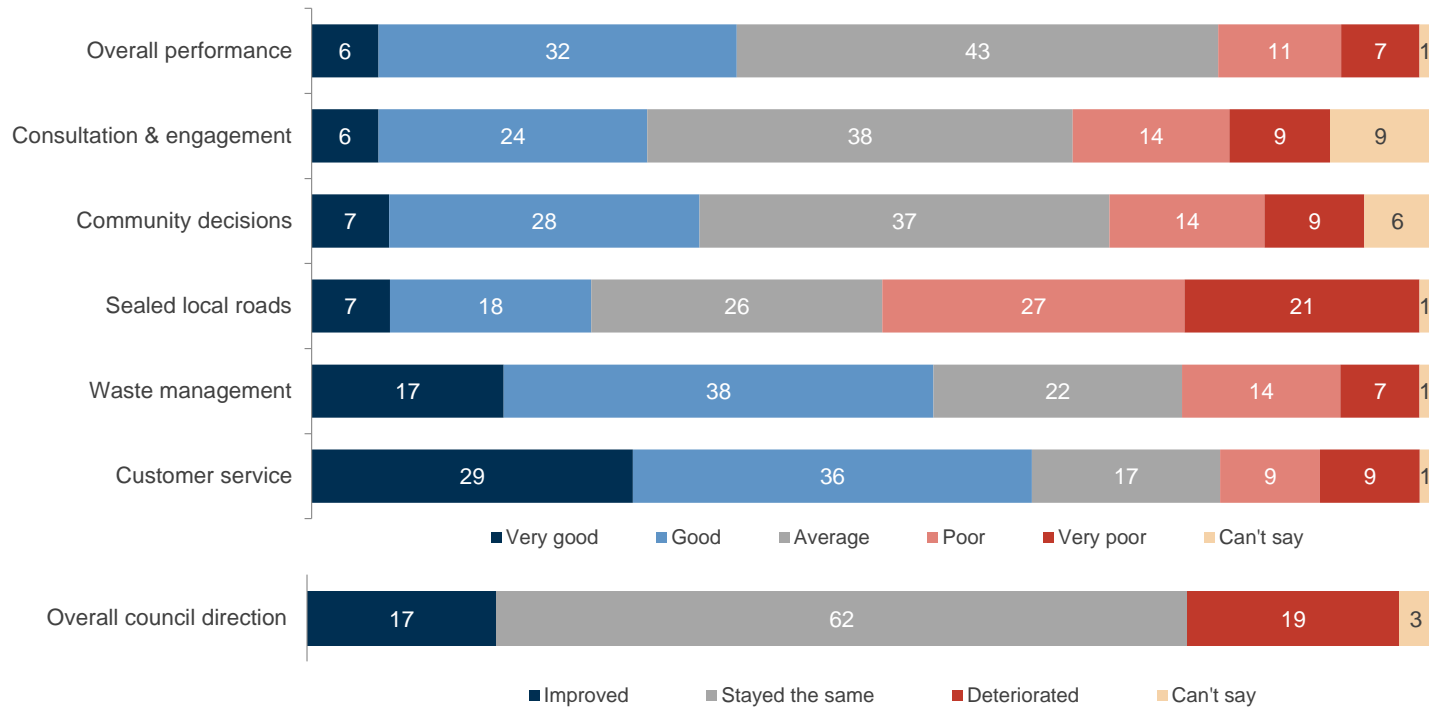
Summary of core measures













Summary of core measures

Core measures summary results (%)





Summary of Ballarat City Council performance

Services		Ballarat 2022	Ballarat 2021	Regional Centres 2022	State-wide 2022	Highest score	Lowest score
	Overall performance	54	-	59	59	Aged 18-34 years	Aged 35-49 years
	Value for money	49	-	53	53	Aged 65+ years, 18-34 years	Aged 50-64 years
	Overall council direction	49	-	52	50	Aged 18-34 years	Aged 50-64 years
	Customer service	67	-	69	68	Aged 35-49 years	Aged 50-64 years
	Waste management	62	-	68	68	Aged 65+ years	Aged 18-34 years, Aged 50-64 years, Central Ward residents
	Community decisions	53	-	54	54	Aged 18-34 years	Aged 50-64 years
	Consultation & engagement	51	-	54	54	Aged 18-34 years	Aged 50-64 years
	Sealed local roads	41	-	54	53	Aged 18-34 years	Aged 35-49 years

Significantly *higher* / *lower* than Ballarat City Council 2022 result at the 95% confidence interval.
Please see Appendix A for explanation of significant differences.



Focus areas for the next 12 months

Overview

The overall performance index score of 54 for Ballarat City Council is lower than any overall performance index score seen across previous survey years (2012-2015). It is also significantly lower than the Regional Centres group and State-wide averages for councils. These relatively poor views of overall performance are shared across all demographic and geographic subgroups.

Focus areas

As the lowest performing area, sealed local roads should be Council's primary area of focus. Residents aged 35 to 49 years rate Council significantly below average on this service area and should be a particular priority.

Comparison to state and area grouping

Council performs in line with the Regional Centres group and State-wide averages for councils in the service area of community decisions. On the other three service areas, Council performs significantly lower than the Regional Centres group and State-wide averages.

Opportunity to engage with residents

In addition to sealed local roads, Council should look to improve perceptions of its performance on waste management. Waste management is another area where Council performance is substantially below the Regional Centres group and State-wide averages. Tangible initiatives can be facilitated to improve perceptions. On a positive note, 65+ year olds rate Council's performance significantly higher on waste management and are the only subgroup where the rating is not lower than when it was last measured in 2015.

DETAILED FINDINGS



Overall performance



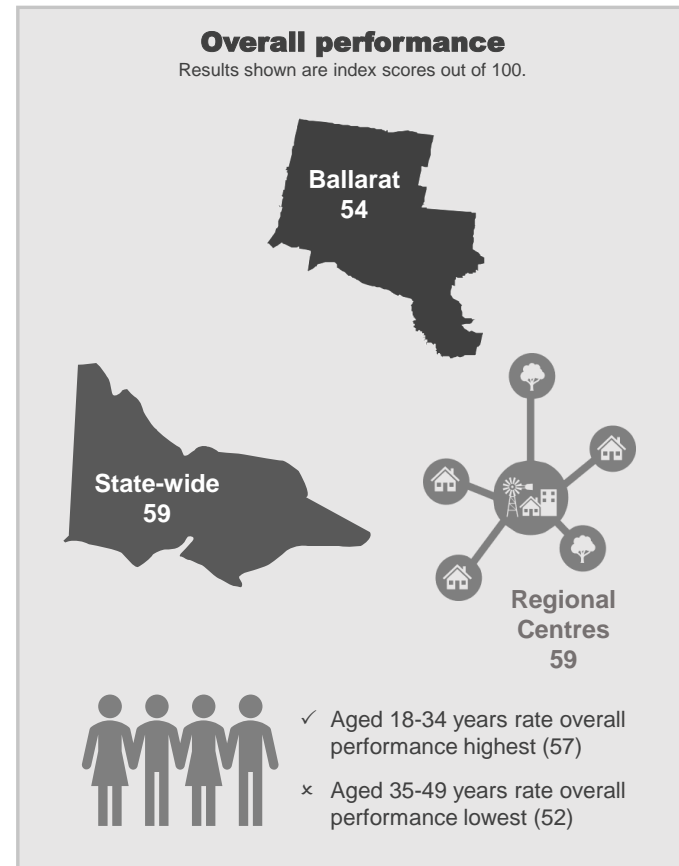
Overall performance

The overall performance index score of 54 for Ballarat City Council is lower than any score seen across the years performance was previously measured (2012-2015).

- Council's overall performance is rated significantly lower than the Regional Centres group and State-wide averages for councils (both index score of 59).
- Performance ratings across demographic and geographic cohorts are not significantly different from the Council average.

Over a third of Council residents (34%) rate the value for money they receive from Council in infrastructure and services provided to their community as 'very good' or 'good'. This is similar to those who rate the value for money as 'very poor' or 'poor' and those who rate it as 'average' (both 32%).

- Council rates significantly lower on this measure than the Regional Centres group and State-wide averages for councils.
- Like for overall performance, performance ratings across demographic and geographic cohorts are not significantly different from the Council average.





Overall performance

2022 overall performance (index scores)

		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Regional Centres	59▲	60	56	58	58	57	55	58	n/a	n/a	n/a
State-wide	59▲	61	58	60	59	59	59	60	61	60	60
18-34	57	n/a	n/a	n/a	n/a	n/a	n/a	62	62	66	58
Men	56	n/a	n/a	n/a	n/a	n/a	n/a	54	56	58	58
North Ward	55	n/a	n/a	n/a	n/a	n/a	n/a	55	n/a	59	57
Central Ward	55	n/a	n/a	n/a	n/a	n/a	n/a	60	n/a	60	56
Ballarat	54	n/a	n/a	n/a	n/a	n/a	n/a	57	58	59	57
65+	54	n/a	n/a	n/a	n/a	n/a	n/a	49	52	55	53
South Ward	54	n/a	n/a	n/a	n/a	n/a	n/a	56	n/a	59	58
50-64	54	n/a	n/a	n/a	n/a	n/a	n/a	54	55	54	53
Women	53	n/a	n/a	n/a	n/a	n/a	n/a	59	59	61	56
35-49	52	n/a	n/a	n/a	n/a	n/a	n/a	61	60	59	62

Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Ballarat City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?

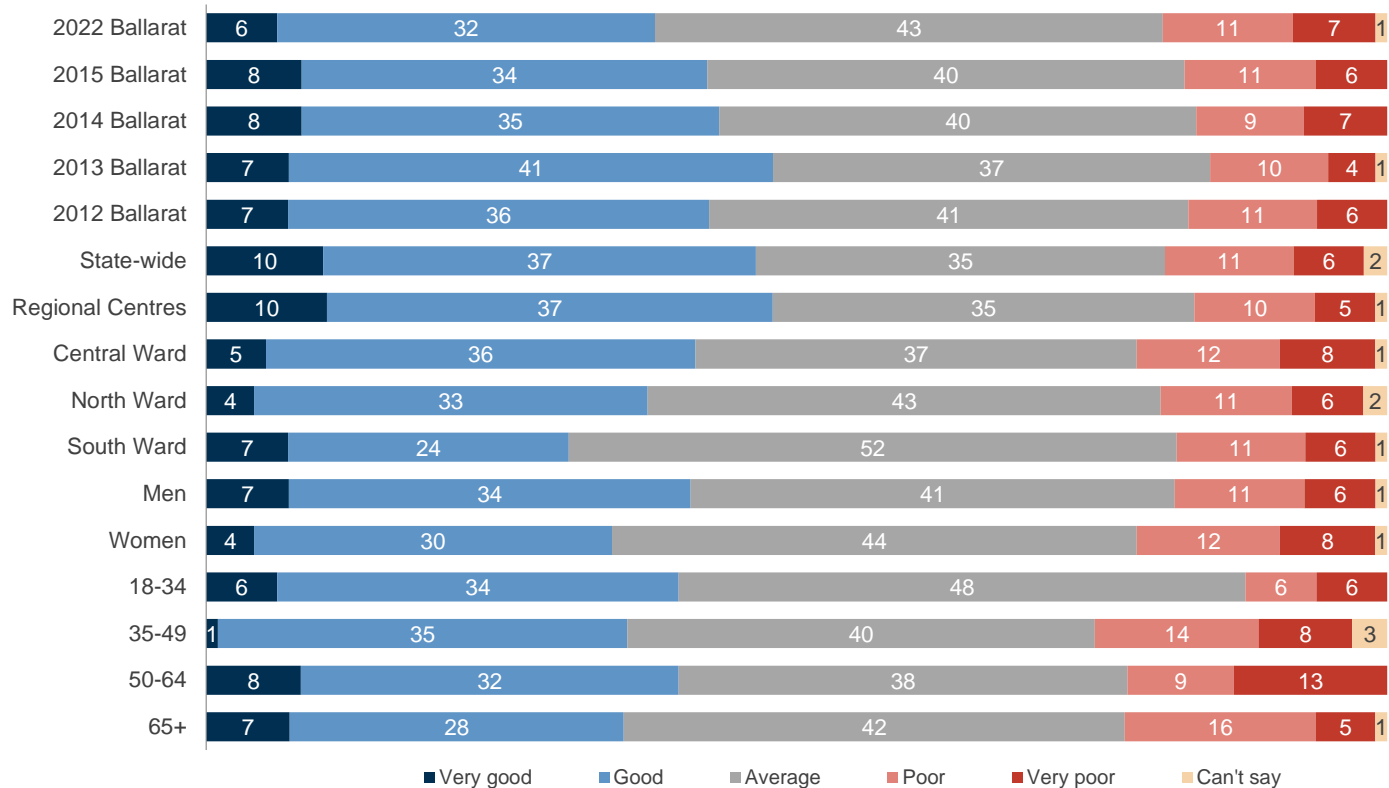
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.



Overall performance

2022 overall performance (%)

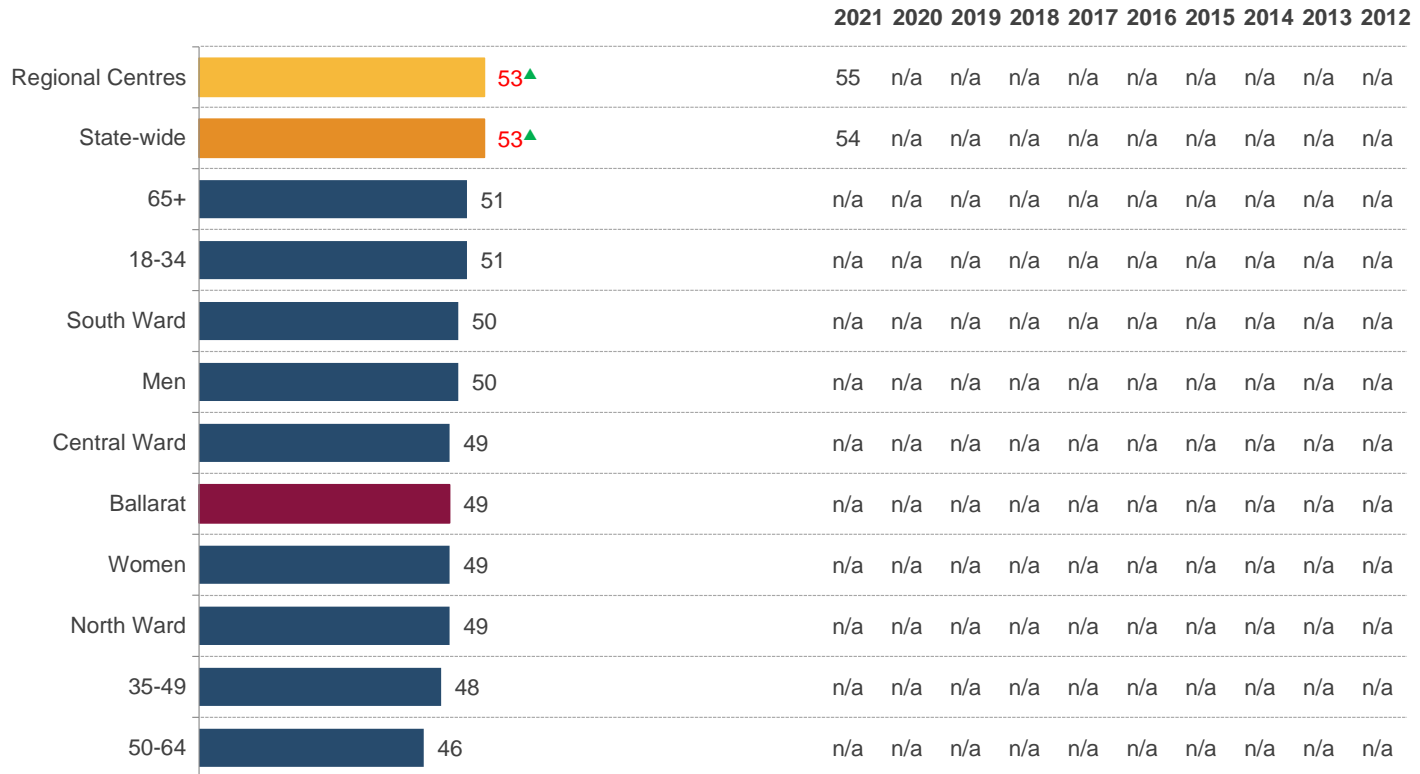


Q3. ON BALANCE, for the last twelve months, how do you feel about the performance of Ballarat City Council, not just on one or two issues, BUT OVERALL across all responsibility areas? Has it been very good, good, average, poor or very poor?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9



Value for money in services and infrastructure

2022 value for money (index scores)



Q3b. How would you rate Ballarat City Council at providing good value for money in infrastructure and services provided to your community?

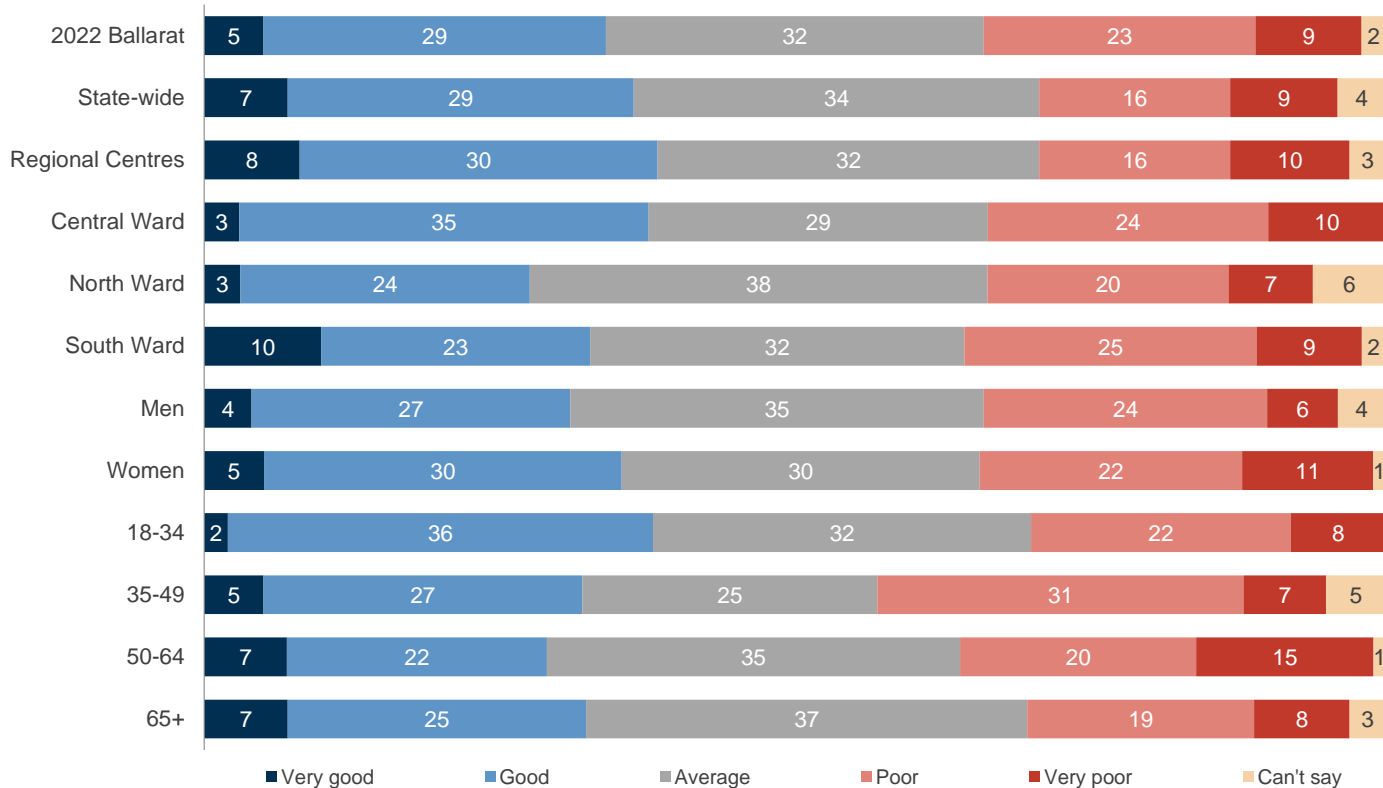
Base: All respondents. Councils asked State-wide: 66 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.



Value for money in services and infrastructure

2022 value for money (%)



Q3b. How would you rate Ballarat City Council at providing good value for money in infrastructure and services provided to your community?

Base: All respondents. Councils asked State-wide: 66 Councils asked group: 9



Top performing service areas

Waste management (index score of 62) is the service area where Council performs best. This, however, is lower than any score recorded across the years performance was previously measured.

- Council performs significantly lower than the Regional Centres group and State-wide averages (both with an index score of 68).
- Residents aged 65 years and over (index score of 69) rate Council significantly higher than average in this service area.

Community decisions (index score of 53) and consultation and engagement (index score of 51) are Council's next highest rated service areas.

- Council's performance on the service area of community decisions is in line with the Regional Centres group and State-wide averages. However, Council performs significantly lower than the Regional Centres group and State-wide averages in the service area of consultation and engagement.
- Residents aged 50 to 64 years rate Council significantly lower than the Council average in the area of community decisions.
- On consultation and engagement, residents aged 18 to 34 years rate Council significantly higher than the Council average.



Waste management (index score of 62) is the area where Council performed best in 2022.



Low performing service areas



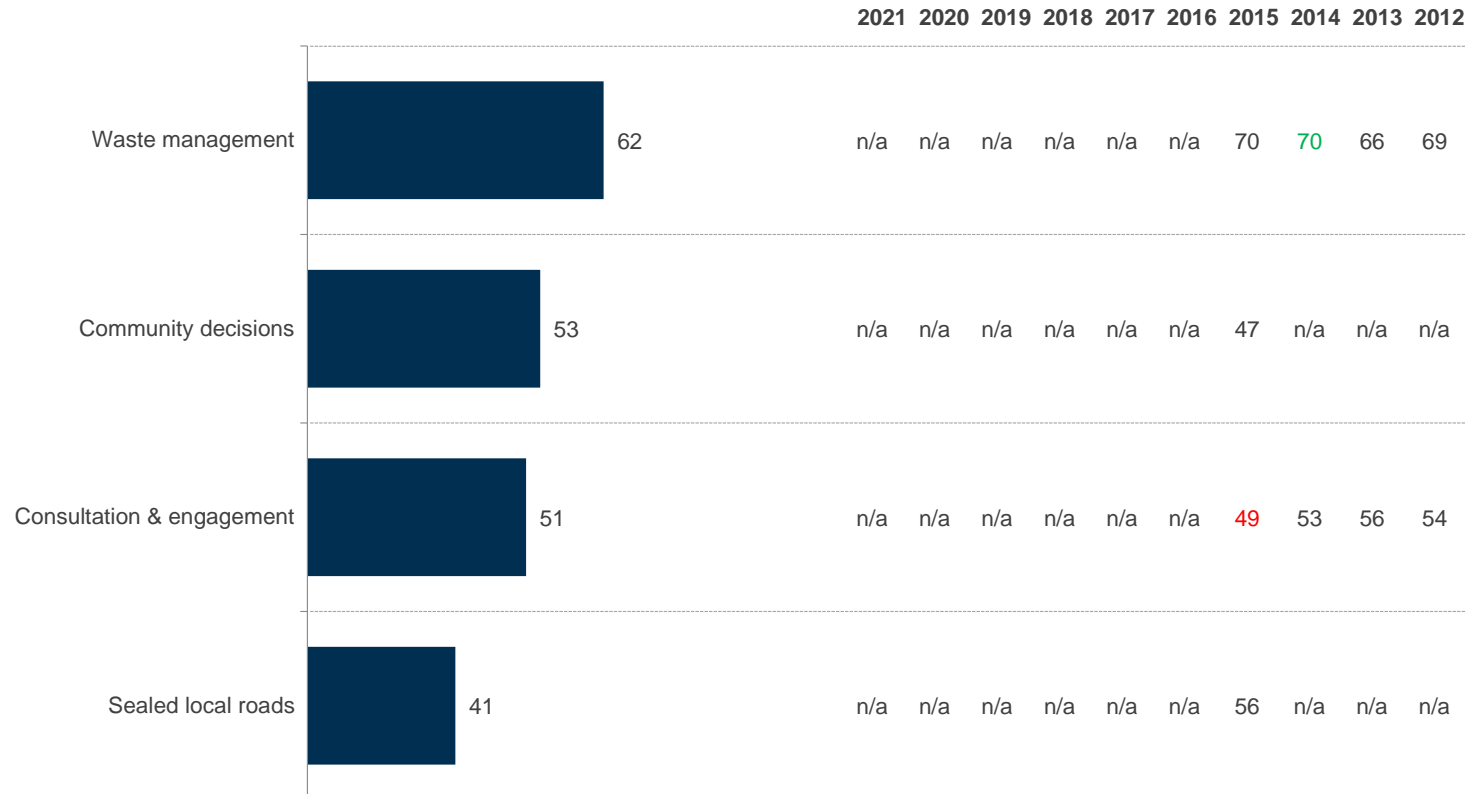
Council rates lowest in the area of sealed local roads (index score of 41). This is far below the only other score recorded in 2015 (index score of 56).

- Council rates significantly lower than the Regional Centres group and State-wide averages (index scores of 54 and 53 respectively).
- The contrast with the group average, and Council's own previous result, demonstrates that improved ratings are achievable in this service area.
- Residents aged 35 to 49 years (index score of 32) rate Council significantly lower than the Council average.



Individual service area performance

2022 individual service area performance (index scores)

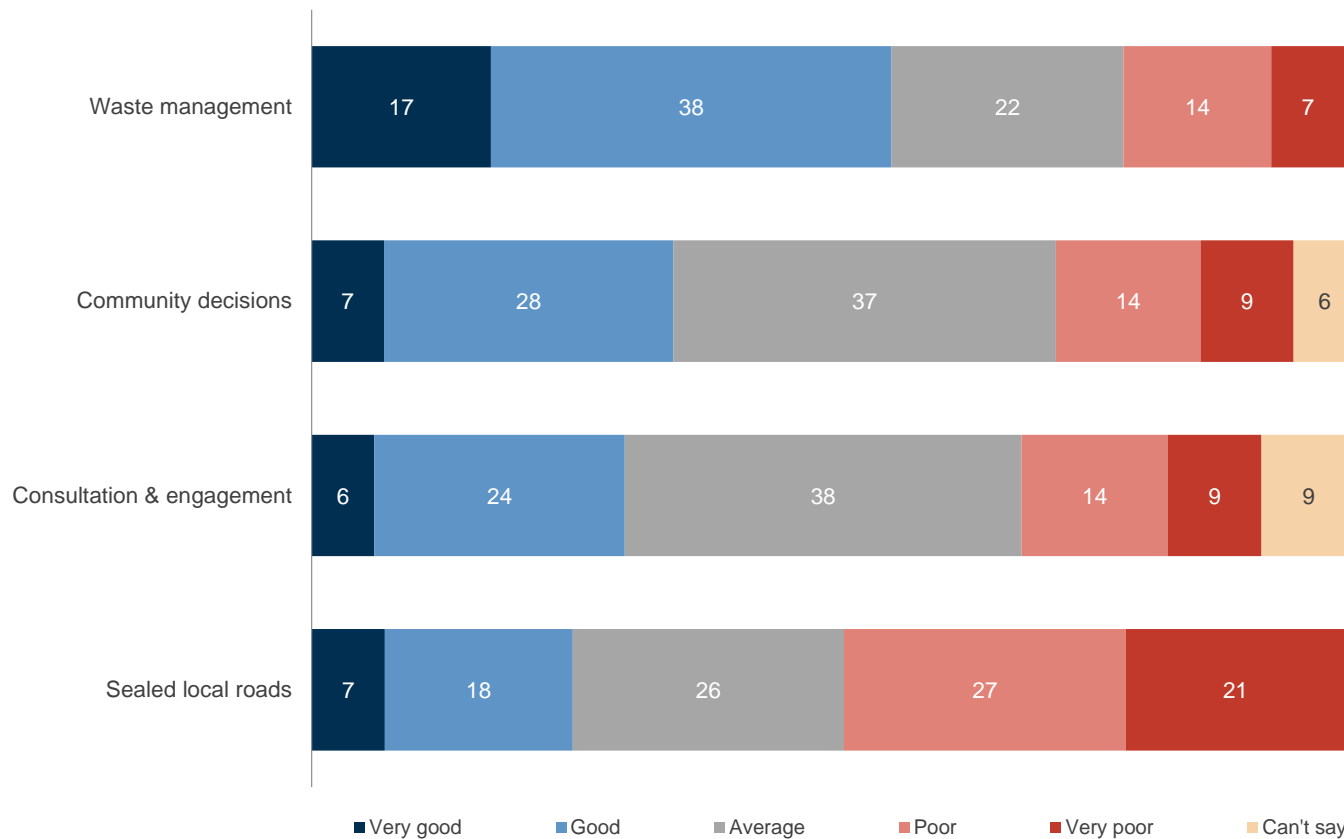


Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.



Individual service area performance

2022 individual service area performance (%)



Q2. How has Council performed on [RESPONSIBILITY AREA] over the last 12 months?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

Customer service



Contact with council and customer service

Contact with council

Just over half of Council residents (51%) have had contact with Council in the last 12 months.

- Rate of contact is far from that seen across 2014-2015 (64%), the only other years when contact was measured.
- Rate of contact is significantly lower than the Regional Centres group and State-wide averages (59% and 63% respectively).
- Rate of contact among residents aged 18 to 34 years (40%) is significantly lower than the Council average.



Among those residents who have had contact with Council, 65% provide a positive customer service rating of 'very good' or 'good', including 29% of residents who rate Council's customer service as 'very good'.

Customer service

Perceptions of Council's customer service (index score of 67) is the lowest score seen across the years customer service was measured (2012-2015).

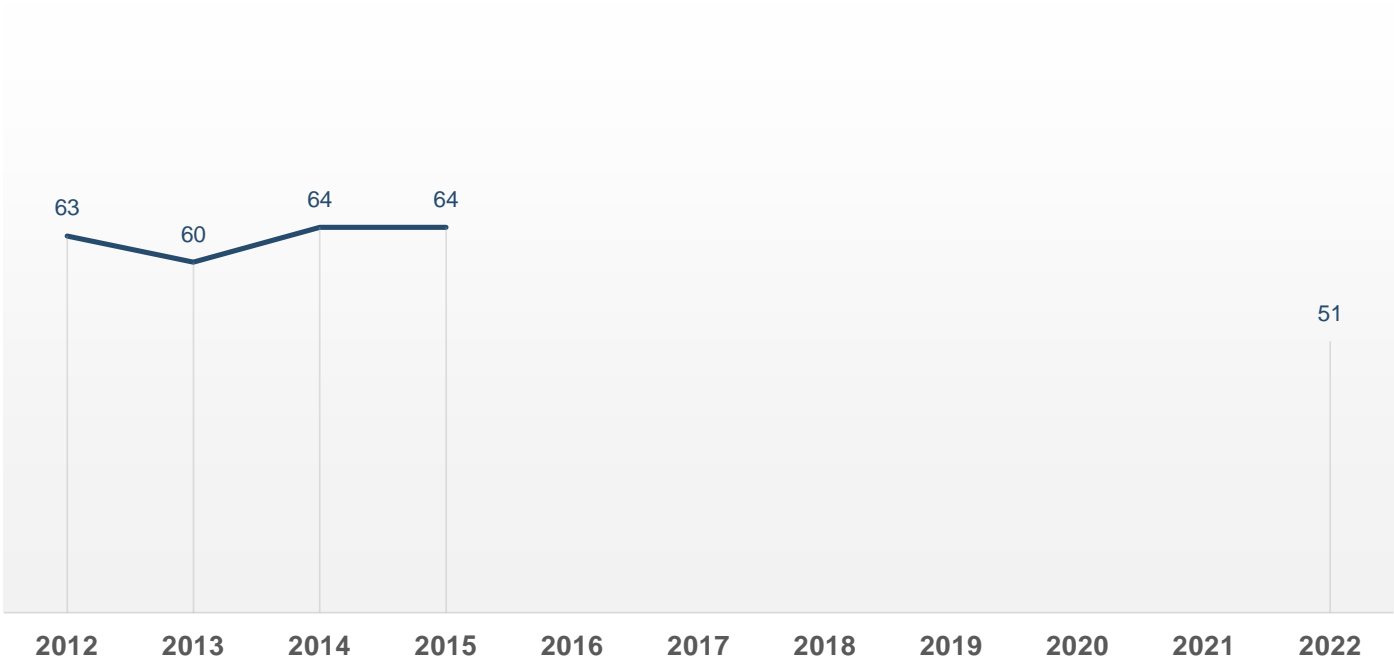
- Customer service rates in line with the Regional Centres group and State-wide averages (index scores of 69 and 68 respectively).
- Perceptions across demographic and geographic cohorts are not significantly different from the Council average.

More than six in 10 residents (65%) provide a positive customer service rating of 'very good' or 'good' and less than two in 10 residents (18%) rate customer service as 'poor' or 'very poor'.



Contact with council

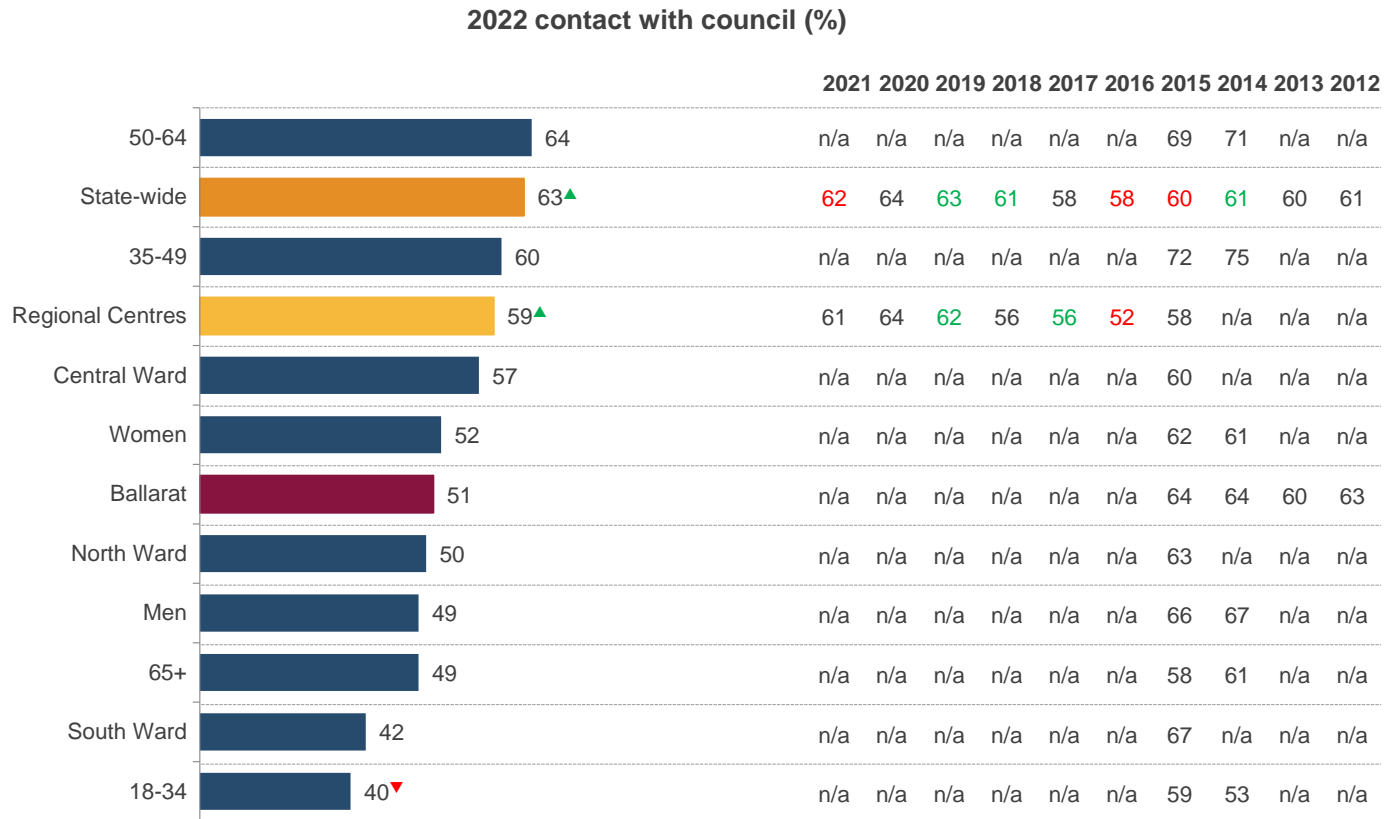
2022 contact with council (%)
Have had contact



Q5. Over the last 12 months, have you or any member of your household had any contact with Ballarat City Council? This may have been in person, in writing, by telephone conversation, by text message, by email or via their website or social media such as Facebook or Twitter?
Base: All respondents. Councils asked State-wide: 42 Councils asked group: 5



Contact with council



Q5. Over the last 12 months, have you or any member of your household had any contact with Ballarat City Council? This may have been in person, in writing, by telephone conversation, by text message, by email or via their website or social media such as Facebook or Twitter?

Base: All respondents. Councils asked State-wide: 42 Councils asked group: 5

Note: Please see Appendix A for explanation of significant differences.

Some data may be missing from 2012 and 2013 due to a change in demographic analysis.



Customer service rating

2022 customer service rating (index scores)

		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
35-49	74	n/a	n/a	n/a	n/a	n/a	n/a	73	75	69	76
65+	72	n/a	n/a	n/a	n/a	n/a	n/a	74	76	70	78
North Ward	69	n/a	n/a	n/a	n/a	n/a	n/a	72	n/a	70	76
Regional Centres	69	71	70	72	72	72	70	71	n/a	n/a	n/a
State-wide	68	70	70	71	70	69	69	70	72	71	71
Men	68	n/a	n/a	n/a	n/a	n/a	n/a	71	75	70	74
Ballarat	67	n/a	n/a	n/a	n/a	n/a	n/a	71	75	70	75
Central Ward	66	n/a	n/a	n/a	n/a	n/a	n/a	75	n/a	64	70
Women	66	n/a	n/a	n/a	n/a	n/a	n/a	72	75	70	77
South Ward	66	n/a	n/a	n/a	n/a	n/a	n/a	68	n/a	74	78
18-34	60	n/a	n/a	n/a	n/a	n/a	n/a	68	72	70	75
50-64	57	n/a	n/a	n/a	n/a	n/a	n/a	70	78	70	71

Q5c. Thinking of the most recent contact, how would you rate Ballarat City Council for customer service? Please keep in mind we do not mean the actual outcome but rather the actual service that was received.

Base: All respondents who have had contact with Council in the last 12 months.

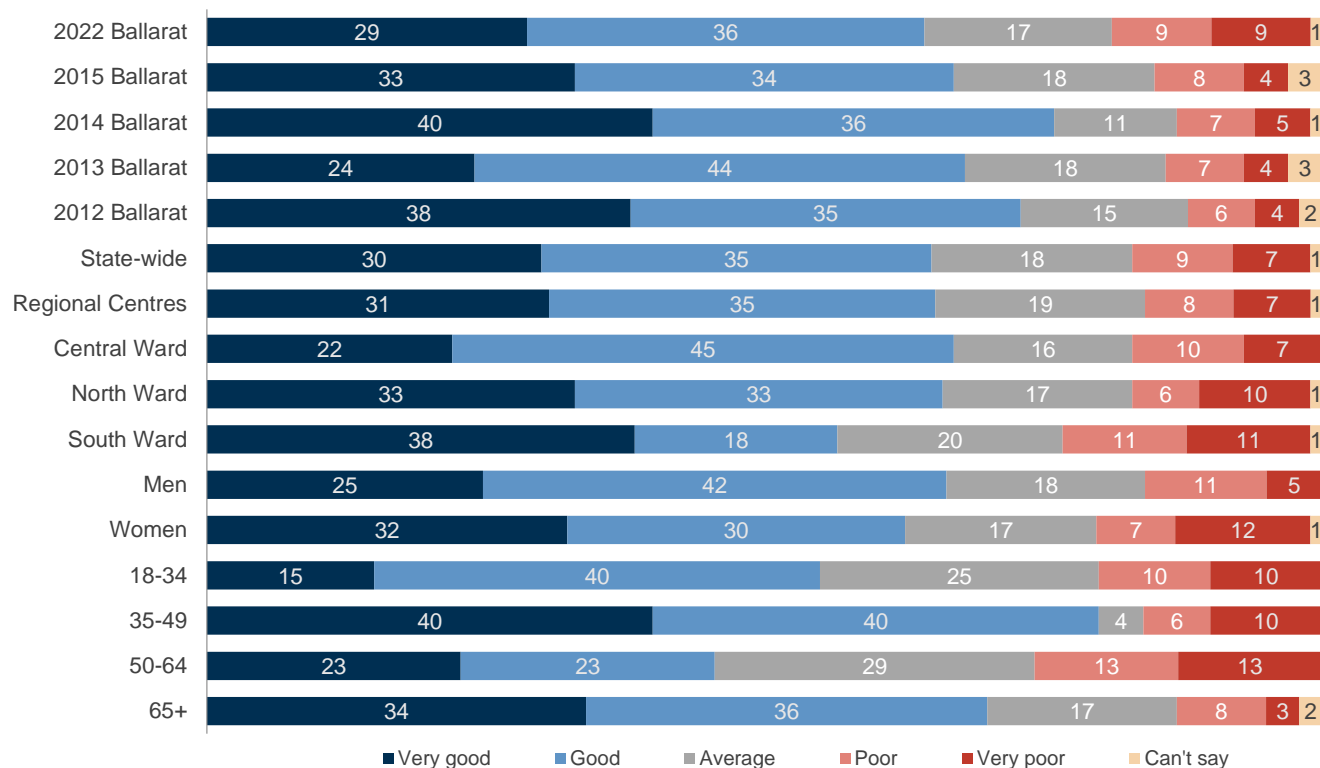
Councils asked State-wide: 67 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.



Customer service rating

2022 customer service rating (%)



Q5c. Thinking of the most recent contact, how would you rate Ballarat City Council for customer service?
Please keep in mind we do not mean the actual outcome but rather the actual service that was received.
Base: All respondents who have had contact with Council in the last 12 months.
Councils asked State-wide: 67 Councils asked group: 9

Council direction



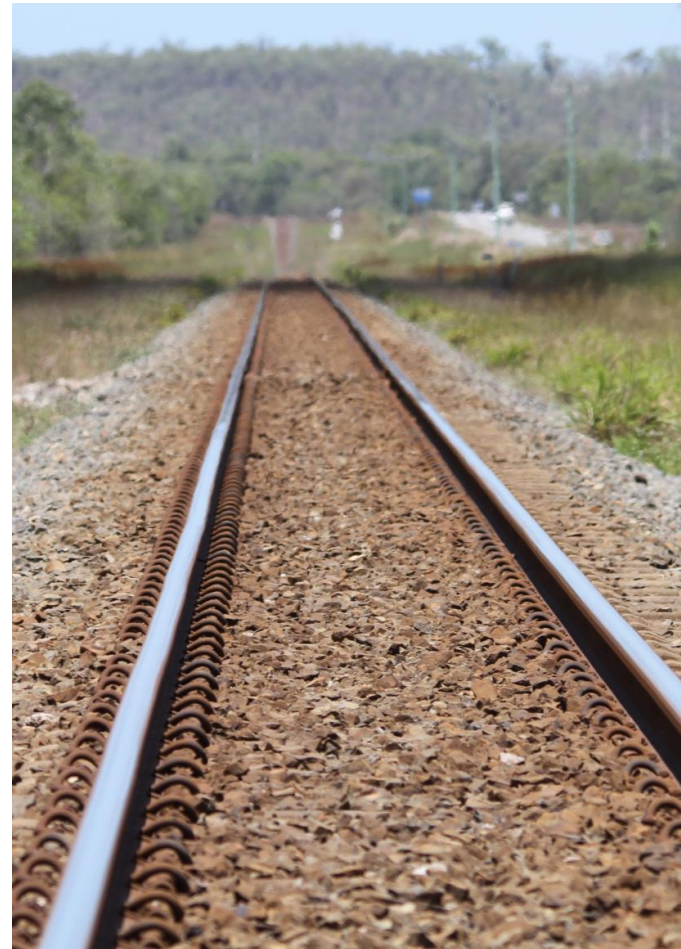
Council direction

Over the last 12 months, more than six in 10 residents (62%) believe the direction of Council's overall performance has stayed the same.

- 17% believe the direction has improved in the last 12 months, while 19% believe it has deteriorated.

Perceptions of the direction of Council's overall performance (index score of 49) are similar to those seen across 2014 and 2015.

- The most satisfied with Council's direction are residents aged 18 to 34 years. Ratings among these residents (index score of 55) are significantly higher than the Council average.
- The least satisfied with council direction are residents aged 50 to 64 years, although their rating of 43 is not significantly lower than the Council average.





Overall council direction last 12 months

2022 overall council direction (index scores)

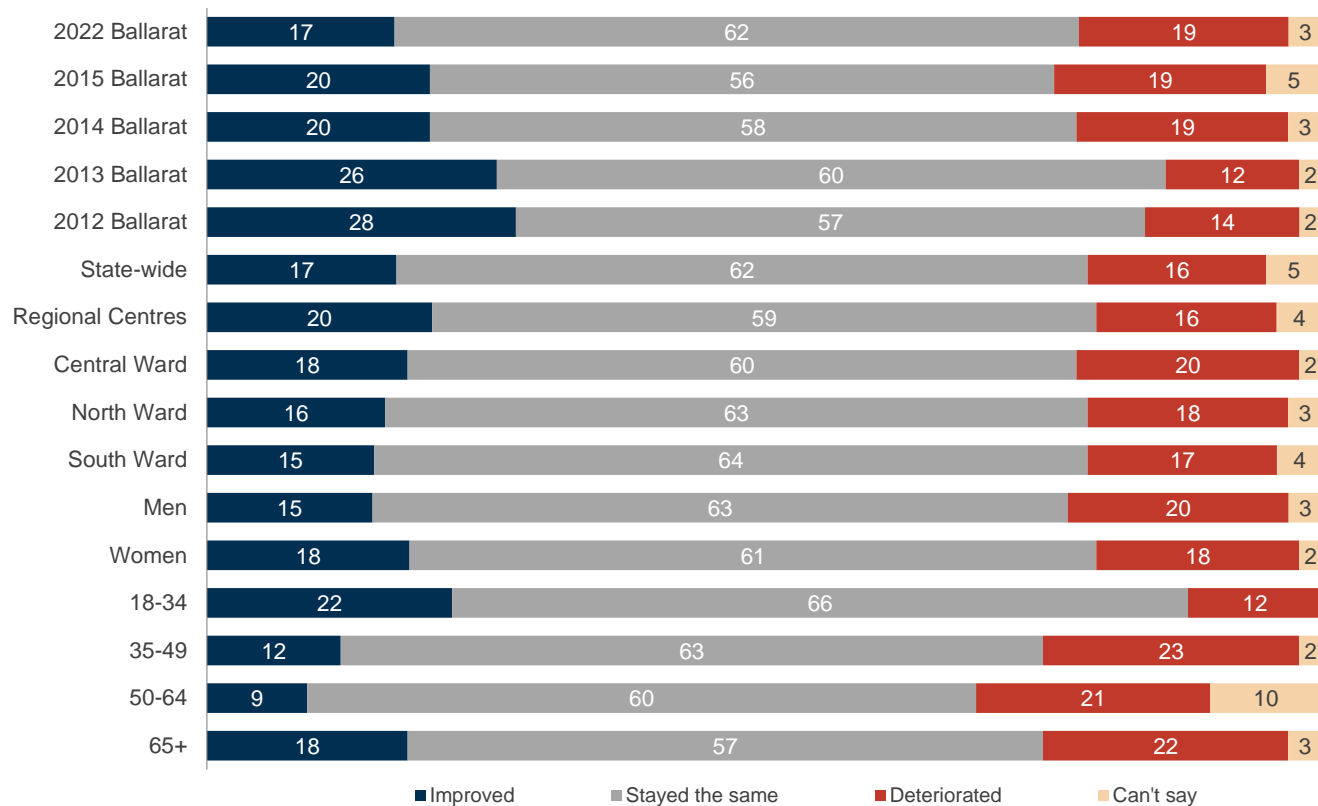
		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
18-34	55▲	n/a	n/a	n/a	n/a	n/a	n/a	56	55	56	61
Regional Centres	52	54	50	52	53	55	51	53	n/a	n/a	n/a
State-wide	50	53	51	53	52	53	51	53	53	53	52
Women	50	n/a	n/a	n/a	n/a	n/a	n/a	50	50	58	56
North Ward	49	n/a	n/a	n/a	n/a	n/a	n/a	49	n/a	60	57
South Ward	49	n/a	n/a	n/a	n/a	n/a	n/a	53	n/a	54	56
Ballarat	49	n/a	n/a	n/a	n/a	n/a	n/a	50	50	57	57
Central Ward	49	n/a	n/a	n/a	n/a	n/a	n/a	49	n/a	56	59
65+	48	n/a	n/a	n/a	n/a	n/a	n/a	43	43	59	54
Men	47	n/a	n/a	n/a	n/a	n/a	n/a	50	51	55	58
35-49	45	n/a	n/a	n/a	n/a	n/a	n/a	55	56	55	57
50-64	43	n/a	n/a	n/a	n/a	n/a	n/a	44	45	58	54

Q6. Over the last 12 months, what is your view of the direction of Ballarat City Council's overall performance?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.



Overall council direction last 12 months

2022 overall council direction (%)



Q6. Over the last 12 months, what is your view of the direction of Ballarat City Council's overall performance?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

Individual service areas



Community consultation and engagement performance



2022 consultation and engagement performance (index scores)

		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
18-34	57▲	n/a	n/a	n/a	n/a	n/a	n/a	54	60	61	58
State-wide	54▲	56	55	56	55	55	54	56	57	57	57
Regional Centres	54▲	54	51	54	55	54	52	53	n/a	n/a	n/a
Central Ward	53	n/a	n/a	n/a	n/a	n/a	n/a	51	n/a	53	54
Men	51	n/a	n/a	n/a	n/a	n/a	n/a	47	52	54	56
Ballarat	51	n/a	n/a	n/a	n/a	n/a	n/a	49	53	56	54
South Ward	51	n/a	n/a	n/a	n/a	n/a	n/a	49	n/a	59	58
Women	51	n/a	n/a	n/a	n/a	n/a	n/a	51	54	58	53
65+	49	n/a	n/a	n/a	n/a	n/a	n/a	45	50	54	50
35-49	48	n/a	n/a	n/a	n/a	n/a	n/a	53	53	54	56
North Ward	48	n/a	n/a	n/a	n/a	n/a	n/a	48	n/a	56	51
50-64	46	n/a	n/a	n/a	n/a	n/a	n/a	44	45	53	50

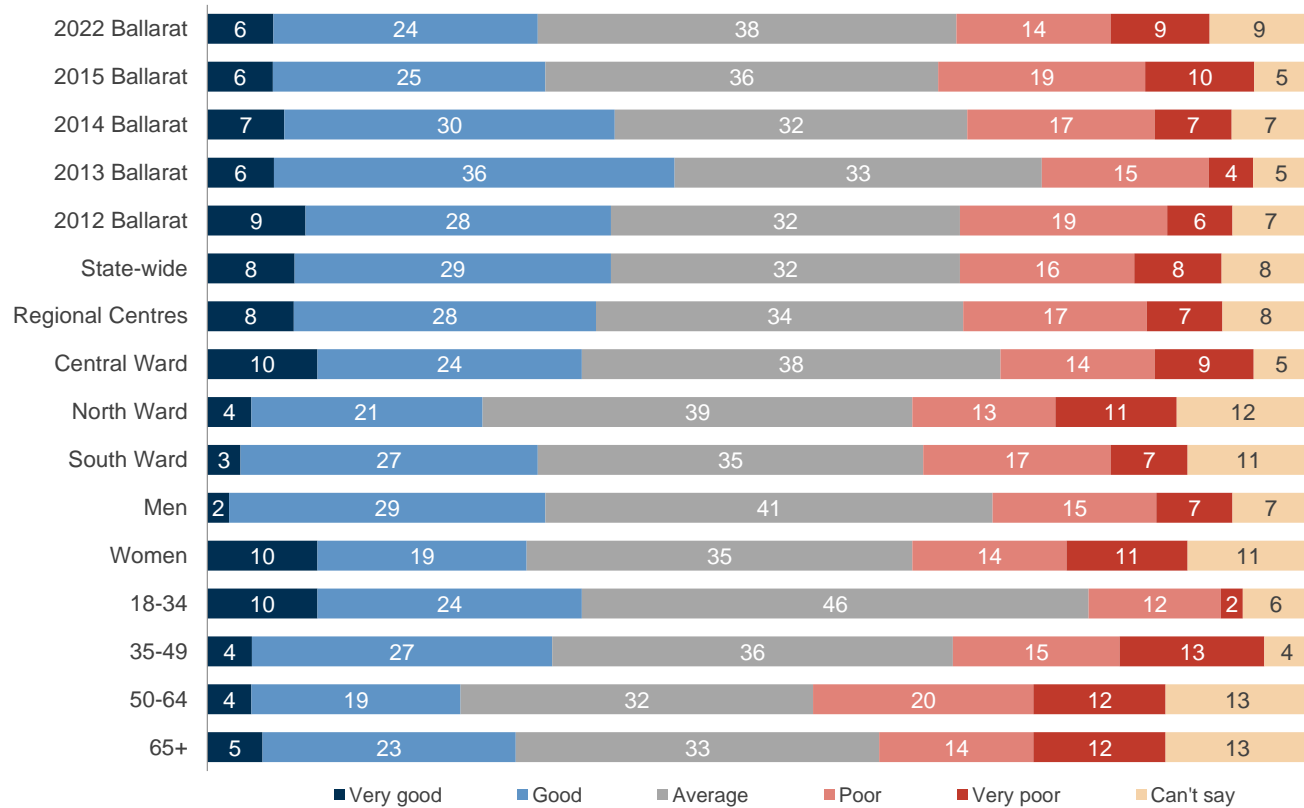
Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.



Community consultation and engagement performance



2022 consultation and engagement performance (%)



Q2. How has Council performed on 'Community consultation and engagement' over the last 12 months?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

J W S R E S E A R C H

33

Decisions made in the interest of the community performance



2022 community decisions made performance (index scores)

		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
18-34	58	n/a	n/a	n/a	n/a	n/a	n/a	51	n/a	n/a	n/a
State-wide	54	56	53	55	54	54	54	55	57	n/a	n/a
Regional Centres	54	54	50	52	52	52	51	52	n/a	n/a	n/a
35-49	54	n/a	n/a	n/a	n/a	n/a	n/a	52	n/a	n/a	n/a
Men	53	n/a	n/a	n/a	n/a	n/a	n/a	46	n/a	n/a	n/a
Central Ward	53	n/a	n/a	n/a	n/a	n/a	n/a	49	n/a	n/a	n/a
North Ward	53	n/a	n/a	n/a	n/a	n/a	n/a	46	n/a	n/a	n/a
Ballarat	53	n/a	n/a	n/a	n/a	n/a	n/a	47	n/a	n/a	n/a
Women	52	n/a	n/a	n/a	n/a	n/a	n/a	49	n/a	n/a	n/a
South Ward	52	n/a	n/a	n/a	n/a	n/a	n/a	48	n/a	n/a	n/a
65+	50	n/a	n/a	n/a	n/a	n/a	n/a	42	n/a	n/a	n/a
50-64	46	n/a	n/a	n/a	n/a	n/a	n/a	43	n/a	n/a	n/a

Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?

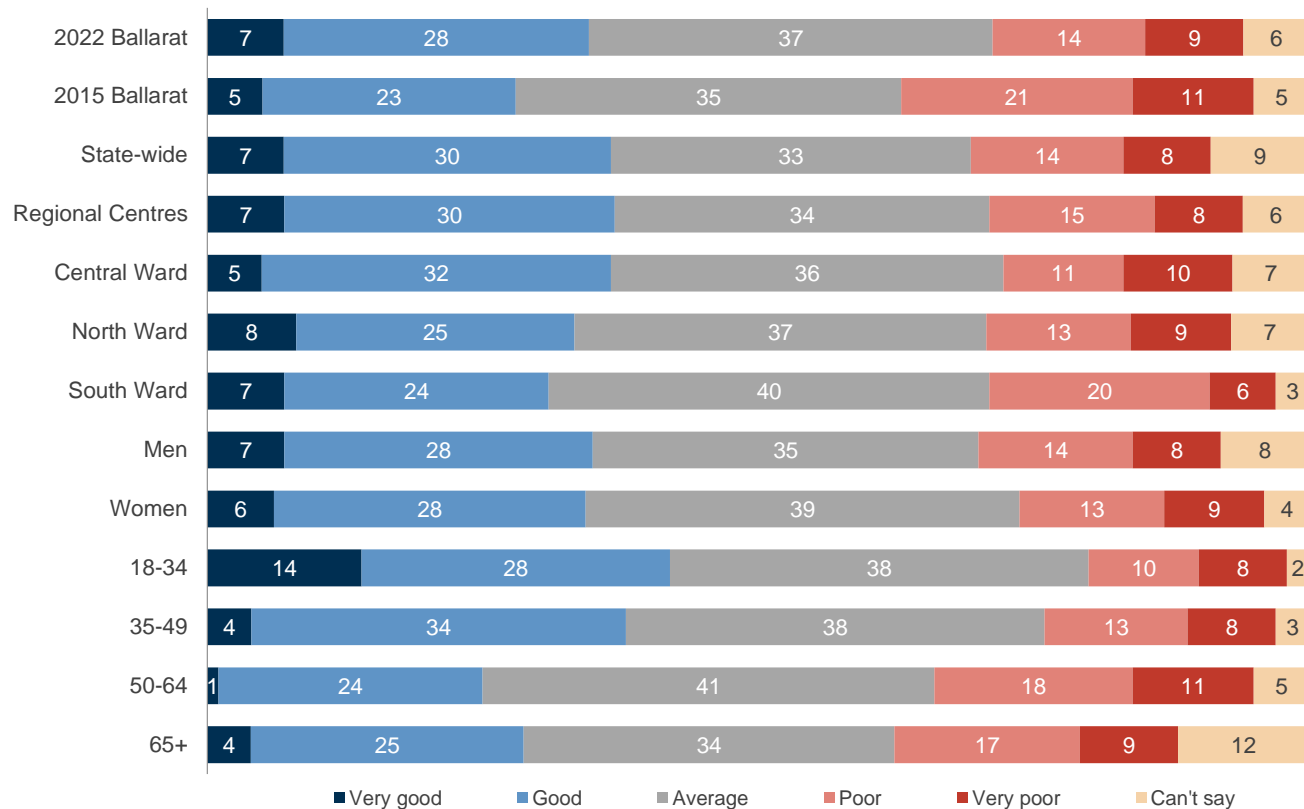
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

Note: Please see Appendix A for explanation of significant differences.

Decisions made in the interest of the community performance



2022 community decisions made performance (%)



Q2. How has Council performed on 'Decisions made in the interest of the community' over the last 12 months?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

The condition of sealed local roads in your area performance



2022 sealed local roads performance (index scores)

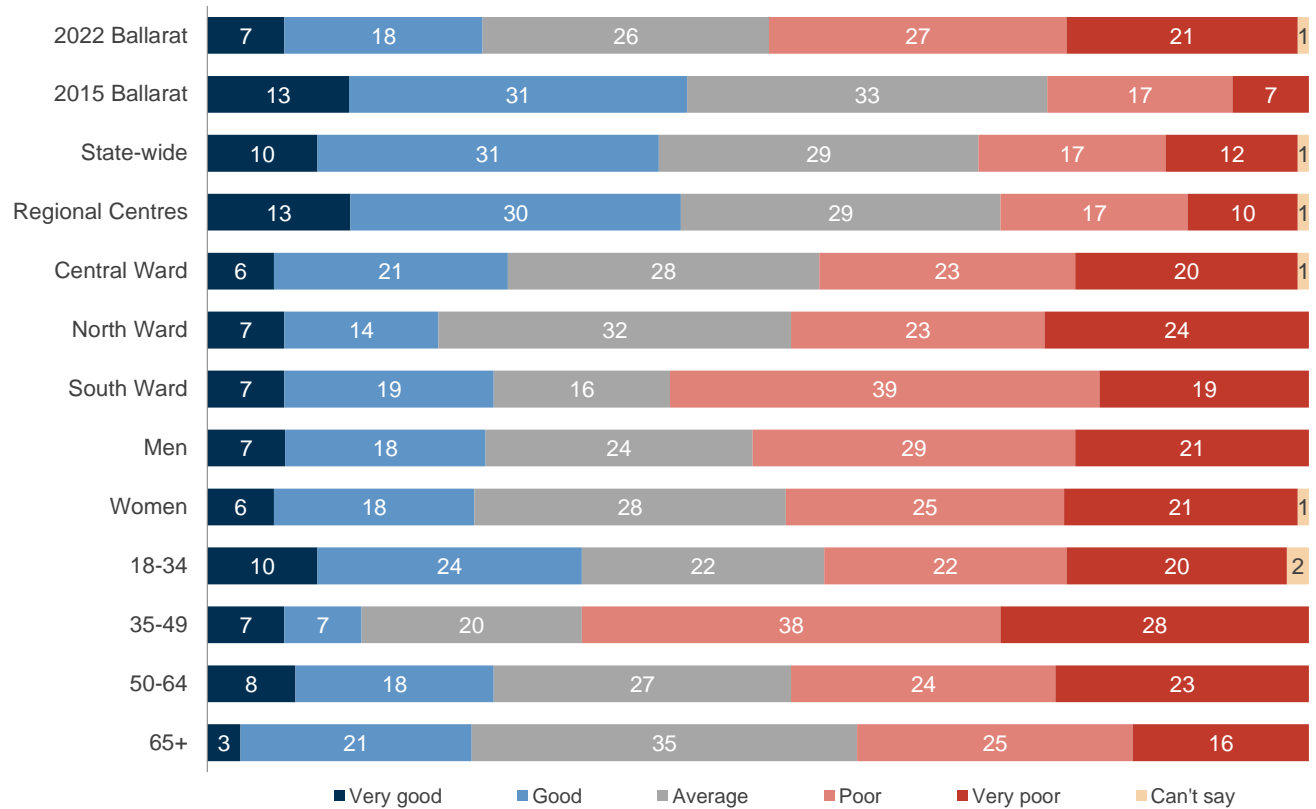
		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Regional Centres	54▲	60	55	57	54	53	54	55	n/a	n/a	n/a
State-wide	53▲	57	54	56	53	53	54	55	55	n/a	n/a
18-34	45	n/a	n/a	n/a	n/a	n/a	n/a	51	n/a	n/a	n/a
65+	43	n/a	n/a	n/a	n/a	n/a	n/a	58	n/a	n/a	n/a
Central Ward	42	n/a	n/a	n/a	n/a	n/a	n/a	59	n/a	n/a	n/a
50-64	41	n/a	n/a	n/a	n/a	n/a	n/a	55	n/a	n/a	n/a
Women	41	n/a	n/a	n/a	n/a	n/a	n/a	56	n/a	n/a	n/a
Ballarat	41	n/a	n/a	n/a	n/a	n/a	n/a	56	n/a	n/a	n/a
Men	40	n/a	n/a	n/a	n/a	n/a	n/a	56	n/a	n/a	n/a
North Ward	40	n/a	n/a	n/a	n/a	n/a	n/a	58	n/a	n/a	n/a
South Ward	39	n/a	n/a	n/a	n/a	n/a	n/a	52	n/a	n/a	n/a
35-49	32▼	n/a	n/a	n/a	n/a	n/a	n/a	61	n/a	n/a	n/a

Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.

The condition of sealed local roads in your area performance



2022 sealed local roads performance (%)



Q2. How has Council performed on 'The condition of sealed local roads in your area' over the last 12 months?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9



Waste management performance



2022 waste management performance (index scores)

		2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
65+	69▲	n/a	n/a	n/a	n/a	n/a	n/a	69	70	67	70
Regional Centres	68▲	69	66	68	70	69	69	71	n/a	n/a	n/a
State-wide	68▲	69	65	68	70	71	70	72	73	71	72
North Ward	67	n/a	n/a	n/a	n/a	n/a	n/a	69	n/a	70	68
Men	64	n/a	n/a	n/a	n/a	n/a	n/a	69	72	65	71
Ballarat	62	n/a	n/a	n/a	n/a	n/a	n/a	70	70	66	69
South Ward	61	n/a	n/a	n/a	n/a	n/a	n/a	68	n/a	65	72
35-49	61	n/a	n/a	n/a	n/a	n/a	n/a	69	70	66	70
Women	59	n/a	n/a	n/a	n/a	n/a	n/a	70	69	68	67
Central Ward	58	n/a	n/a	n/a	n/a	n/a	n/a	72	n/a	64	67
50-64	58	n/a	n/a	n/a	n/a	n/a	n/a	66	66	67	66
18-34	58	n/a	n/a	n/a	n/a	n/a	n/a	73	74	66	69

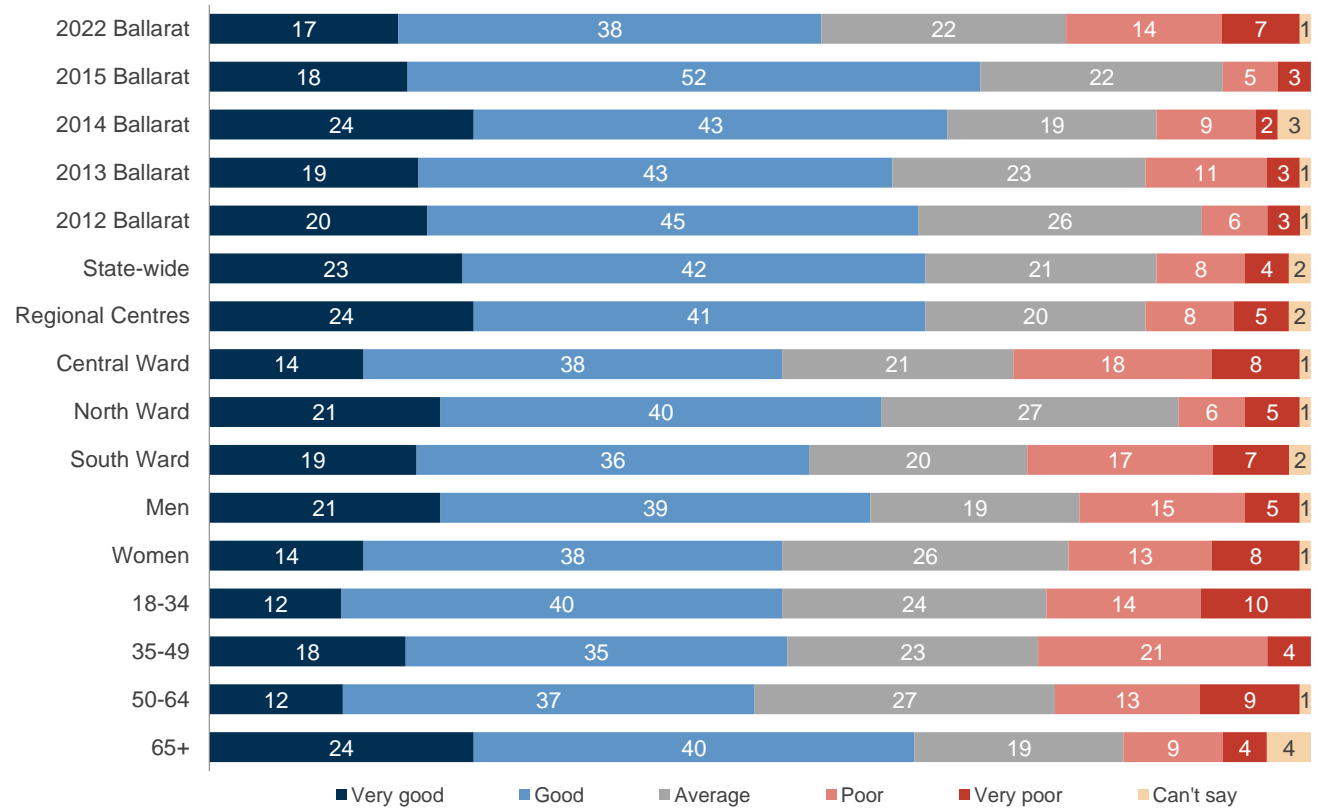
Q2. How has Council performed on 'Waste management' over the last 12 months?
 Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
 Note: Please see Appendix A for explanation of significant differences.



Waste management performance



2022 waste management performance (%)

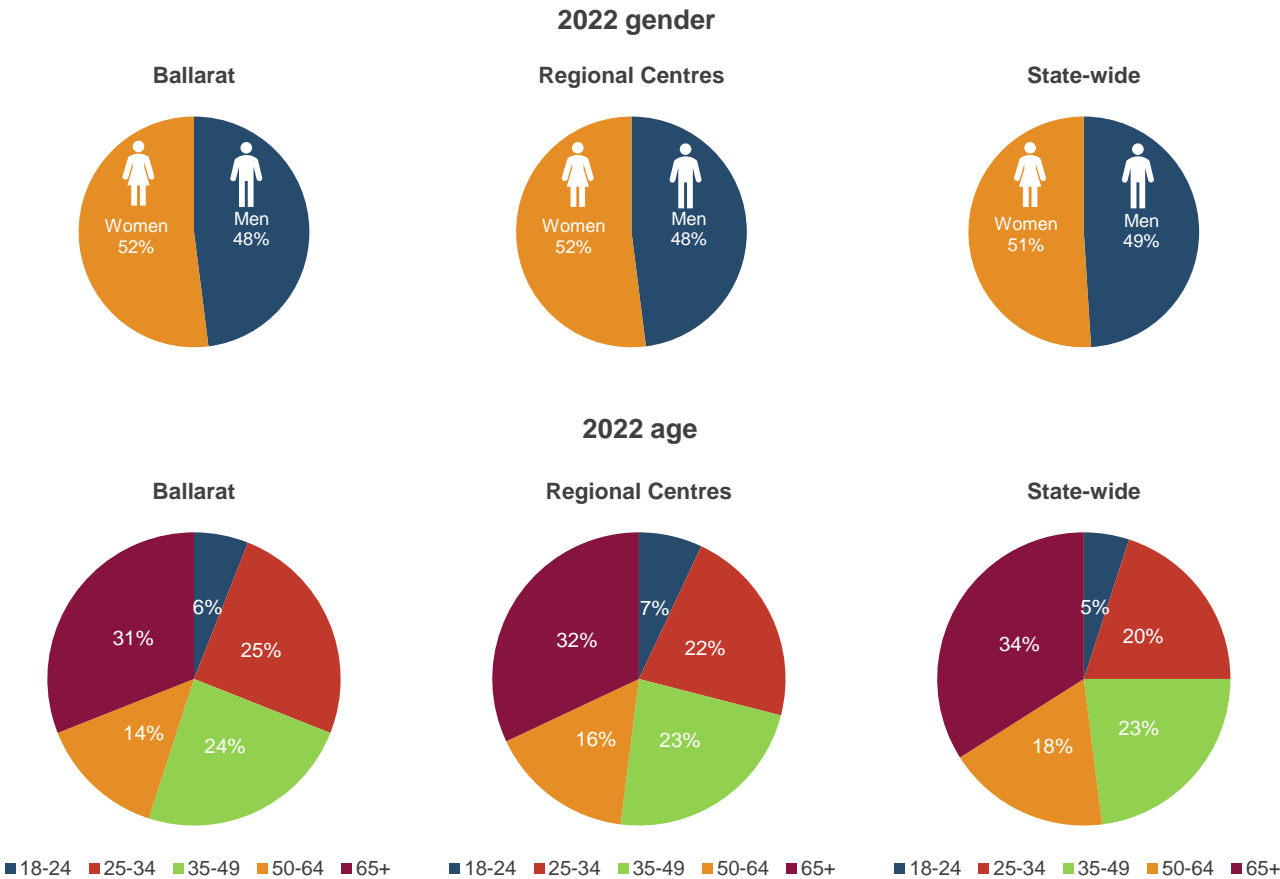


Q2. How has Council performed on 'Waste management' over the last 12 months?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9

Detailed demographics



Gender and age profile



S3. [Record gender] / S4. To which of the following age groups do you belong?
Base: All respondents. Councils asked State-wide: 67 Councils asked group: 9
Please note that for the reason of simplifying reporting, interlocking age and gender reporting has not been included in this report. Interlocking age and gender analysis is still available in the dashboard and data tables provided alongside this report.

Appendix A: Index scores, margins of error and significant differences

Appendix A: Index Scores



Index Scores

Many questions ask respondents to rate council performance on a five-point scale, for example, from 'very good' to 'very poor', with 'can't say' also a possible response category. To facilitate ease of reporting and comparison of results over time, starting from the 2012 survey and measured against the state-wide result and the council group, an 'Index Score' has been calculated for such measures.

The Index Score is calculated and represented as a score out of 100 (on a 0 to 100 scale), with 'can't say' responses excluded from the analysis. The '% RESULT' for each scale category is multiplied by the 'INDEX FACTOR'. This produces an 'INDEX VALUE' for each category, which are then summed to produce the 'INDEX SCORE', equating to '60' in the following example.

Similarly, an Index Score has been calculated for the Core question 'Performance direction in the last 12 months', based on the following scale for each performance measure category, with 'Can't say' responses excluded from the calculation.

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Very good	9%	100	9
Good	40%	75	30
Average	37%	50	19
Poor	9%	25	2
Very poor	4%	0	0
Can't say	1%	--	INDEX SCORE 60

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Improved	36%	100	36
Stayed the same	40%	50	20
Deteriorated	23%	0	0
Can't say	1%	--	INDEX SCORE 56

Appendix A: Margins of error



The sample size for the 2022 State-wide Local Government Community Satisfaction Survey for Ballarat City Council was n=402. Unless otherwise noted, this is the total sample base for all reported charts and tables.

The maximum margin of error on a sample of approximately n=402 interviews is +/-4.9% at the 95% confidence level for results around 50%. Margins of error will be larger for any sub-samples. As an example, a result of 50% can be read confidently as falling midway in the range 45.1% - 54.9%.

Maximum margins of error are listed in the table below, based on a population of 85,400 people aged 18 years or over for Ballarat City Council, according to ABS estimates.

Demographic	Actual survey sample size	Weighted base	Maximum margin of error at 95% confidence interval
Ballarat City Council	402	400	+/-4.9
Men	165	191	+/-7.6
Women	237	209	+/-6.4
Central Ward	161	174	+/-7.7
North Ward	131	125	+/-8.6
South Ward	110	100	+/-9.4
18-34 years	50	125	+/-14.0
35-49 years	74	95	+/-11.5
50-64 years	88	57	+/-10.5
65+ years	190	123	+/-7.1

Appendix A: Significant difference reporting notation



Within tables and index score charts throughout this report, statistically significant differences at the 95% confidence level are represented by upward directing green (▲) and downward directing red arrows (▼).

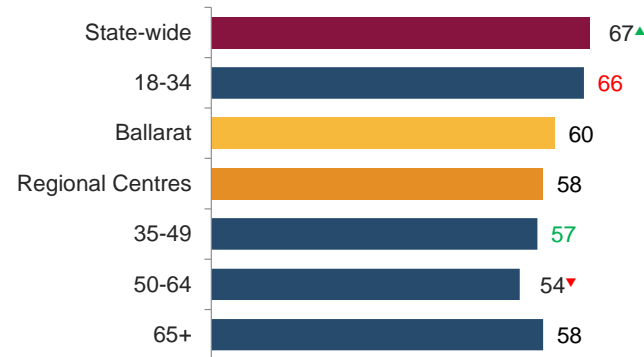
Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 'Total' result for the council for that survey question for that year. Therefore in the example below:

- ▲ The state-wide result is significantly higher than the overall result for the council.
- ▼ The result among 50-64 year olds is significantly lower than for the overall result for the council.

Further, results shown in green and red indicate significantly higher or lower results than in 2021. Therefore in the example below:

- The result among 35-49 year olds in the council is **significantly higher** than the result achieved among this group in 2021.
- The result among 18-34 year olds in the council is **significantly lower** than the result achieved among this group in 2021.

**2022 overall performance (index scores)
(example extract only)**



Appendix A: Index score significant difference calculation



The test applied to the Indexes was an Independent Mean Test, as follows:

$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$5^2 / \$3) + (\$6^2 / \$4))$$

Where:

- \$1 = Index Score 1
- \$2 = Index Score 2
- \$3 = unweighted sample count 1
- \$4 = unweighted sample count 2
- \$5 = standard deviation 1
- \$6 = standard deviation 2

All figures can be sourced from the detailed cross tabulations.

The test was applied at the 95% confidence interval, so if the Z Score was greater than +/- 1.954 the scores are significantly different.

Appendix B: Further project information

Appendix B: Further information



Further information about the report and explanations about the State-wide Local Government Community Satisfaction Survey can be found in this section including:

- Background and objectives
- Analysis and reporting
- Glossary of terms

Detailed survey tabulations

Detailed survey tabulations are available in supplied Excel file.

Contacts

For further queries about the conduct and reporting of the 2022 State-wide Local Government Community Satisfaction Survey, please contact JWS Research on

(03) 8685 8555 or via email:

admin@jwsresearch.com

Appendix B: Survey methodology and sampling



The 2022 results are compared with previous years, as detailed below:

- 2015, n=600 completed interviews, conducted in the period of 1st February – 30th March.
- 2014, n=600 completed interviews, conducted in the period of 31st January – 11th March.
- 2013, n=600 completed interviews, conducted in the period of 1st February – 24th March.
- 2012, n=400 completed interviews, conducted in the period of 18th May – 30th June.

Minimum quotas of gender within age groups were applied during the fieldwork phase. Post-survey weighting was then conducted to ensure accurate representation of the age and gender profile of the Ballarat City Council area.

Any variation of +/-1% between individual results and net scores in this report or the detailed survey tabulations is due to rounding. In reporting, '—' denotes not mentioned and '0%' denotes mentioned by less than 1% of respondents. 'Net' scores refer to two or more response categories being combined into one category for simplicity of reporting.

This survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in Ballarat City Council.

Survey sample matched to the demographic profile of Ballarat City Council as determined by the most recent ABS population estimates was purchased from an accredited supplier of publicly available phone records, including up to 60% mobile phone numbers to cater to the diversity of residents within Ballarat City Council, particularly younger people.

A total of n=402 completed interviews were achieved in Ballarat City Council. Survey fieldwork was conducted in the period of 27th January – 24th March, 2022.

Appendix B: Analysis and reporting



All participating councils are listed in the State-wide report published on the DELWP website. In 2022, 67 of the 79 Councils throughout Victoria participated in this survey. For consistency of analysis and reporting across all projects, Local Government Victoria has aligned its presentation of data to use standard council groupings. Accordingly, the council reports for the community satisfaction survey provide analysis using these standard council groupings. Please note that councils participating across 2012-2022 vary slightly.

Council Groups

Ballarat City Council is classified as a Regional Centres council according to the following classification list:

- Metropolitan, Interface, Regional Centres, Large Rural & Small Rural.

Councils participating in the Regional Centres group are:

- Ballarat, Greater Bendigo, Greater Geelong, Horsham, Latrobe, Mildura, Wangaratta, Warrnambool and Wodonga.

Wherever appropriate, results for Ballarat City Council for this 2022 State-wide Local Government Community Satisfaction Survey have been compared against other participating councils in the Regional Centres group and on a state-wide basis. Please note that council groupings changed for 2015, and as such comparisons to council group results before that time can not be made within the reported charts.

Appendix B: 2012 survey revision



The survey was revised in 2012. As a result:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local councils, whereas previously it was conducted as a 'head of household' survey.
- As part of the change to a representative resident survey, results are now weighted post survey to the known population distribution of Ballarat City Council according to the most recently available Australian Bureau of Statistics population estimates, whereas the results were previously not weighted.
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As such, the results of the 2012 State-wide Local Government Community Satisfaction Survey should be considered as a benchmark. Please note that comparisons should not be made with the State-wide Local Government Community Satisfaction Survey results from 2011 and prior due to the methodological and sampling changes. Comparisons in the period 2012-2022 have been made throughout this report as appropriate.

Appendix B: Core, optional and tailored questions



Core, optional and tailored questions

Over and above necessary geographic and demographic questions required to ensure sample representativeness, a base set of questions for the 2022 State-wide Local Government Community Satisfaction Survey was designated as 'Core' and therefore compulsory inclusions for all participating Councils.

These core questions comprised:

- Overall performance last 12 months (Overall performance)
- Value for money in services and infrastructure (Value for money)
- Contact in last 12 months (Contact)
- Rating of contact (Customer service)
- Overall council direction last 12 months (Council direction)
- Community consultation and engagement (Consultation)
- Decisions made in the interest of the community (Making community decisions)
- Condition of sealed local roads (Sealed local roads)
- Waste management

Reporting of results for these core questions can always be compared against other participating councils in the council group and against all participating councils state-wide. Alternatively, some questions in the 2022 State-wide Local Government Community Satisfaction Survey were optional. Councils also had the ability to ask tailored questions specific only to their council.

Appendix B: Analysis and reporting



Reporting

Every council that participated in the 2022 State-wide Local Government Community Satisfaction Survey receives a customised report. In addition, the State government is supplied with this State-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all council areas surveyed, which is available at:

<https://www.localgovernment.vic.gov.au/our-programs/council-community-satisfaction-survey>

Tailored questions commissioned by individual councils are reported only to the commissioning council and not otherwise shared unless by express written approval of the commissioning council.

Appendix B: Glossary of terms



Core questions: Compulsory inclusion questions for all councils participating in the CSS.

CSS: 2022 Victorian Local Government Community Satisfaction Survey.

Council group: One of five classified groups, comprising: metropolitan, interface, regional centres, large rural and small rural.

Council group average: The average result for all participating councils in the council group.

Highest / lowest: The result described is the highest or lowest result across a particular demographic sub-group e.g. men, for the specific question being reported. Reference to the result for a demographic sub-group being the highest or lowest does not imply that it is significantly higher or lower, unless this is specifically mentioned.

Index score: A score calculated and represented as a score out of 100 (on a 0 to 100 scale). This score is sometimes reported as a figure in brackets next to the category being described, e.g. men 50+ (60).

Optional questions: Questions which councils had an option to include or not.

Percentages: Also referred to as 'detailed results', meaning the proportion of responses, expressed as a percentage.

Sample: The number of completed interviews, e.g. for a council or within a demographic sub-group.

Significantly higher / lower: The result described is significantly higher or lower than the comparison result based on a statistical significance test at the 95% confidence limit. If the result referenced is statistically higher or lower then this will be specifically mentioned, however not all significantly higher or lower results are referenced in summary reporting.

State-wide average: The average result for all participating councils in the State.

Tailored questions: Individual questions tailored by and only reported to the commissioning council.

Weighting: Weighting factors are applied to the sample for each council based on available age and gender proportions from ABS census information to ensure reported results are proportionate to the actual population of the council, rather than the achieved survey sample.

**THERE ARE
OVER
6 MILLION
PEOPLE IN
VICTORIA...**

**FIND OUT
WHAT THEY'RE
THINKING.**

 **Contact us**
03 8685 8555

 **Follow us**
@JWSResearch

John Scales
Founder
jscales@jwsresearch.com

Mark Zuker
Managing Director
mzucker@jwsresearch.com

Katrina Cox
Director of Client Services
kcox@jwsresearch.com



8.5. AMENDMENT TO ROCK BALLARAT STRATEGIC PARTNERSHIP

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

PURPOSE

1. To consider the request from SBK Events for an amendment to the current three-year Strategic Partnership funding agreement for the Rock Ballarat event.
2. In recognition of the restrictions on events due to COVID-19, SBK Events has requested that Council extend the term of the existing partnership agreement by one year and reallocate the unspent 2021/22 funding of \$15,000 to the 2022/23 financial year, therefore enabling SBK Events to host the third and final event of the three-year agreement.

BACKGROUND

3. Rock Ballarat is a weekend long rockabilly festival typically scheduled for February each year in Ballarat and is themed around 1950's rockabilly nostalgia. Rock Ballarat showcases rockabilly and rock 'n' roll culture through car displays, dancing, live music, food vendors and product stalls staged in the Civic Hall, Mining Exchange and Armstrong Street North.
4. Rock Ballarat is a commercial event registered to SBK Events Pty Ltd, which was established in 2019 and is currently in a three-year Strategic Partnership with the City of Ballarat for delivery of the event. At the Council meeting held 20 November 2019, Council adopted Resolution R305/19;

Approve a three-year Strategic Partnership Grant to SBK Events Pty Ltd for the Rock Ballarat, Rock 'n' Roll Rockabilly Festival, with a total commitment of \$60,000 (ex GST) over the life of this agreement, in accordance with the following payment schedule;

Year 1 – 2019/20 \$25,000

Year 2 – 2020/21 \$20,000

Year 3 – 2021/22 \$15,000

Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program, conditions include but are not limited to;

a. Strategic Partnership funding recipients are required to enter into a Funding Agreement with Council that outlines specific program delivery expectations, reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures.

b. Unless otherwise approved, a signed acquittal report must be submitted to Council annually. Organisations who fail to provide an acquittal report where required to do so, will not receive final payment and will be ineligible for any further funding from Council.

5. Due to COVID-19 restrictions to the conduct of large-scale events, SBK Events were unable to deliver the 2022 Rock Ballarat event. Whilst restrictions eased during the early periods of 2022, this provided insufficient time or confidence, for organisers to develop and deliver the event in February 2022.
6. Organisers have requested to defer the funding for 2021/22 and to provide this allocation of funds for 2022/23. This will extend the overall agreement by one additional year whilst maintaining the three years of Council funding as per Resolution R305/19. The requested Council funding schedule would be as follows;

Year 1 – 2019/20	\$25,000	(event and payment completed)
Year 2 – 2020/21	\$20,000	(event and payment completed)
Year 3 – 2021/22		No Funding provided
Year 4 – 2022/23	\$15,000	

KEY MATTERS

7. The Event industry has been heavily affected by the effects of COVID-19. Holding over the 2021/22 funding for Rock Ballarat and moving it to an extended fourth year may provide a funding pathway of recovery for the event now that COVID restrictions have largely eased, and large mass gatherings can once again be held.

OFFICER RECOMMENDATION

8. That Council:

8.1 Amend the current Strategic Partnership funding agreement with SBK Events for the delivery of the Rock Ballarat events; specifically;

- 8.1.1 Acknowledge the unallocated funding from the 2021/2022 financial year; and allocate funding from Strategic Partnership funding budget in the 2022/23 financial year.
- 8.1.2 Extend the term of the three-year agreement by one additional year and adopt the payment schedule;

Year 1 – 2019/20	\$25,000	(event and payment completed)
Year 2 – 2020/21	\$20,000	(event and payment completed)
Year 3 – 2021/22		No Funding provided
Year 4 – 2022/23	\$15,000	

ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]
2. 2022 - Rock Ballarat - Request to change Strategic Support [8.5.2 - 1 page]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report supports the Council Plan goals of prosperity by providing a Strategic Partnership to a home-grown event that will provide a significant economic benefit to the city through the execution of the event.
2. The event is in line with the City of Ballarat Event Strategy 2018 – 2028.
3. The event is in line with the City of Ballarat Grants Policy.

COMMUNITY IMPACT

4. The event will provide an opportunity for community participation and will increase community pride as a host city for this event.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

5. No implications have been identified.

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. Due to the impact of COVID-19 the event organisers are seeking an amendment to their funding agreement to ensure they are able to maintain economic sustainability into the future.

FINANCIAL IMPLICATIONS

7. Funding for this Strategic Partnership agreement is drawn from the Tourism Events Grant Program budget. If the request by SBK Events to receive the 2021/22 funding in 2022/23 is supported by Council, payment will be allocated from the current 2022/23 Grants budget.

LEGAL AND RISK CONSIDERATIONS

8. Amendment to this strategic partnership does not present any legal or risk considerations for Council. If the request by SBK Events to receive the 2021/22 funding in 2022/23 is supported by Council, officers will facilitate a variation to the Funding Agreement.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

10. No implications have been identified.

OFFICIAL

OFFICIAL

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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



SBK EVENTS
Ballarat Central
Victoria, Australia, 3350
Phone: 0401 540 911
Email: info@rockballarat.com.au

To Jeff Johnson,

SBK Events would like to formally request an extension of our Strategic Partnership with the City of Ballarat. Due to Covid Restrictions we were unable to continue with Rock Ballarat in February 2022, and with the proliferation of events that have occurred since that time, we have been unable to run an event within the financial year.

As such, our focus is now on the 2023 Rock Ballarat Event. We have secured our venues for February 11, 12 & 13, 2023 and are building our partnerships, entertainment & infrastructure to be able to bring Rockabilly back to Ballarat in all it's glory. We hope to be able to recover our losses from the last 2 years, and build a sustainable event with the implementation of key changes to what is already a well founded and popular weekend.

The above focus on 2023 relies on the extending current strategic partnership with the City of Ballarat (due to end on the 30th of June, 2022) to the 30th of June 2023. This will allow SBK Events to hire the spaces we believe are required to follow through with our plans and run the Street Party that Rock Ballarat is known for.

We do hope that the City of Ballarat looks favourably on our request, and look forward to your response. Please do not hesitate to reach out if any further information is required.

With Thanks & Kind Regards,

STEVIE

A handwritten signature in black ink, appearing to be 'Stevie'.

8.6. TRIAL OF REUSABLE CLOTH NAPPY AND REUSABLE SANITARY PRODUCT SCHEME

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

PURPOSE

1. To provide Council with feedback of the first 6 months of the rebate.
2. Seek Council support for allocating additional funds and continuing the Cloth Nappy and Reusable Sanitary product trial scheme which is finished on 31 August 2022.

BACKGROUND

3. Council, at its meeting held on 23 February 2022 resolved to trial a Cloth Nappy and Reusable Sanitary product rebate for City of Ballarat residents for a period of six months commencing 1 March 2022.

KEY MATTERS

4. A \$30,000 budget was allocated to the six-month trial and as at 23 August 2021 a total of 501 applications had been received with 419 approved to receive rebate funding.
5. Of the 501 applications, 296 were for sanitary products, 172 nappies and 33 for breast pads.
6. The total resident spend equated to \$51.1k with an approved rebate amount paid of \$23.3k, with \$6.7k rebate funding remaining.
7. Council Officers recommend allocating an additional \$30k and continuing with the program to the end of FY 23 under the same conditions and terms.
8. It is further considered that a review be undertaken within Council's broader approach to waste management when the Waste Strategy is reviewed later this financial year as this will provide an opportunity to consider the ongoing future of the program at this time.

OFFICER RECOMMENDATION

9. That Council:

9.1 Note the summary of the first 6 months operation of the Reusable Cloth Nappy and Reusable Sanitary Product Scheme;

9.2 Endorse the continuation of the scheme to the end of FY22/23 via the allocation of an additional \$30k from the FY21/22 positive variance.

ATTACHMENTS

1. Governance Review [**8.6.1** - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Council Plan Alignment: Continuous improvement in our landfill management practices.

COMMUNITY IMPACT

2. Support the community and business to reduce waste generation.
3. Support community driven sustainability initiatives.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. This initiative will provide a reduced environmental impact compared to disposable nappies and disposable sanitary pads.
5. Studies have shown that reusable nappies and pads reduce the environmental impact when compared to disposal nappies.

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. Initiatives and priorities from our Carbon Neutrality Plan to improve sustainability practices in Council's core business and operations.

FINANCIAL IMPLICATIONS

7. Additional budget of \$30,000 for the extended trial period.
8. Rebate for 50% of purchase price up to a maximum of \$100 per household.

LEGAL AND RISK CONSIDERATIONS

9. There are no legal and risk considerations arising from this report.

HUMAN RIGHTS CONSIDERATIONS

10. 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

11. Council's media unit will promote this initiative.

GENDER EQUALITY ACT 2020

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

OFFICIAL

OFFICIAL

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

8.7. TENDER 2021/22 - 753 HER MAJESTY'S THEATRE STAGE 3 - AWARDING CONSTRUCTION TENDER

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Dan Farrar – Project Manager

PURPOSE

1. To seek Council resolution to enter into Contract Number 2021/22-753 for the provision of Her Majesty's Theatre Stage 3 works with A.W. Nicholson Pty Ltd for the tender sum of \$11,909,623 (ex GST) plus a \$25,000 provisional sum (ex GST) for a total of \$11,934,623 (ex GST). The contract term is for 18 months with the provision of 1 year defects liability period.
2. To advise Council that the budget shortfall for this project will be referred for funding to the budget review process which will occur when the 2021/22 year-end carryover is considered.

BACKGROUND

3. Her Majesty's Theatre Stage 3 works are an integrated package of refurbishment and upgrades works that address the following identified priorities:
 - 3.1. Improving accessibility.
 - 3.2. Improving operational safety and compliance for audience, performers and staff.
 - 3.3. Improving functionality.
4. The scope of the contract involves the following works:
 - 4.1. Demolition / reconstruction of new North Fire Stair.
 - 4.2. Demolition and reconstruction of the external Stalls Fire Stair.
 - 4.3. Supply & installation of 2 x passenger lifts (Front of House & Back of House).
 - 4.4. Refurbishment to the Front of House.
 - 4.5. Reconfiguration & Refurbishment of the Administration area.
 - 4.6. Upgrades to the Fire detection and protection.
 - 4.7. Accessibility compliance upgrades.
 - 4.8. Limited Services upgrades.
 - 4.9. Amenity upgrades.

KEY MATTERS

5. Three (3) tenderers were invited to Tender following Expression Of Interest 2021/22-305E. Two (2) tenderers withdrew from the final tender process and only one (1) tender submission was received.
6. The recommended submission demonstrates extensive company experience and performance in projects of similar value and complexity.
7. The recommended submission shows an experienced project and construction team allocated to the project.
8. The project is funded by the Victorian Government represented by Regional Development Victoria (RDV) and the City of Ballarat.

9. The existing project budget allocation including contingency is \$11,163,000. The required project budget following the tender process and associated value management exercise is \$14,799,533.
10. An identified project budget shortfall of \$3,636,533 will be referred to the next budget review process, when the 2021/22 year end carryover is considered.

OFFICER RECOMMENDATION

11. That Council:

11.1. Recommends that the identified budget shortfall for this project be funded from 2021/22 year-end surplus (pending approval of the allocation of funds).

11.2. Resolves to enter into Contract Number 2021/22-753 for the provision of Her Majesty's Theatre Stage 3 works with A.W. Nicholson Pty Ltd for the tender sum of \$11,909,623 (ex GST) plus a \$25,000 provisional sum (ex GST) for a total of \$11,934,623 (ex GST). The contract term is for a period of 18 months with the provision of 1 year defects liability period.

11.3. Authorises the Chief Executive Officer to:

11.3.1. finalise the terms of Contract Number 2021/22-753 with the Contractor, provided that those contract terms are consistent with paragraph 15.2 of this Resolution; and

11.3.2. execute Contract Number 2021/22-753 on behalf of Council.

ATTACHMENTS

1. 2021 22 753 Governance Review [8.7.1 - 2 pages]

OFFICIAL: Sensitive

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The project supports the Council Plan goals of prosperity and livability by providing -
 - a. A welcoming, inclusive, active and socially connected city for all ages and abilities
 - b. Safe and accessible community spaces and facilities
 - c. A built environment that is reflective of the community's needs and aspirations and respects our heritage.

COMMUNITY IMPACT

2. Her Majesty's Theatre Stage 3 works are an integrated package of refurbishment and upgrades that address the following identified priorities:
 - a. Improving accessibility.
 - b. Improving operational safety and compliance for audience, performers and staff.
 - c. Improving functionality.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. Award of this contract does not have any identifiable environmental implications in and of itself.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. Approximately 67% (\$8,065,042.25) of the total contract value will utilise labour, material, plant and equipment sourced from within the defined group of local municipalities.

FINANCIAL IMPLICATIONS

5. The Conservation Works are a core scope item of the Project as defined by the project deliverables outlined in the Project Charter.
6. The Stage 3 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 Rural Development Victoria (RDV) and the City of Ballarat.
7. Following a value management process in conjunction with the design team and preferred tenderer, a total of \$453,821 of project items were identified and approved for removal from the tender. The removed components are on items of work that will not impact the Heritage Victoria permit, the funding agreement with RDV or the function of the building.
8. The project is funded by Regional Development Victoria and City of Ballarat.
9. Following value management the total project cost will be \$14,799,533. This total cost is \$3,636,533 above the current overall available funding of \$11,163,000.

OFFICIAL: Sensitive

OFFICIAL: Sensitive

10. The additional funds required to complete the project have been referred to the 2021/22 year end carryover process for identification of funding.

LEGAL AND RISK CONSIDERATIONS

11. Award of this contract does not have any significant effect on the Council's risk profile. Failure to award this contract could expose Council to significant reputational risk with both the local community and the State Government.
12. A Risk Management Plan has been developed and will be reviewed by the Project Control Group at each scheduled meeting where appropriate.
13. The contractor is to carefully consider the heritage requirements and values of the historical and architecturally significant building.

HUMAN RIGHTS CONSIDERATIONS

14. 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

15. Consultation with user groups has been managed through the Community Wellbeing division.
16. User groups will continue to be consulted throughout the project construction period and will be provided with regular updates regarding project progress where appropriate.

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

19. Not applicable.

OFFICIAL: Sensitive

8.8. TENDER 2021/22 - 714 URBAN FOREST PROJECT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Luke Ives - Executive Manager Operations

PURPOSE

1. To award Contract Number 2021/22-714 for the provision of Urban Forest Project Street Tree Planting with ELZUK Enterprises Pty Ltd for the sum of \$2,166,000 (ex GST).
2. The contract Term is for three (3) years with the provision of two (2) by one (1) year extensions at Councils sole discretion.

BACKGROUND

3. The City of Ballarat manages approximately 120,000 trees across the municipality. In March 2019, Council released the Urban Forest Action Plan which identified suburbs lacking canopy cover and street trees. These suburbs across Ballarat have been the focus of the Urban Forest Planting Program and an annual program has been developed to increase the canopy cover by 40% by 2040.

KEY MATTERS

4. The tender was advertised in The Ballarat Times News Group, Council's Website and eProcure on the 14 April 2022 and closed on 4th May 2022 with 5 tender submissions received.
5. The evaluation panel met on 18 May 2022 and assessed tenders received. To determine a VFM score the submissions were assessed based on the supply of 1000+ trees annually using the 5th year contract rate as provided in the tenderers schedule of rates.
6. ELZUK Enterprises provided the best VFM, combined with previous work experience and works completed, the evaluation panel recommend the awarding of the Urban Forest Project Street Tree Planting contract to ELZUK Enterprises PTY LTD.

OFFICER RECOMMENDATION

7. That Council:

- 7.1 Resolves to enter into Contract Number 2021/22-714 for the provision of Urban Forest Project 2022 Street Tree Planting with ELZUK Enterprises Pty Ltd for the \$2,166,000 (ex GST). The contract Term is for three (3) years with the provision of two (2) by (1) year extensions at the Council's sole discretion.

7.2 Authorises the Chief Executive Officer to:

- a. finalise the terms of Contract Number 2021/22-714 with the Contractor, provided that those contract terms are consistent with paragraph 8.1 of this Resolution; and
- b. execute Contract Number 2021/22-714 on behalf of Council.

ATTACHMENTS

1. Governance Review [8.8.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The report supports Council Plan Objectives to be a city that conserves and enhances our natural and built assets. And,
2. Supports Communities to be adaptive and resilient to climate change by undertaking an annual tree planting program to meet the target of 40 per cent canopy cover by 2040 as part of the Urban Forest Action plan.

COMMUNITY IMPACT

3. Ballarat's urban trees play an important role in the future liveability, resilience and sustainability of our city. Through their many benefits such as shading, stormwater interception and provision of habitat for wildlife, the hundreds of thousands of trees and associated vegetation across our urban area form Ballarat's Urban Forest.
4. The Urban Forest Action Plan brings together community aspirations to protect and enhance whilst maintaining a healthy, resilient and thriving Urban Forest.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

5. Planting trees in an urban setting has many beneficial factors, such as:
 - Cooling effect
 - Conserve energy
 - Carbon sink
 - Absorb pollutants
 - Value adding to properties
 - Noise barrier
 - Air filtering qualities
 - Provide habitat
 - Provide shade
 - Reduction in wind speed
 - Reduced runoff
 - Increased aesthetics
 - Decrease in mental health issues

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. This tender contract will benefit both the City of Ballarat and the successful contractor awarded the tender. It will also benefit the community of Ballarat and get us closer to achieving our goal of 40% canopy cover by 2040.

FINANCIAL IMPLICATIONS

7. Budget allocations of \$500,000 per annum have been included to commence in the FY22/23 budget ongoing for a 5-year period.
8. The above budget allocation will be reviewed as part of the annual budget process to ensure future year budget allocations.

OFFICIAL

OFFICIAL

LEGAL AND RISK CONSIDERATIONS

9. It is considered there are no legal and risk implications identified for the subject of this report.

HUMAN RIGHTS CONSIDERATIONS

10. 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

11. The community have been engaged in this project since 2015. In 2017 Council released the discussion paper, *Our Living City*. In January 2019, Council released the draft Urban Forest Action Plan which was finalised in March 2019.

GENDER EQUALITY ACT 2020

12. It is considered there are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

8.9. ROAD NAMING PROPOSAL - KUNUWARRA DRIVE, LAKE GARDENS

Division: Corporate Services
Director: John Hausler
Author/Position: Rod Leith – Manager Revenue and Procurement Services

PURPOSE

1. This report seeks Council endorsement to name an unnamed entrance road to the Prince of Wales Reserve, off Gillies Street, Lake Gardens as Kunuwarra Drive.
2. This proposal will provide accurate street addressing for the seven sporting facilities within the precinct to ensure effective incident management and public safety.

BACKGROUND

3. In accordance with the *Geographic Place Names Act 1998*, any changes to roads including name changes must undergo a period of public notice and consultation.
4. Council is the naming authority for the majority of roads and features within the Municipality. Naming is conducted in accordance with the *Geographic Place Names Act 1998*.
5. Council received a request to name the unnamed road at Prince of Wales Reserve from Ambulance Victoria. The nature of the activities operating in the precinct increases the likelihood of an emergency occurring and the need for a specific address location to be determined.

KEY MATTERS

6. City of Ballarat is committed to reconciliation, working positively today and into the future with the Wadawurrung (Traditional Owners) and other Aboriginal and Torres Strait Islander community members to learn, acknowledge and move forward together.
7. In continuing this commitment, it is proposed that the unnamed roadway within the Prince of Wales Reserve be named **Kunuwarra Drive** (pronounced Koo-noo-warrah).
8. The name Kunuwarra is deemed appropriate as the name translates to 'black swan' in native Wadawurrung language and is supported by the Wadawurrung Traditional Owners Aboriginal Corporation.
9. Public notice was undertaken from 4 May to 17 June 2022 in accordance with the *Geographic Place Names Act 1998* inviting comment on the proposal.
10. Three submissions supporting the proposal were received.
11. One submission included a comment about how in an emergency situation a property identifier should be unique in the entire state of Victoria. The need for specific address locations to be determined for the seven sporting facilities is of upmost concern to Council in this matter, and each sporting facility will receive a unique address that is displayed clearly.

12. This proposal will remove the potential for confusion for emergency services and other essential services.
13. Further investigation by Council Officers has shown that the proposed name is not used elsewhere in the state of Victoria.
14. If Council endorses the road name of Kunuwarra Drive, the naming proposal will be formally lodged with Geographic Names Victoria, who will consider the proposal and if compliant Gazette the new name.
15. Once Gazetted, Council will notify all occupiers and install signage.

OFFICER RECOMMENDATION

16. That Council:

- 16.1 **Endorse the proposal to name the unnamed roadway at Prince of Wales Reserve, Lake Gardens, as Kunuwarra Drive.**
- 16.2 **Delegate to the Chief Executive Officer the Authority to complete all relevant steps pursuant to the Geographic Place Naming Procedures to formalise this change.**

ATTACHMENTS

1. Governance Review [8.9.1 - 2 pages]
2. Map Naming Proposal NP236 Kunuwarra Drive Lake Gardens [8.9.2 - 1 page]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. City of Ballarat Council Plan 2021-2025
2. Reconciliation Action Plan 2019-2021

COMMUNITY IMPACT

3. The Prince of Wales Reserve is a prime recreation precinct and the naming the access road to all facilities in that precinct will have a positive impact.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. It is considered that the report does not have any implications on climate emergency and environmental sustainability.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. It is considered that the report does not have any Economic Sustainability implications.

FINANCIAL IMPLICATIONS

6. Resourcing and the administration costs of the name change process are included within the 2022/23 budget.

LEGAL AND RISK CONSIDERATIONS

7. The unnamed road currently provides confusion for emergency services and the naming of the road will provide clarity in an emergency situation.

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. As required under the Naming rules for places in Victoria 2022, all occupiers, including sporting groups, within the Prince of Wales Reserve precinct were consulted.
10. Also, as required under the Naming rules for places in Victoria 2022, the naming proposal was publicly advertised between 4th May 2022 and 17th June 2022, inviting submissions both for and against.
11. Council also consulted with the Wadawurrung Traditional Owners Aboriginal Corporation.

OFFICIAL

OFFICIAL

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

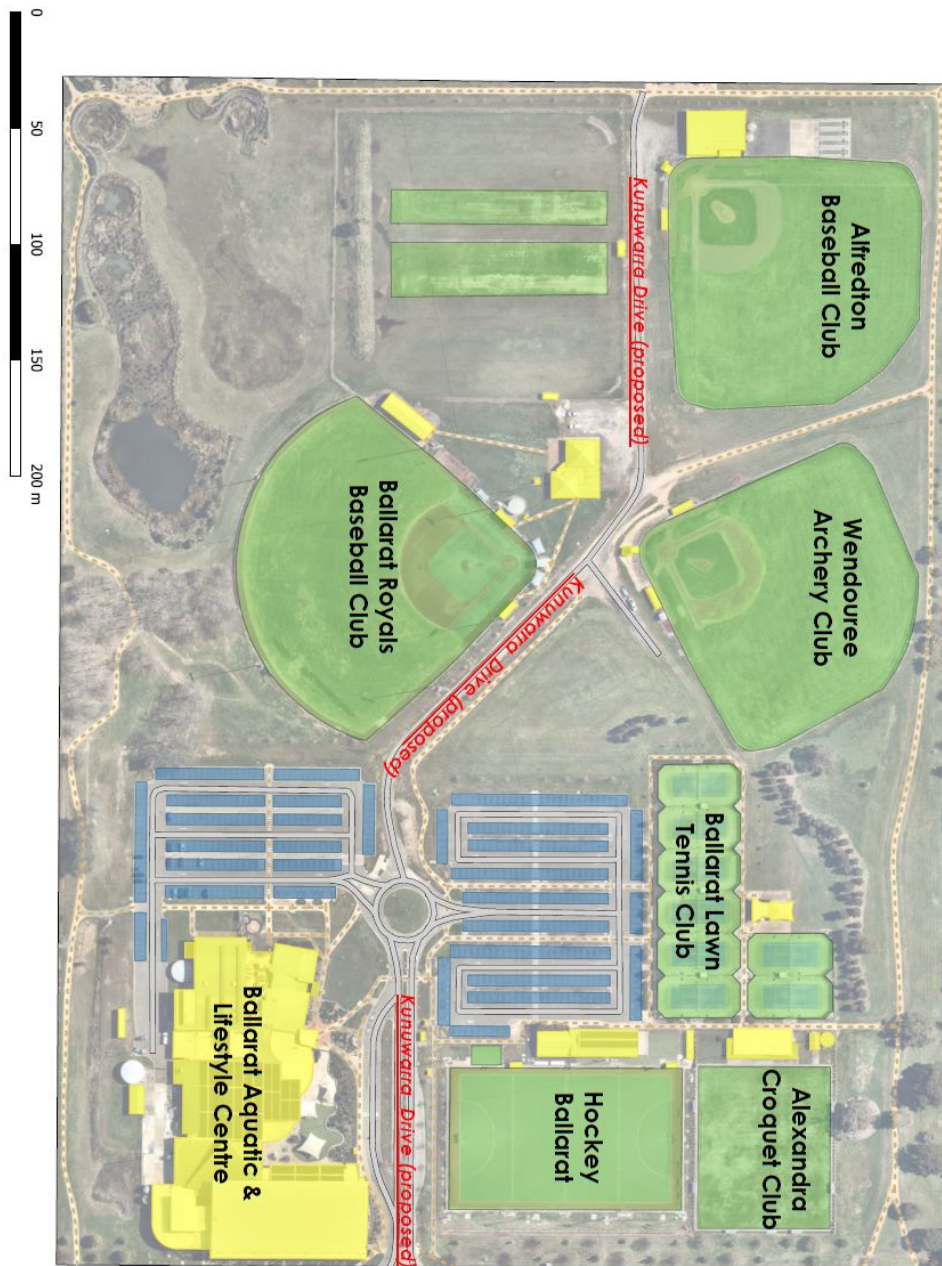
(For Contracts Only)

OFFICIAL

OFFICIAL

Road Naming Proposal NP236 – Kunuwarra Drive, Lake Gardens

The following map details the proposed change in street names and the site layout of the sporting facilities within the Prince of Wales Reserve Precinct.



Prince of Wales Recreation Reserve

OFFICIAL

8.10. ROAD NAMING PROPOSAL - NYANINYUK ROAD, GLENDARUEL

Division: Corporate Services
Director: John Hausler
Author/Position: Rod Leith, Manager Revenue and Procurement

PURPOSE

1. The report proposes to name an unnamed roadway that runs east from Coghills Creek Road, Glendaruel, opposite Coutts Road, to Fentons Road, as Nyaninyuk Road.
2. The unnamed road forms part of the boundary between City of Ballarat and Hepburn Shire Council.
3. The unnamed road is unofficially known as Coutts Road, however this name is not valid and has only been assigned temporarily for the benefit of Emergency Services.
4. Naming the unnamed roadway will create a single, unobscured and unobstructed roadway that has a start and end point, enabling clear and logical numbering.
5. In accordance with the *Geographic Place Names Act 1998*, any changes to roads, including name changes, must undergo a period of public notice and consultation.

BACKGROUND

6. Council is the naming authority for the majority of roads and features within the Municipality. Naming is conducted in accordance with the *Geographic Place Names Act 1998*.
7. Council received a request to name the unnamed road from a property owner who had concerns about emergency services identifying their property in an emergency and submitted the proposed name, Nyaninyuk, for consideration.
8. This proposal will provide accurate rural road numbering addresses for the properties on the road reserve.
9. Hepburn Shire Council has been notified of the intent to name the road reserve and are supportive of City of Ballarat undertaking this process.

KEY MATTERS

10. City of Ballarat is committed to reconciliation, working positively today and into the future with the Dja Dja Wurrung (Traditional Owners) and other Aboriginal and Torres Strait Islander community members to learn, acknowledge and move forward together.
11. In continuing this commitment, the proposed name, **Nyaninyuk Road** (pronounced Nah-nin-nook), was submitted to Traditional Owner Groups for consideration.
12. The name Nyaninyuk is deemed appropriate as the name translates as the Traditional name for Mt Beckworth in native Dja Dja Wurrung language. The proposed name

translates to the mountains back of the neck – nyani being 'neck, nape, back of the neck' and -nyuk being 'his, her, its'. The name is supported by the Dja Dja Wurrung Clans Aboriginal Corporation.

13. Public notice was undertaken from 12 July to 19 August 2022 in accordance with the *Geographic Place Names Act 1998*, inviting comment on the proposal.
14. Eleven submissions supporting the proposal were received.
15. One submission, which supported the idea of using an indigenous name, included a comment questioning if the name was too literal as the road does not intersect with the back of Mount Beckworth.
16. This naming proposal will remove the potential for confusion for emergency services and other essential services.
17. Further investigation by Council Officers has shown that the proposed name is not used elsewhere in the state of Victoria.
18. If Council endorses the road name of Nyaninyuk Road, the naming proposal will be formally lodged with Geographic Names Victoria, who will consider the proposal and if compliant Gazette the new name. Officers will also notify Hepburn Shire Council of the lodging of the proposal.
19. Once Gazetted, affected property owners, occupiers the Hepburn Shire Council and Dja Dja Wurrung will be notified, and signage will be installed.

OFFICER RECOMMENDATION

20. That Council:

- 20.1 Endorse the proposal to name the unnamed road in Glendaruel, as Nyaninyuk Road.
- 20.2 Authorise the Chief Executive Officer to complete all relevant steps pursuant to the Geographic Place Naming Procedures to formalise this change.

ATTACHMENTS

1. Governance Review [8.10.1 - 2 pages]
2. Map - Road Naming Proposal N 237 - Nyaninyuk [8.10.2 - 1 page]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. City of Ballarat Council Plan 2021-2025
2. Reconciliation Action Plan 2019-2021

COMMUNITY IMPACT

3. The naming of an unnamed road will have a positive impact to the owners and occupiers of properties in the vicinity.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. It is considered that the report does not have any implications on climate emergency and environmental sustainability.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. It is considered that the report does not have any Economic Sustainability implications.

FINANCIAL IMPLICATIONS

6. Resourcing and the administration costs of the name change process are included within the 2022/23 budget.

LEGAL AND RISK CONSIDERATIONS

7. The unnamed road currently provides confusion for emergency services and the naming of the road will provide clarity in an emergency situation.

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. As required under the Naming rules for places in Victoria 2022, the naming proposal was advised to all owners and occupiers, inviting submissions both for and against.
10. As required under the Naming rules for places in Victoria 2022, the naming proposal was publicly advertised between 12 July and 19 August 2022, inviting submissions.
11. Council also consulted with the Dja Dja Wurrung Clans Aboriginal Corporation

OFFICIAL

OFFICIAL

GENDER EQUALITY ACT 2020

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

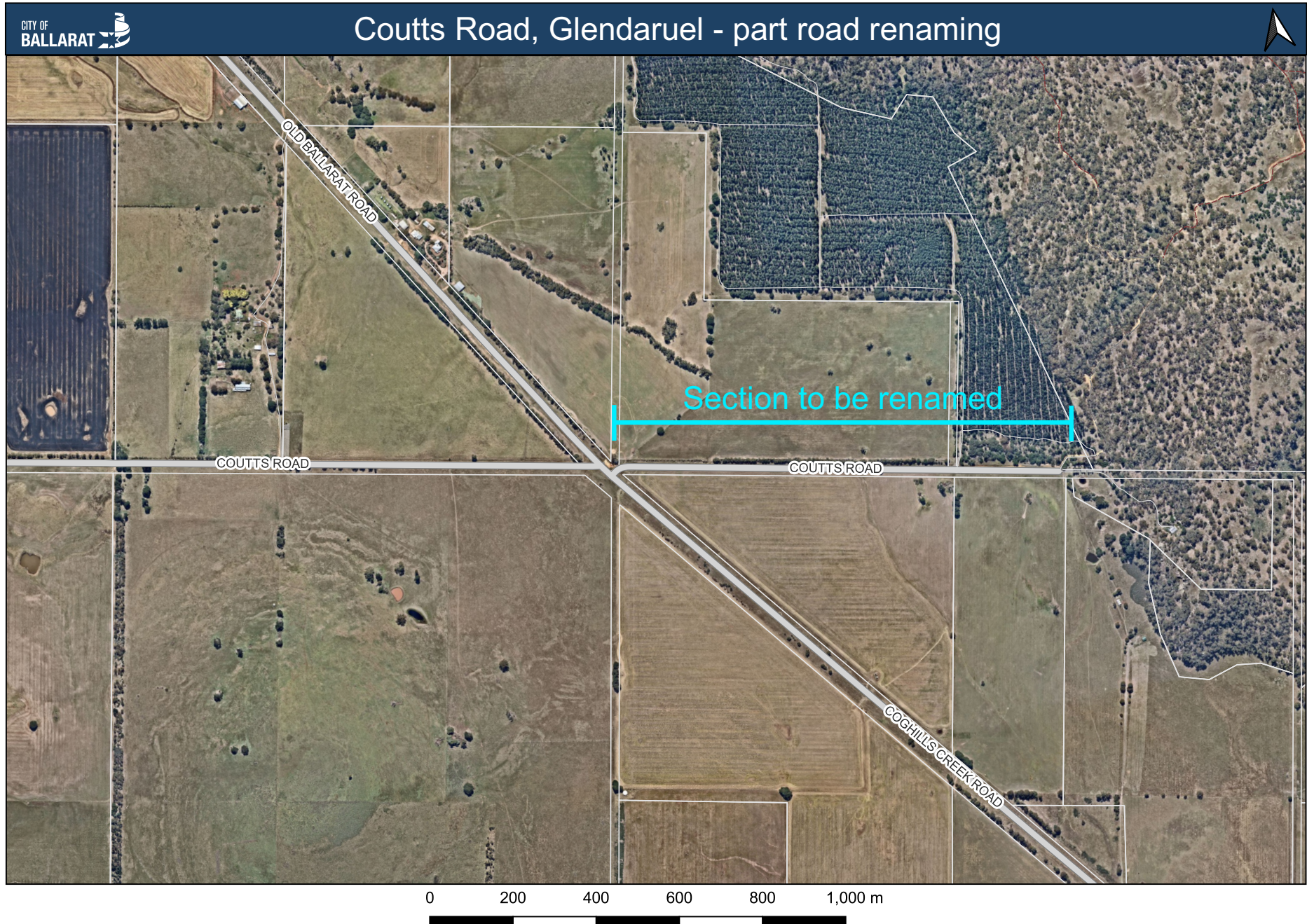
CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL



8.11. AUDIT AND RISK COMMITTEE BIENNIAL REPORT

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. To present Council with the Audit and Risk Committee's Biennial Report for the period 1 January 2022 to 30 June 2022.

BACKGROUND

2. The Biennial report provides the details of activities and progress of the Audit and Risk Committee against the endorsed workplan for the period 1 January 2022 to 30 June 2022.
3. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

KEY MATTERS

4. In accordance with Section 54(5) of the *Local Government Act 2020*, the Audit and Risk Committee is required to:
 - Prepare a Biennial Audit and Risk Report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
 - Provide a copy of the Biennial Audit and Risk Report to the Chief Executive Officer for tabling at the next Council meeting.

OFFICER RECOMMENDATION

5. That Council:

- 5.1 Receive and note the Audit and Risk Committee Biennial report for the period 1 January 2022 to 30 June 2022.**

ATTACHMENTS

1. Governance Review [8.11.1 - 2 pages]
2. Biennial report to Council June 2022 [8.11.2 - 10 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Audit and Risk Committee Biannual report is a statutory requirement of the *Local Government Act 2020* (the Act); and links to the Council Plan; Accountability.

COMMUNITY IMPACT

2. It is considered that the report does not have any community impact implications.

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. In accordance with S54(5) of the Act, the Audit and Risk Committee is required to prepare a Biannual Audit and Risk Committee Report.
7. The report complies with the Act.

HUMAN RIGHTS CONSIDERATIONS

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

COMMUNITY CONSULTATION AND ENGAGEMENT

9. No community consultation and engagement is required for the subject of this report.

GENDER EQUALITY ACT 2020

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

OFFICIAL

OFFICIAL

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

Audit and Risk Committee

Biannual Report January – June 2022

OFFICIAL



In accordance with Part 2, Division 8, clause 54 (5) of the *Local Government Act 2020*, the Audit and Risk Committee presents its biannual audit and risk report that describes the activities of the Audit and Risk Committee (Committee). This report is for the period January to June 2022.

The Committee's activities for the reporting period are summarised below:

Area of Focus	Outcome																		
Compliance and Legislative Requirements																			
Overarching governance principles and Local Government Act 2020	The report was presented to the 2 March 2022 Committee meeting which provided a summary of the outstanding <i>Local Government Act 2020</i> implementation actions and their status. The report detailed the below information:																		
	<table><tr><th>Task</th><th>Status</th><th>Due Date</th></tr><tr><td>Chief Executive Officer Employment and Remuneration Policy</td><td>Adopted at the 15 December 2021 Council Meeting</td><td>31 December 2021</td></tr><tr><td>Workforce Plan</td><td>Approved by the CEO</td><td>31 December 2021</td></tr><tr><td>Recruitment Policy</td><td>Approved by the CEO</td><td>31 December 2021</td></tr><tr><td>Staff Code of Conduct</td><td>Approved by the CEO</td><td>31 December 2021</td></tr><tr><td>Asset Management Plan</td><td>Progressing</td><td>30 June 2022</td></tr></table>	Task	Status	Due Date	Chief Executive Officer Employment and Remuneration Policy	Adopted at the 15 December 2021 Council Meeting	31 December 2021	Workforce Plan	Approved by the CEO	31 December 2021	Recruitment Policy	Approved by the CEO	31 December 2021	Staff Code of Conduct	Approved by the CEO	31 December 2021	Asset Management Plan	Progressing	30 June 2022
	Task	Status	Due Date																
	Chief Executive Officer Employment and Remuneration Policy	Adopted at the 15 December 2021 Council Meeting	31 December 2021																
	Workforce Plan	Approved by the CEO	31 December 2021																
	Recruitment Policy	Approved by the CEO	31 December 2021																
	Staff Code of Conduct	Approved by the CEO	31 December 2021																
	Asset Management Plan	Progressing	30 June 2022																
The Committee received and noted the report.																			
Consideration of the impact on Council of the outcomes of integrity body reports	Regular updates provided to the Committee on the self-assessment and learnings from findings of integrity body reports.																		
Policy and Procedure Log	An update on the review of the status of Council policies and procedures was presented to the 2 March 2022 Committee meeting. The Committee received and noted the report.																		
Councillor Expenses	The Committee received the Councillor Expenses for July – 31 December 2021 at the 2 March 2022 Committee meeting with the categories being: <ul style="list-style-type: none">• Travel Expenses• Car Mileage• Childcare• Information and Communication• Conference and Training The Committee received and noted the report.																		
Delegations	An update on the status of Council’s Instruments of Delegation was provided to the Committee on 2 March 2022. The report detailed the delegations’ names, who it was approved by (Council or CEO) and the date they were approved. The Committee received and noted the report.																		

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

Gifts Register	<p>The Committee received a report on 1 June 2022 which outlined the gifts received between October 2021 – March 2022. The report detailed a table of the following information:</p> <ul style="list-style-type: none"> • Date received • Title of Gift • Recipient Name • Recipient Department • Gift Status • Gift Type • Gift Value • Gift Accepted or Declined <p>The Committee received and noted the report.</p>
Disaster Recovery Testing and Implementation	<p>The Disaster Recovery Plan report was scheduled for the 1 June 2022 meeting but was deferred to the September 2022 meeting.</p>
HR Metrics	<p>The HR Metrics report was presented to the 1 June 2022 meeting. The report provided an update which included the below analytical data:</p> <ul style="list-style-type: none"> • Excessive leave balances • Turnover rates • Absenteeism • Recruitment • Performance Management Reviews (when applicable) • Demographical headcounts • Completion of mandatory compliance training for new employees • Gender equality actions from the Gender Equality Action Plan 2021 – 2025. <p>The Committee requested the exit survey results to be incorporated into future HR Metric reports.</p> <p>The Committee received and noted the report.</p>
Audit Recommendation Status Register	<p>The Audit Recommendation Status Register is a standing agenda item for every meeting. The report details the audit recommendations to implement and allows the Committee to monitor progress.</p> <p>At the 1 June 2022 Audit and Risk Committee, the new audit recommendations process was presented which included a demonstration and explanation of the following:</p> <ul style="list-style-type: none"> • How actioning officers and actioning owners can update their actions; • The new process to request for a revised due date; • The new reporting tool which displays the actions commenced, on track, not commenced and overdue; and • The individual workshops undertaken with actioning officers and owners to ensure they were aware of the new process. <p>The following table summarises audit recommendations and status at 30 June 2022.</p>

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

	Audit Type	Audit Title	Open at 1 January 2022	New	Open at 30 June 2022
	Internal Audit	Accounting System Architecture	3		2
		Asset Management – Buildings	17		11
		Business Continuity and IT Disaster Recovery Planning	6		6
		Follow-up: Asset Management (Roads)	1		1
		Follow-up: Developer Contributions	2		0
		Follow-up: Accounting System Architecture	2		1
		Follow-up: HR Management	7		0
		Follow-up: IT Environment	4		4
		Follow-up: Tendering and Contract Management	5		5
		Cyber Security	13		9
		Procurement	17		8
		Purchasing Cards	0	20	20
		Total	77	20	67
	Other	IBAC report	14		7
		VAGO Management Letter	10		13
		Total	24		20
		Total Number	101		87
Oversight of the monitoring activity of high-risk areas by Council	<p>The Governance and Risk Report was presented at the 2 March and 1 June Meeting. The report included:</p> <ul style="list-style-type: none"> • OHS performance data; incident reports, compensation claims, WorkSafe interactions, health and safety training conducted; • Data relating to; insurance, fleet, public liability and property claims; • Compliance with the Road Management Plan, Tree Management Plan and Play Space Management Plan; • Data on Freedom Information Requests, Privacy Breaches and regulatory body complaints; • Enterprise Risk Management Update; and • Fraud Risk Assessments within the following sites; Robert Clarke Centre, Her Majesty's Theatre, Civic Hall and the Mining Exchange. 				
Organisational Culture	<p>A progress update on the 'The Way Forward' 16 Point Action Plan was presented to the 1 June 2022 Audit and Risk Committee Meeting.</p> <p>The Committee noted the report.</p>				

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

Chief Executive Officer Report	<p>A report is provided by the Chief Executive Officer each meeting which provides at update on key items in the organisation.</p> <p><u>2 March 2022 Meeting</u></p> <ul style="list-style-type: none"> • Summary of the 15 December 2021 Council Meeting • COVID-19 update • Organisational Restructure • Electoral Structure Review <p><u>1 June 2022 Meeting</u></p> <ul style="list-style-type: none"> • Summary of the 23 March 2022 and 27 April 2022 Council Meetings • COVID-19 Update • Local Government Victoria announcing conducting Council Meeting Electronically from 2 September 2022 • Commonwealth Games <p>At the 1 June 2022 meeting, the Committee requested for a Commonwealth Games Update to be a standard item in the report.</p>
Council Financial and Performance Reporting	
Council Plan	The Council Plan Quarterly report was presented to the 1 June 2022 Audit and Risk Committee and was received and noted.
Quarterly Financial Report	The Financial Report Summary was presented to the 1 June 2022 Audit and Risk Committee and was received and noted.
Draft Annual Budget	The draft budget was presented to the Committee at the 1 June 2022 Audit and Risk Committee for feedback before Councils considered adoption of the final budget at the 22 June 2022 Council Meeting.
Asset Recognition, Valuation and Revaluation Policy/Procedure	<p>The Committee were presented with the following policies for review and feedback at the 1 June 2022 Meeting.</p> <ul style="list-style-type: none"> • Asset Capitalisation Procedure • Asset Revaluation Procedure • Disposal of Surplus Asset Procedure <p>Feedback was provided on the Asset Capitalisation Procedure and the Committee received and commended the three policies.</p>
Risk Management and Fraud Prevention	
Risk Update	<p>The Annual Risk Report was presented to the Committee on 2 March 2022. The purpose of the report was to provide the Committee with:</p> <ul style="list-style-type: none"> • The Annual Risk Report • Risk Management Policy • Procedure and Risk Appetite Statement <p>Discussion occurred and the Committee requested to review and consider feedback on how to better reflect incorporating the residual risk into future reports, including movements in risk profiles, risk owners and defining risk tolerance when not within tolerance level.</p> <p>Additionally, the Enterprise Risk Action Plan was presented to the Committee on 2 March and 1 June 2022. It was noted at the 2 March Meeting that some actions were overdue and required revised due dates.</p>

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

Annual Fraud Plan	<p>The Annual Fraud Plan and Council's Fraud and Corruption Framework was presented to the Committee on 2 March 2022. The framework relies upon a number of Council policies, plans and procedures outlined below.</p> <ul style="list-style-type: none"> • Fraud Policy • Fraud and Corruption Control Plan • Public Interest Disclosure Procedure • Employee Code of Conduct • Council Officer Gift and Hospitality Procedure • Corporate Purchase Card Procedure • Recruitment and Selection Policy • IT Acceptable Use Policy • Internal Audit Plan <p>It was noted in the report that the outcomes of the Fraud Workplace will be reported to the Audit and Risk Committee as items are complete.</p> <p>The report was received and noted by the Committee.</p>
Internal Audit	
Internal Audit Scopes	<p>There were no Internal Audit Scopes presented at the 2 March 2022 Audit and Risk Committee meeting, however the following scopes were presented at the 1 June 2022 meeting.</p> <p>Contract Management The internal audit was undertaken in the week of 4 April 2022 and the Internal Audit Scope was endorsed by the Committee out of session.</p> <p>The objective of the internal audit is to determine the level of compliance on four selected contracts.</p> <p>Developer Contributions (Finance and Assets) The internal audit commenced in the week of 27 June 2022. The objective of the internal audit was to assess the adequacy of the collection, allocation, and application of financial and asset developer contributions. The Victorian Auditor General's Office has issued a performance audit to Parliament in March 2020. The report findings will be considered as part of this review.</p> <p>Asset Management The internal audit commenced in the week of 11 July 2022. The objective of the internal audit was to assess the adequacy of the internal controls and processes in place to manage the following key stages of asset lifecycle.</p> <ul style="list-style-type: none"> • Acquisition • Operation and Maintenance • Disposal • Adequacy of implementation and monitoring of actions from recent consultants' assessment of alignment with the National Asset Management Framework (NAMAF).

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

Internal Audit Reports	<p>The Purchasing Card (including Data Analytics)</p> <p>The Internal Audit report was presented to the 1 June 2022 Committee meeting. The Internal audit was undertaken in the week of 2 December 2021 and the objective of the internal was review the adequacy of compliance with policies and procedures, data analytics and internal controls to prevent fraud and corruption. The internal audit excluded fuel cards.</p> <p>The final report provides findings and associated risk ratings and causes, Crowe recommended actions and management comments.</p> <p>The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures with a total of 20 recommendations.</p> <p>The Audit and Risk Committee accepted the report and agreed with the timeframes in the report.</p> <p>Agreed management actions were included in the Audit Recommendations Register for ongoing monitoring reporting.</p>
Internal Audit Plan 2022/23	<p>The Internal Audit Plan 2022/23 was adopted by the Committee at the 1 June 2022 Audit and Risk Committee meeting.</p> <p>Following the initial Strategic Internal Audit Plan adopted in December 2021, representatives of internal auditors, Crowe have consulted with management on Councils key risks and proposed the following audits to occur in 2022 - 2023:</p> <ul style="list-style-type: none"> • Asset Management Lifecycle • Management of Contaminated Land • Human Resources Management • OHS – Staff
Audit Status Report	<p>The internal audit status report was presented to the 2 March and 1 June 2022 Audit and Risk Committee.</p> <p>At the 1 June 2022 Committee meeting, it was noted that the draft Child Safe Internal Audit report had been issued to management for review. Additionally, the Contracts Management Audit field work had been completed and the draft report is being prepared by Crowe.</p> <p>The Committee received and noted the report.</p>
Sector Issues Brief	<p>Crowe's issues brief was presented to the 2 March 2022 and 1 June 2022 Audit and Risk Committee Meetings.</p> <p>The reports were received and noted by the Committee.</p>
External Audit	
Interim Management Letter	<p>The Interim Management Letter (IML) was presented to the 1 June 2022 Audit and Risk Committee. The IML has findings from planning and external audits visits conducted by RSD Audit in relation to the financial year ended 30 June 2022.</p>

OFFICIAL

Audit and Risk Committee Biannual Report January – June 2022

Audit and Risk Committee		
Workplan 2022	The 2022 workplan was presented to the 2 March and 1 June Audit and Risk Committee meetings.	
	The report was received and noted by the Committee.	
Committee Attendance		
Committee Member	2 March 2022	1 June 2022
John Watson (Chair)	✓	✓
Linda McNeill	✓	✓
Jason Hargreaves	✓	✓
Jeff Rigby	✓	✓
*Cr Ben Taylor	✓	
*Cr Mark Harris		✓
Cr Amy Johnson	✓	✓
Cr Daniel Moloney	✓	✓
* Cr Taylor resigned from the Committee with Cr Harris appointed at the 23 March 2022 Council Meeting.		
Committee Member Terms		
Committee Member	Appointment	Term end
John Watson (Chair)	29 September 2022	31 December 2025
Linda McNeill	8 February 2023	31 December 2026
Jason Hargreaves	31 December 2022	31 December 2025
Jeff Rigby	30 November 2023	31 December 2026
Cr Mark Harris	23 March 2022	November 2022
Cr Amy Johnson	24 November 2021	November 2022
Cr Daniel Moloney	24 November 2021	November 2022

OFFICIAL

Audit and Risk Committee Workplan 2022



Report	Purpose	Division	Frequency	Meeting			
				Mar	Jun	Sep	Dec
1. Section 54 (2a): Monitor the compliance of Council policies and procedures with the overarching governance principles and the Local Government Act 2020 and the regulations and any ministerial directions.							
a. CEO report	Chief Executive Officer bring to committee’s attention any breaches of legislation and emerging issues	CEO	Quarterly	X	X	X	X
b. Local Government Act 2020 Update	Report status of Local Government Act 2020 implementation	Governance	Biannually	X		X	
c. Legislation and regulatory compliance	Report compliance with legislation and regulations and significant legislative changes.	Governance	Biannually		X		X
d. Policy and procedure list	Report status of organisational policies and procedures	Audit and Assurance	Biannually	X		X	
e. HR compliance/KPI	Report compliance against HR KPI’s	People and Culture	Biannually		X		X
f. Safety compliance/KPI	Report compliance against Safety KPI’s	Safety	Quarterly	X	X	X	X
g. Statutory Compliance	Report outcome of oversight body complaints and privacy breaches	Statutory Compliance	Quarterly	X	X	X	X
h. Councillor Expenses, CEO credit card and travel transactions	Report reimbursements of expenses of Councillors under Section 40 Local Government Act 2020	Civic Support/ CEO Office	Biannually	X		X	
i. Gifts and Hospitality declarations	Report declarations prior half year	Governance	Biannually		X		X
j. Register of delegations	Report delegations prior half year	Governance	Biannually	X		X	
k. Tree Management Plan	Report status of compliance against TMP	Risk	Biannually		X		X
l. Road Management Plan	Report status of compliance against RMP	Risk	Biannually		X		X
m. Playspace Management Plan	Report status of compliance against PMP	Risk	Biannually		X		X
n. Independent reports released by external regulatory bodies with response from Management	Receive reports from management on findings of any examinations by regulatory or integrity agencies and monitor Council’s responses.	Audit and Assurance	Biannually		X		X

OFFICIAL

OFFICIAL

Audit and Risk Committee Workplan 2022



Report	Purpose	Division	Frequency	Mar	Jun	Meeting Sep	Dec
2. Section 54 (2b): Monitor Council financial and performance reporting							
Financial report Summary	Review of financial statement and consideration of key accounting matters	Financial Services	Quarterly	X	X	*7/10	X
Draft Annual Budget	Review of draft annual budget	Financial Services	Annual		X		
Annual financial report and performance Reporting	Review financial statements for inclusion in Annual Report and recommendation to Council.	Financial Services	Annual			*7/10	
10 Year Financial Plan	Review judgemental areas	Financial Services	Annual				X
3. Section 54 (2c): Monitor and provide advice on risk management and fraud prevention systems and controls.							
Annual risk report	Risk profile including controls Risk management framework and strategy Systematic identification of risks and mitigating controls and procedures for ensuring these properly implemented and effective.	Risk	Yearly	X			
Risk update (high/urgent risk areas and incidents including fraud, injuries and claims)	Report high /urgent risk areas and incidents Adverse trends Breakdowns in key controls	Risk	Quarterly	X	X	X	X
Enterprise Risk Action Plan	Status of risk register and ERAP actions being taken to manage the identified risks	Risk	Quarterly	X	X	X	X
Fraud plan	Report annual fraud plan	Risk	Annual	X			
Fraud assessment	Report status and outcomes of fraud assessments	Risk	Biannually		X		X
Suspected/ Actual Fraud	Report cases fraud	CEO	Quarterly	X	X	X	X
Business Continuity Plan	Report status of BCP testing and actual implementation	Audit and Assurance	Biannually	X		X	
Disaster Recovery Plan	Report status of DRP testing and actual implementation	ICT	Biannually			X	X
Insurance Renewal	Review adequacy insurance cover	Insurance	Annual			X	
4. Section 54 (2d): Oversee internal audit function							
Internal audit plan	Review scope of planned work to be undertaken and assess if proposed audit plan is appropriate	Internal Auditor	Annual				X
Internal Audit scope or reports	Report of findings and recommendations of internal audit and responses provided by management.	Internal Auditor	Quarterly		X	X	X
Internal audit status	Assess progress of internal audits	Internal Auditor	Quarterly	X	X	X	X
Audit Recommendations Register	Assess status internal audit recommendations	Audit and Assurance	Quarterly	X	X	X	X

OFFICIAL

OFFICIAL

Audit and Risk Committee Workplan 2022



Internal Audit performance	Review performance of internal auditors - survey completed by Audit and Risk Committee members	Audit and Assurance	Annual				X
5. Section 54 (2d): Oversee external audit function							
Interim Management Letter	Monitor progress of actions proposed in relation to significant findings and recommendations made by external auditor. Assess response from management.	Financial Services	Annual		X	*7/10	
Final Management Letter including findings and recommendations	Receive report. Assess response from management.	Financial Services	Annual				X
Annual Financial Report	Decide appropriateness of financial report. Review significant changes in reporting requirements.	Financial Services	Annual			*7/10	
Annual Performance Statement	Decide appropriateness of performance report. Review significant changes in reporting requirements.	Financial Services	Annual			*7/10	
Audit Recommendations Register	Assess status external audit recommendations	Audit and Assurance	Quarterly	X	X	X	X
External Audit performance	Review performance of external auditors – survey completed by Audit and Risk committee members	Audit and Assurance	Annual				X
6. Section 54 (3): Adopt an annual work program							
Work Plan	Consider and approve annual workplan	Audit and Assurance	Annual				X
Meeting Dates	Setting meeting dates for forthcoming year	Audit and Assurance	Annual				X
7. Section 54 (4a): Undertake annual assessment of its performance against the Audit and Risk Committee charter							
Assessment of Committee and Committee Member Performance	Assess Committee's processes and its effectiveness, implement possible improvements	Audit and Assurance	Annual	X			
8. Section 54 (5a): Prepare a biannual audit and Risk report that describes the activities of the Audit and Risk Committee							
Committee biannual report	Provide summary of activities of Committee including findings and recommendations	Audit and Assurance	Biannually	X		X	
9. Other							
Council Plan	Receive report. Assess data to measure performance against Council Plan.	Director Corporate Services	Biannually	X		*7/10	

Audit and Risk Committee Workplan 2022 approved 1 December 2021.

Complete	
Deferred	
Not Complete	

OFFICIAL

8.12. S6 INSTRUMENT OF DELEGATION (MEMBERS OF STAFF)

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

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

BACKGROUND

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

KEY MATTERS

5. Changes to the Instrument of Delegation since the last approved iteration include:
 - Legislative changes to the provisions of the *Planning and Environment Act 1987* and *Cemeteries and Crematoria Act 2003* (refer to attachment two).

OFFICER RECOMMENDATION

That Council:

6. **Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 3, 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 upon resolution.**
 - 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 it may from time to time adopt.**

ATTACHMENTS

1. Governance Review [8.12.1 - 2 pages]
2. Legislation Updates [8.12.2 - 5 pages]
3. S6 Instrument of Delegation - Members of Staff [8.12.3 - 177 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

OFFICIAL

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



NEW Provisions

Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Cemeteries and Crematoria Act 2003	s 84I(4)	Power to exercise the rights of a holder of a right of internment	MSP, DDG, EMDF	
Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	MSP, DDG, EMDF	
Planning and Environment Act 1987	s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	MSP, DDG, EMDF	
Planning and Environment Act 1987	s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	MSP, DDG, EMDF	

OFFICIAL

OFFICIAL



Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Planning and Environment Act 1987	s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	MSP, DDG, EMDF	
Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	MSP, DDG, EMDF	

OFFICIAL

OFFICIAL



CHANGED Provisions

Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Cemeteries and Crematoria Act 2003_	s 74(3)	Duty to offer a perpetual right of interment	EMPSFM, DIE	
Cemeteries and Crematoria Act 2003_	s. 83 83(2)	duty Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCS	
Cemeteries and Crematoria Act 2003_	s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	EMPSFM, DIE	Provision commences on 1 March 2022
Planning and Environment Act 1987	s. 41 41(2)	duty Duty to keep make Victoria and copy of the Victorian Planning Provisions and other documents available <u>in accordance with public availability requirements</u>	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP,	

OFFICIAL

OFFICIAL



Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		-	MSP, CP, PP, SGP	
Planning and Environment Act 1987	s. 18 <u>18</u>	duty <u>Duty</u> to make amendment etc. available <u>in accordance with public availability requirements</u>	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	<u>Until the proposed amendment is approved or lapsed</u>
		-		
Planning and Environment Act 1987	s. 21 <u>21</u> (2)	duty <u>Duty</u> to make submissions available <u>in accordance with public availability requirements</u>	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	<u>Until the end of 2 months after the amendment comes into operation or lapses</u>
		-		
Planning and Environment Act 1987	s. 22 <u>22</u> (1)	duty <u>Duty</u> to consider all submissions <u>received before the date specified in the notice</u>	SP, SPAO, EMO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	except <u>Except submissions which request a change to the items in s.22</u>
		-		

OFFICIAL

OFFICIAL



Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				<u>22(5)(a) and (b)</u>
Planning and Environment Act 1987	s. 26 <u>26</u> (2)	duty <u>Duty</u> to keep report of panel available for inspection <u>accordance with public availability requirements</u> -	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	<u>During the inspection period</u>
Planning and Environment Act 1987	s. 46V <u>46V</u> (3)	duty <u>Duty</u> to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available <u>in accordance with the public availability requirements, during the inspection period</u> -		
Planning and Environment Act 1987	s. 96J <u>96J</u>	power <u>Duty</u> to issue permit as directed by the Minister -	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL

OFFICIAL



BALLARAT CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

OFFICIAL



Preamble

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
CAEO	Compliance and Events Officer
CO	Compliance Officer
CAM	Coordinator Asset Management
CBS	Coordinator Building Services
CCPSC	Coordinator Compliance Parking and School Crossings
CEH	Coordinator Environmental Health
CGNR	Coordinator Gardens and Natural Resources

OFFICIAL



Abbreviation	Position
CID	Coordinator Infrastructure Delivery
CIT	Coordinator Integrated Transport
CPG	Coordinator Parks and Gardens
CRC	Coordinator Risk and Compliance
CRM	Coordinator Road Maintenance
CSTP	Coordinator Statutory Planning
CUFOS	Coordinator Urban Forest and Open Spaces
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

OFFICIAL



Abbreviation	Position
EMI	Executive Manager Infrastructure
EMO	Executive Manager Operations
EMPSFM	Executive Manager Property Services and Facilities Management
EMRS	Executive Manager Regulatory Services
HSO	Health Services Officer
MSTP	Manager Statutory Planning
MSP	Manager Strategic Planning
MSG	Manager Sustainable Growth
MBS	Municipal Building Surveyor
Not Applicable	Not Applicable
Not Delegated	Not Delegated
PSO	Planning Support Officer
PP	Principal Planner
PSTP	Principal Statutory Planner
PSP	Principal Strategic Planner
POC	Project Officer Compliance

OFFICIAL



Abbreviation	Position
RMCS	Road Maintenance Contract Supervisor
RMS	Road Maintenance Scheduler
SASO	Senior Asset Surveillance Officer
SSTP	Senior Statutory Planner
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
SGP	Sustainable Growth Planner

OFFICIAL



Abbreviation	Position
SGTSO	Sustainable Growth Technical Support Officer
TLCP	Team Leader Compliance and Parking
TLEG	Team Leader Economic Growth
TLEH	Team Leader Environmental Health
TLRSATS	Team Leader Regulatory Services Administration/Technical Support
TOBS	Technical Officer Building Services
TOEH	Technical Officer Environmental Health
TSODF	Technical Support Officer Development Facilitation
TTE	Traffic and Transport Engineer

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;

OFFICIAL



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.

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
- 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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
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

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to comply with a direction from the Secretary	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 19	Power to carry out or permit the carrying out of works	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



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

OFFICIAL



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, CUFOS, CGNR	
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, CUFOS, CGNR	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	EMPSFM, DIE	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(2)	Power to charge fees for providing information	DCS	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	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	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72(2)	Duty to comply with request received under s 72	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 73(1)	Power to grant a right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 73(2)	Power to impose conditions on the right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 74(3)	Duty to offer a perpetual right of interment	EMPSFM, DIE	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



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, CUFOS, CGNR	
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, CUFOS, CGNR	
s 80(2)	Function of recording transfer of right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	EMPSFM, DIE	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	EMPSFM, DIE	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84I(4)	Power to exercise the rights of a holder of a right of interment	EMPSFM, DIE	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	EMPSFM, DIE	
s 84I(6)(a)	Power to remove any memorial on the place of interment	EMPSFM, DIE	
s 84I(6)(b)	Power to grant right of interment under s 73	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, CUFOS, CGNR	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, CUFOS, CGNR	Does not apply where right of interment relates to remains of a deceased veteran.

OFFICIAL



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

OFFICIAL



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

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	
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, CUFOS, CGNR	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
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	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 100(3)	Power to recover costs of taking action under s 100(2)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
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, CUFOS, CGNR	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



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

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	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, CUFOS, CGNR	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	EMPSFM, DIE	

OFFICIAL



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, CUFOS, CGNR	
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, CUFOS, CGNR	
s 112	Power to sell and supply memorials	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	

OFFICIAL



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

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	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, CUFOS, CGNR	
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
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	

OFFICIAL



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	
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, CUFOS, CGNR	

OFFICIAL



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, CUFOS, CGNR	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	CCPSC, DIE, EMRS	Council may delegate this power to a Council authorised officer

OFFICIAL



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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	TLEH, EHO, CEH	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
s 19EA(3)	Function of receiving copy of revised food safety program	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	TLEH, EHO, CEH, DDG	Where Council is the registration authority

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
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 19N(2)	Function of receiving notice from the auditor	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH,	Where Council is the registration authority

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLRSATS, HSO, AORS	
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH, DDG, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 or renew the registration of a food premises	TLEH, EHO, CEH, DDG	Where Council is the registration authority Refusal to grant or renew the registration of a food premises 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

OFFICIAL



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, CAEO, TOBS, CEH, TLRATS, 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, CAEO, TOBS, CEH, TLRATS, HSO, AORS	Where Council is the registration authority

OFFICIAL



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

OFFICIAL



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, CAEO, 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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 38G(4)	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 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	TLEH, EHO, CEH, EMRS	
s 39A	Power to register, or renew the registration of a 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)

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A (6)	Duty to comply with a direction of the Secretary	TLEH, EHO, CEH, EMRS	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	TLEH, EHO, CEH, EMRS	
s 40F	Power to cancel registration of food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 43	Duty to maintain records of registration	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 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

OFFICIAL



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 45AC	Power to bring proceedings	TLEH, EHO, CEH, EMRS	
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

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

OFFICIAL



Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	

OFFICIAL



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, PSP, EMDF, PSTP, MSP, PP	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, PSP, EMDF, PSTP, MSP, PP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, MSP, PP	
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, PSP, EMDF, PSTP, MSP, PP	
s 12B(1)	Duty to review planning scheme	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12B(2)	Duty to review planning scheme at direction of Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 17(1)	Duty of giving copy amendment to the planning scheme	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 17(2)	Duty of giving copy s 173 agreement	SP, SPAO, MSTP, CSTP, DDG, PSP,	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, MSP, PP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Until the proposed amendment is approved or lapsed
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	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, PSP, EMDF, PSTP, MSP, PP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Until the end of 2 months after the amendment comes into operation or lapses

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	SP, SPAO, EMO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	DDG, EMDF, MSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	During the inspection period

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, MSP, CP, PP, SGP	
s 27(2)	Power to apply for exemption if panel's report not received	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	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, CSTP, DDG, PSP, EMDF, SSTP, SGP	
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, PSP, EMDF, SSTP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 32(2)	Duty to give more notice if required	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 33(1)	Duty to give more notice of changes to an amendment	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 38(5)	Duty to give notice of revocation of an amendment	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
s 40(1)	Function of lodging copy of approved amendment	SP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
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, PSP, EMDF, SSTP, SGP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra	Not Applicable	Where Council is a responsible public entity and is a planning authority

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Strategic Plan which is expressed to be binding on the responsible public entity		Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	DDG, EMDF	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	SP, SPAO, MSTP, CSTP, DDG, PSP,	Where Council is a responsible public entity

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the declared area that is expressed to be binding on the responsible public entity	EMDF, PSTP, MSP, PP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, SGTSO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDG, EMDF	
s 46GP	Function of receiving a notice under s 46GO	DDG, EMDF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MSG, SGO, DCA, DDG, EMDF, SGTSO	
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, SGTSO	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	MSG, SGO, DCA, DDG, EMDF, SGTSO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MSG, SGO, DCA, DDG, EMDF, SGTSO	
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, SGTSO	
s 46GV(3)	fFunction 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

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, SGTSO	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, SGTSO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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, SGTSO	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, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, PP, SGTSO	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, SGTSO	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

OFFICIAL



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, SGTSO	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, SGTSO	<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>

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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, PSP, EMDF, PSTP, PP, SGTSO	Where Council is a development agency under an approved infrastructure contributions plan

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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, PSP, EMDF, PSTP, PP, SGTSO	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MSG, SGO, DCA, DDG, EMDF, SGTSO	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, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, SGTSO	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, PSP, EMDF, PSTP, PP, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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, SGTSO	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, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collection agency under an approved infrastructure contributions plan

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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, SGTSO	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, SGTSO	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, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

OFFICIAL



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, SGTSO	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, SGTSO	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, SGTSO	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MSG, SGO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGTSO, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	

OFFICIAL



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, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	
s 46Q(1)	Duty to keep proper accounts of levies paid	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	

OFFICIAL



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, PSP, EMDF, PSTP, PP, SGTSO	
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, PSP, EMDF, PSTP, PP, SGTSO	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, PSP, EMDF, PSTP, PP, SGTSO	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

OFFICIAL



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, PSP, EMDF, PSTP, PP	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, PSP, EMDF, PSTP, PP, SGTSO	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, PSP, EMDF, PSTP, PP, SGTSO	
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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not Applicable	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	DDG, EMDF, MSP	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	DDG, EMDF, MSP	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	DDG, EMDF, MSP	

OFFICIAL



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, PSP, EMDF, PSTP, PP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, POC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, CP, PP, PSO, SGP	
s 50(4)	Duty to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50(6)	Duty to make note of amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, SCO, EMDF, PSTP, AOSC, CP, PP	

OFFICIAL



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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SO, SP, STP, SPAO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 50A(4)	Duty to note amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

OFFICIAL



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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG,	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, CP, PP, PSO, SGP	
s 54(1)	Power to require the applicant to provide more information	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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, PP, SGP	
s 54(1B)	Duty to specify the lapse date for an application	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(6)	Duty to note amendments to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG,	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57C(1)	Duty to give copy of amended application to referral authority	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 58	Duty to consider every application for a permit	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 58A	Power to request advice from the Planning Application Committee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1A)	Duty to consider certain matters	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, CP, PP, PSO, SGP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	

OFFICIAL



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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, MSTP, CSTP, DDG, PSP, EMDF,	This provision applies also to a decision to grant an amendment to a permit - see s 75

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(1A)	Function of receiving application for extension of time to complete development	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

OFFICIAL



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

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, CP, PP, PSO, SGP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 83B	Duty to give or publish notice of application for review	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84AB	Power to agree to confining a review by the Tribunal	SO, MSG, SGO, TSODF, DCA, DCS, DDG, EMDF, SGTSO	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2)	Duty to comply with the directions of VCAT	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 93(2)	Duty to give notice of VCAT order to stop development	SO, STP, CCPSC, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, EMRS, CP, PP, SGP	
s 95(3)	Function of referring certain applications to the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG, PSP, EMDF,	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, PP	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 96J	Duty to issue permit as directed by the Minister	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, SSTP, PP, SGP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



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, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 101	Function of receiving claim for expenses in conjunction with claim	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



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, PSP, EMDF, PSTP, PP	
s.107(1)	function of receiving claim for compensation	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 107(3)	Power to agree to extend time for making claim	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	SO, STP, MSTP, PSP, EMDF	
s 114(1)	Power to apply to the VCAT for an enforcement order	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	Except Crown Land

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 129	Function of recovering penalties	MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CCPSC, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PSP, EMDF, PSTP, PP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 171(2)(g)	Power to grant and reserve easements	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, CP, PP	
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

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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, PSP, EMDF, PSTP, PP	
	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, PSP, EMDF, PSTP, MSP, PP	
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, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, MSP, CP, PP, SGP	
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, MSP, CP, PP, SGP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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, MSTP, EMPSFM, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
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, PSP, EMDF, PSTP, PP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 182	Power to enforce an agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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, MSTP, CSTP, DDG, PSP, EMDF, PSTP,	

OFFICIAL



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

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, MSP, CP, PP, SGP	
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DDG, EMDF, MSP	
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	STP, SPAO, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(3)	Duty to make declaration	MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP	
	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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP	
	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, PSP, EMDF, PSTP, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	MSTP, CSTP, DDG, PSP, PSTP, PP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDG, MSP	

OFFICIAL



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDG, MSP	

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	

OFFICIAL



Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, TLRSATS, HSO, AORS	
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	

OFFICIAL



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	
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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI, CIT, TTE	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	EMO, DDG, DIE, CAM, EMDF, EMI, CIT, TTE	
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	

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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	

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)
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	

OFFICIAL



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

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, TTE	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	EMO, DDG, DIE, EMDF, EMI	Where Council is the responsible road authority, infrastructure manager or works manager

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	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	
s 54(2)	Duty to give notice of proposal to make a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
s 63(1)	Power to consent to conduct of works on road	SPD, SRS, RMS, EMO, CAM, RMCS, SUR,	Where Council is the coordinating road authority

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SUSR, EMI, SASU, CRM	
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

OFFICIAL



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, TLCP, EMDF, EMI, SASU, CID, CRM, CIT	
s 72	Duty to issue an identity card to each authorised officer	DCS, EMGR, SCO, AOSC, CRC	

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 85	Function of receiving report from authorised officer	DDG, DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DDG, DIE, EMDF, EMI	
s 87(1)	Function of receiving complaints	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 96	Power to authorise a person for the purpose of instituting legal proceedings	DIE, EMI	

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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

OFFICIAL



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	

OFFICIAL



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	
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	

OFFICIAL



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

OFFICIAL



Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, CUFOS, CGNR	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
r 47(3)	Power to approve the use of fire in a public cemetery	EMPSFM, DIE	
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, CUFOS, CGNR	

OFFICIAL



Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	
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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules

OFFICIAL



Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	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, CUFOS, CGNR	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, EMO, EMPSFM, DIE, CUFOS, CGNR	See note above regarding model rules

OFFICIAL



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

OFFICIAL



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 amend a permit or any information provided under section 54 of the Act	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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, PSP, EMDF, MSP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

OFFICIAL



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, PSP, EMDF	

OFFICIAL



Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	MSTP, DDG, PSP, EMDF, MSP	

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, TOBS, CEH, TLRATS, EMRS, HSO, AORS	
r 11	Function of receiving application for renewal of registration	EMPSFM, DIE	

OFFICIAL



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	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	
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	

OFFICIAL



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 14(1)	Function of receiving notice of transfer of ownership	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, 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	
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	

OFFICIAL



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

OFFICIAL



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, TOBS, MBS, CEH, EMPSFM, CBS, TLRATS, EMRS, HSO, AORS	
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	

OFFICIAL



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

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	

OFFICIAL



Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	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
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	

OFFICIAL



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

OFFICIAL



Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	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	

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

OFFICIAL



8.13. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATIONS

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. This report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* to Chenenka Liyanapathirana and Robert Harvey and endorse the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Robert Harvey.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Jorine Bothma.

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* and *Environment Protection Act 2017* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

KEY MATTERS

4. Chenenka Liyanapathirana holds the position of Statutory Planner, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
5. Robert Harvey holds the position of Compliance Officer, and the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
6. At the Council Meeting held on 27 April 2022, Council resolved R56/22 to endorse the authorisation for Jorine Bothma under the *Planning and Environment Act 1987*. Jorine Bothma is no longer in the position of Coordinator Statutory Planning and the authorisation requires revocation by Council resolution.

OFFICER RECOMMENDATION

7. That Council:

- 7.1 Exercise the powers conferred by s147(4) of the *Planning and Environment Act 1987* and the other legislation referred to in the attached instruments of appointment and authorisation (the instruments), and
 - a. Chenenka Liyanapathirana and Robert Harvey be appointed and authorised as set out in the instruments.

- b. The instruments come into force immediately upon resolution and remains in force until Council determines to vary or revoke it.**

7.2 Exercise the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, and resolves that:

- a. Robert Harvey be appointed and authorised as set out in the instrument.**
 - b. The instrument come into force immediately upon resolution and remains in force until Council determines to vary or revoke it.**

7.3. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Jorine Bothma (R56/22).

ATTACHMENTS

- 1. Governance Review [8.13.1 - 2 pages]
- 2. S11A Chenenka Liyanapathirana [8.13.2 - 2 pages]
- 3. S11A Robert Harvey [8.13.3 - 2 pages]
- 4. S11B Robert Harvey [8.13.4 - 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* and the *Environment Protection Act 2017*.

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

OFFICIAL

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 direct or indirect interests need to be declared in relation to the matter of this report.

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

OFFICIAL



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

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

Chenenka Liyanapathirana

By this instrument of appointment and authorisation Ballarat City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Ballarat City Council on [insert date and resolution]

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

OFFICIAL



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

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

Robert Harvey

By this instrument of appointment and authorisation Ballarat City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Ballarat City Council on [insert date and resolution]

OFFICIAL

OFFICIAL



*S11B Instrument of Appointment and Authorisation
(Environment Protection Act 2017)*

Ballarat City Council

**Instrument of Appointment and Authorisation
(*Environment Protection Act 2017* only)**

OFFICIAL



Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

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

Robert Harvey

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

under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officer to be **an** authorised officer for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Ballarat City Council on [insert date and resolution]

8.14. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Lyndsay Leingang - 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 [8.14.1 - 1 page]
2. QT52/22 - Stuart Kelly [8.14.2 - 2 pages]
3. QT53/22 - Charles Zhang [8.14.3 - 1 page]
4. QT54/22 - Scott Gallop [8.14.4 - 2 pages]
5. QT55/22 - Bernadette Cheesman [8.14.5 - 1 page]

OFFICIAL

Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
24/08/2022 QT52/22	Closed	Stuart Kelly	My question relates to the Base hospital redevelopment. This development proposes an entry roadway from Sturt Street, along with some car parking. Now while I have no complaints about the remainder of the development, the entry roadway would require the demolition of three Victorian Era shops along with the stables that are behind those shops. These buildings were built in 1857 according to the Council Records. They're within the Sturt Street Heritage Precinct. There is an alternative. They can widen Anticline Lane and make that 2 lanes and not worry about adding an additional 2 lanes. Will the Council make representations to the government and to the Victorian Health Building Authority to ask them to reconsider these plans? My second question arises from this and the lack of identification of a number of buildings which are worthy of Heritage support such as these shops and also the Victory House in Geelong Road. I'm asking what the current status of the Heritage Gap Study is. I understand the previous officer who was running this has left Council.	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Stuart Kelly (see response attached).
24/08/2022 QT53/22	Closed	Charles Zhang	Victory House, 742 Geelong Road, Canadian has a long history associated with Ballarat and Victorian Chinese communities, and the Woah Hawy Canton Deep Quartz mine. It is significant to Ballarat and Victoria, particularly to the Ballarat Chinese community. Our physical heritage in Ballarat has been wiped away. Our joss house was demolished, our gardens built over, the gravestones of our ancestors pulled up and used as gutters in the cemetery. Councillors voted against the advice of heritage and planning experts in the last planning meeting. Is there a way to find an alternative recommendation for our heritage?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Charles Zhang (see response attached).
24/08/2022 QT54/22	Closed	Scott Gallop	Question one. Regarding the lake lighting project I would like to ask council why the new "for construction" drawings are not being made public. I have been advised by the project manager that they can't show us because they aren't "final" yet Heritage Victoria have said the permits are finalised, that doesn't make sense! Don't the ratepayers have a right to see exactly where each proposed light pole will be situated before the plans are actually made final and isn't council keen on public consultation on multi million dollar projects like this one and I thought the council was trying to be more open and transparent, not hiding information. Will the public have a chance to study the new drawings as they will be vastly different to the draft drawings before they are to be stamped as final? Question two. In regard to the lake lighting is it true that there will be more than 225 proposed light poles around the lake and if yes how many will there be?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response to Scott Gallop (see response attached).
24/08/2022 QT55/22	Closed	Bernadette Cheesman	With the adjacent mine sites already on the Heritage Victoria inventory, the house already recommended for at least local protection by BCC staff and with Heritage Victoria classing the house as an archeological site, how can Ballarat City councillors even consider debating an intercultural plan a later agenda item in reports, with clear consciences, when they are not aiming to preserve, or advocating for the preservation of, this entire rare precinct?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Bernadette Cheesman (see response attached).

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 16 September 2022

Our Ref: NR:kr

Your Ref: QT52/22

Enquiries: (61) 03 5320 5500

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

Stuart Kelly

Email: [REDACTED]

Dear Stuart,

RE: OUTSTANDING QUESTION TIME ITEM – QT52/22

Thank you for your questions.

- 1. My question relates to the Base hospital redevelopment. This development proposes an entry roadway from Sturt Street, along with some car parking. Now while I have no complaints about the remainder of the development, the entry roadway would require the demolition of three Victorian Era shops along with the stables that are behind those shops. These buildings were built in 1857 according to the Council Records. They're within the Sturt Street Heritage Precinct. There is an alternative. They can widen Anticline Lane and make that 2 lanes and not worry about adding an additional 2 lanes. Will the Council make representations to the government and to the Victorian Health Building Authority to ask them to reconsider these plans?*

In this case the Victorian Health Building Authority do not require City of Ballarat approval for demolition of the buildings referred to however we continue to work with the VHBA and Grampians Health to help them achieve the best possible community benefit from this major project.

City of Ballarat officers meet regularly with VHBA for updates on this project, and whilst the controls with this project sit with the Minister for Health and the Minister for Planning, officers understand that the final design has been reached after extensive investigations and options consideration and acknowledge that this is a project recognised for its State significance.

The VHBA has advised the development process would comprise the following:

- A recording package involving archival photography and an oral history;
 - Marker plaques acknowledging family history;
 - Signage acknowledging the history and architectural merits of the building;
 - Retention and reuse of heritage fabric and integration with final design or in another location, and / or
 - Artwork and street furniture utilising retained fabric to reference the building.
- 2. My second question arises from this and the lack of identification of a number of buildings which are worthy of Heritage support such as these shops and also the Victory House in Geelong Road. I'm asking what the current status of the Heritage Gap Study is. I understand the previous officer who was running this has left Council.*

OFFICIAL

OFFICIAL

We continue to progress the Heritage Gap Study. That study is informed by not just our Heritage Advisor but also by our Strategic and Planning work as well, so is across many areas of City of Ballarat.

We continue to progress with it, and we've had great community input into sites and continue to receive community input. We expect to be in a position to bring the next draft to Council within three of four months.

Yours sincerely



Natalie Robertson
Director Development and Growth

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 16 September 2022

Our Ref: NR:kr

Your Ref: QT53/22

Enquiries: (61) 03 5320 5500

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

Charles Zhang

Email: [REDACTED]

Dear Charles,

RE: OUTSTANDING QUESTION TIME ITEM – QT53/22

Thank you for your question.

Victory House, 742 Geelong Road, Canadian has a long history associated with Ballarat and Victorian Chinese communities, and the Woah Hawp Canton Deep Quartz mine. It is significant to Ballarat and Victoria, particularly to the Ballarat Chinese community. Our physical heritage in Ballarat has been wiped away. Our joss house was demolished, our gardens built over, the gravestones of our ancestors pulled up and used as gutters in the cemetery. Councillors voted against the advice of heritage and planning experts in the last planning meeting. Is there a way to find an alternative recommendation for our heritage?

The property known as 742 Geelong Road, Canadian or Victory House has been included on the Victorian Heritage Inventory. This means the site is listed as a known historical archaeological site within the state under the Heritage Act 2017 and is included because it has potential to contain historical archaeological deposits and artefacts associated with the construction of the former miner's residence (c.1880) and Victoria House (c.1906). The yard, garden, outhouses and other parts of the site have the potential to contain archaeological remains associated with the occupation of the place, and the operation of the You Hing (Woah Hawp Canton) mine, which was part of the Canadian Gully mining landscape.

Under the terms of the Heritage Act, there are no exemptions, and it will be necessary for any owner and/or developer to apply for a consent from the Executive Director, Heritage Victoria to undertake an archaeological survey that allows us to understand the value, condition, and extent of the site. These findings will inform recommendations for the site and on the basis of the Heritage Victoria response.

I note that the Victorian Heritage Council has determined to impose an Interim Protection Order on the subject site whilst it investigates a prima facie case for inclusion in the Victorian Heritage Register.

As you would also be aware, this matter was re-listed for consideration at the September Planning Delegated Committee where Council resolved to support an application to the Minister for Planning to impose an Interim Protection Order and to seek authority to for an Amendment to incorporate the subject site into a Heritage Overlay within the Ballarat Planning Scheme.

Thank you for your interest in this matter.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 25 August 2022

Our Ref: BW:pb:bk

Your Ref: QT54/22

Enquiries: (61) 03 5320 5500

Email: info@ballarat.vic.gov.au

Scott Gallop

Email: [REDACTED]

Dear Scott

RE: PUBLIC QUESTIONS ASKED AT COUNCIL MEETING

I refer to your questions asked at the Council Meeting held on Wednesday 24 August 2022 as follows:

1. "Regarding the lake lighting project I would like to ask council why the new "for construction" drawings are not being made public. I have been advised by the project manager that they can't show us because they aren't "final" yet Heritage Victoria have said the permits are finalised, that doesn't make sense!

Don't the ratepayers have a right to see exactly where each proposed light pole will be situated before the plans are actually made final and isn't council keen on public consultation on multi million dollar projects like this one and I thought the council was trying to be more open and transparent, not hiding information.

Will the public have a chance to study the new drawings as they will be vastly different to the draft drawings before they are to be stamped as final?"

The 'For Construction' set of drawings are currently being reviewed by Heritage Victoria as per the conditions issued in both Heritage Victoria permits for the Lake Wendouree lighting project. This review process is still underway by Heritage Victoria and therefore Council is unable to provide the drawings to you given they are not final.

The final pole locations onsite are subject to final review by the project arborist (when construction commences on site). As per the conditions of the Heritage Victoria permits, Heritage Victoria will be notified of any substantial changes to proposed pole locations that occur on site due to site conditions. Any changes to pole locations will be determined on site in accordance with the Tree Management Plan, the project arborist and in consultation with the contractor.

2.

2. "In regard to the lake lighting is it true that there will be more than 225 proposed light poles around the lake and if yes how many will there be?"

The project includes 225 lights located around the Steve Moneghetti Track and 7 lights along Morrison Street. The lighting along Morrison Street will provide a link from the Lake Wendouree precinct to Sturt Street and nearby Victoria Park, utilising the recently signalised intersection of Sturt, Russell and Morrison streets.

Please call Phillip Barnett, Council's Project Manager, directly on [REDACTED] if you wish to discuss the Lake Lighting project further.

Yours sincerely



Bridget Wetherall
Director Infrastructure and Environment

CC: Mayor and Councillors
Governance
Phillip Barnett, Project Manager

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 16 September 2022

Our Ref: NR:kr

Your Ref: QT55/22

Enquiries: (61) 03 5320 5500

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

Bernadette Cheeseman

Email: [REDACTED]

Dear Bernadette,

RE: OUTSTANDING QUESTION TIME ITEM – QT55/22

Thank you for your question.

With the adjacent mine sites already on the Heritage Victoria inventory, the house already recommended for at least local protection by BCC staff and with Heritage Victoria classing the house as an archeological site, how can Ballarat City councillors even consider debating an intercultural plan, a later agenda item in reports, with clear consciences, when they are not aiming to preserve, or advocating for the preservation of, this entire rare precinct?

The property known as 742 Geelong Road, Canadian or Victory House has been included on the Victorian Heritage Inventory. This means the site is listed as a known historical archaeological site within the state under the Heritage Act 2017 and is included because it has potential to contain historical archaeological deposits and artefacts associated with the construction of the former miner's residence (c.1880) and Victoria House (c.1906). The yard, garden, outhouses and other parts of the site have the potential to contain archaeological remains associated with the occupation of the place, and the operation of the You Hing (Woah Hawp Canton) mine, which was part of the Canadian Gully mining landscape.

Under the terms of the Heritage Act, there are no exemptions, and it will be necessary for any owner and/or developer to apply for a consent from the Executive Director, Heritage Victoria to undertake an archaeological survey that allows us to understand the value, condition, and extent of the site. These findings will inform recommendations for the site and on the basis of the Heritage Victoria response.

I note that the Victorian Heritage Council has determined to impose an Interim Protection Order on the subject site whilst it investigates a prima facie case for inclusion in the Victorian Heritage Register.

As you would also be aware, this matter was re-listed for consideration at the September Planning Delegated Committee where Council resolved to support an application to the Minister for Planning to impose an Interim Protection Order and to seek authority to for an Amendment to incorporate the subject site into a Heritage Overlay within the Ballarat Planning Scheme.

Thank you for your interest in this matter.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

OFFICIAL

9. NOTICE OF MOTION

1. A Notice of Motion was lodged by Mayor, Cr Moloney on 21 September 2022.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer, then approved to proceed to the 28 September 2022 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 21 September 2022 which was then recorded in the Notice of Motion Register by the Governance team.
4. Mayor, Cr Moloney proposes the following motion:
5. **That Council:**

5.1 That a report be brought to Council by the end of 2022 outlining a review of the Procurement Policy.

ATTACHMENTS

1. Notice of Motion - Cr Moloney 21.09.22 [9.1.1 - 3 pages]

OFFICIAL



COUNCILLORS NOTICE OF MOTION FORM

(In accordance with Chapter 3, Rules 3.8.1 and 3.8.2)

TO: Chief Executive Officer – City of Ballarat

FROM: Cr Daniel Moloney

DATE: 21 September 2022

I hereby give notice that at the Ordinary Meeting of Council on 28 September 2022 I will propose the following motion:

That Council:

- 1. That a report be brought to Council by the end of 2022 outlining a review of the Procurement Policy.**

Signed:
(Signature of Councillor)

Dated: 21/9/22

OFFICIAL

OFFICIAL

Extracts from Governance Rules**3.8.1 Councillors may propose Notices of Motion**

Councillors may propose an issue to be listed on the agenda by lodging a Notice of Motion in accordance with the rules outlined in this Chapter.

3.8.2 Notices of Motion

- a) Prior to a Council meeting, Councillors wanting to include a matter on the agenda, must complete a notice of motion form.
- b) A notice of motion form must be signed by the Councillor; and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 4pm the Thursday before the Council meeting agenda is due to be published. So as to allow sufficient time for him or her to give each other Councillor notice of such notice of motion; and to allow sufficient time for the notice of motion to be put in the agenda for the next Council meeting. If a notice of motion form is received after that time, it must, unless withdrawn, be included in the agenda for the following Council meeting
- c) The Chief Executive Officer must reject any notice of motion which:
 - i) is too vague;
 - ii) is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six (6) months;
 - iii) is defamatory;
 - iv) may be prejudicial to any person or Council;
 - v) is objectionable in language or nature;
 - vi) is outside the powers of Council;
 - vii) is a notice of motion submitted during the Caretaker Period; or
 - viii) is a matter subject to a Council decision making process which has commenced but is not yet complete.
- d) If the Chief Executive Officer rejects a notice of motion under sub-rule 3.8.2 c), he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with 24 hours to lodge a revised notice of motion provided that the meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- e) The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that he or she determines is more appropriately addressed that way.
- f) Subject to sub- rules 3.8.2 g) and h) a notice of motion must call for a Council report if the notice of motion:
 - i) substantially affects the level of Council services;
 - ii) commits the Council to expenditure in excess of \$20,000 and that has not been included in the adopted budget;
 - iii) establishes or amends a Council policy; or
 - iv) commits the Council to any contractual arrangement,as determined by the Chief Executive Officer.

OFFICIAL

OFFICIAL

- g) Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must call for a report for Council's consideration and public submission process if applicable.
- h) The Chief Executive Officer may direct a notice of motion to be confidential in accordance with Section 66(2)(a) of the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- i) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- j) The Chief Executive Officer must arrange for a formal report to be prepared and presented to the Council for the purposes of sub-rule f). Where practicable the report should be presented to the next Council meeting.
- k) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- l) Except by leave of Council, each notice of motion must be considered in the order in which they were received by the Chief Executive Officer.
- m) If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- n) If a Councillor proposing the motion wishes to amend the notice of motion, he or she may do so by seeking leave of the Council to amend the notice of motion prior to it being seconded.
- o) The Chairperson, having lodged a notice of motion in accordance with this sub-rule, must vacate the Chair of the Council meeting to move the notice of motion; and the Deputy Mayor or, in the absence of the Deputy Mayor, temporary Chairperson appointed by the Council, will take the Chair for the duration of consideration of the item.
- p) If a notice of motion is not moved at the Council Meeting at which it is listed, it lapses.

Office Use Only

Notice Received	Date: 21 September 2022
Notice <u>accepted</u> / rejected by CEO (please circle)	Date: 21 September 2022 Signature: 
Notice given to Councillors	Date: 21 September 2022 Signature: 
Date of Meeting	Date: 28 September 2022
Notice Number	2022/4

OFFICIAL

10. REPORTS FROM COMMITTEES/COUNCILLORS

11. URGENT BUSINESS

12. SECTION 66 (IN CAMERA)

13. CLOSE