

OFFICIAL

Council Meeting

Agenda

14 December 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 Council 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.

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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 questions 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

3. **New industry arts and heritage PhD program**
The City of Ballarat will part fund a new industry arts and heritage PhD program through a partnership with Australian Catholic University. The PhD program is one of three the ACU will offer as part of a broader partnership with the City of Ballarat, the Art Gallery of Ballarat and Sovereign Hill as industry partners. The City of Ballarat and the Art Gallery of Ballarat will contribute \$5,000 each year for three years towards the scholarships.
4. **Alfred Deakin place activation**
Alfred Deakin Place, beside the Art Gallery of Ballarat, is set to be improved with seating areas, landscaping, and umbrellas to enable people to stay and enjoy the space. Preparations are underway to bring the Art Gallery outside, with four portable backlit exhibition panels that will be used to display visual art and will be powered by solar panels. The project is entirely funded by the Victorian Government's COVID Safe Outdoor Activation Fund, which supports creative industries most affected by lockdowns. Subject to a Heritage Victoria permit, a permanent large five metre screen will be installed in the area to showcase local film and artwork from the Art Gallery of Ballarat. A City of Ballarat mySay survey showed 70 per cent of respondents approved of outdoor dining and activation areas.
5. **Community feedback on M11 Ballarat Planning Scheme Amendment C235ball – Miners Rest Township Plan Implementation**
Recently members of the public have had the opportunity to give feedback on a proposal to amend the Ballarat Planning Scheme to incorporate elements of the Miners Rest Township Plan. Adopted by the Council in December 2019 the Miners Rest Township Plan aims to protect the rural character of the original Miners Rest township.

The C235ball Miners Rest Township Plan amendment is necessary to allow the key land use planning elements of the plan to be incorporated into the Ballarat Planning Scheme. Following the exhibition period all submissions will be reviewed and presented at a Council meeting in early 2023 to progress to next stages of the Amendment process.

6. Preparation underway for 2023/24 Budget

Ballarat residents have been encouraged over recent weeks to have their say on the priorities of the City of Ballarat's proposed 2023/24 Annual Budget. Changes to the *Local Government Act 2020* have given the City of Ballarat more freedom to determine the way it engages the community regarding the annual budget. The City of Ballarat will use the feedback through the recent engagement process to help prioritise competing goals for next year's budget.

7. Call for Kerbside Transfer Plan community comment

Ballarat residents are being asked to help guide future decision-making and planning on kerbside services as part of the City of Ballarat's Draft Kerbside Transition Plan. The draft plan will take into consideration the range of services residents would like to see, while also considering the frequency, convenience and cost effectiveness of kerbside collections. The online survey is available through the City of Ballarat mySay page, with hard copies available at the City of Ballarat Customer Service Centre. Under the Circular Economy (Waste Reduction and Recycling) Act 2021, all Victorian councils must introduce a FOGO collection for all households by 2030 and a separate glass recycling collection by 2027.

8. Unprecedented Regional Partnership

The Victorian Goldfields Tourism Executive in conjunction with a partnership of 13 central Victorian local governments led by the City of Ballarat and the City of Greater Bendigo has secured \$500,000 to shortlist potential World Heritage sites within the region and prepare a masterplan for increased regional investment. The \$500,000 was received through Regional Development Victoria's Investment Fast-Track Fund, which takes projects from the ideas phase to become investment and development-ready, supporting planning, design and business case works for councils, community organisations and the private sector. The partnership is co-contributing \$125,000 to deliver this part of the project. The funding will enable critical work to be commissioned. The World Heritage Listing and World Heritage Journeys have the capacity to support Victoria's 2026 Commonwealth Games and deliver a tangible long-term legacy for the region.

OFFICER RECOMMENDATION

9. That Council:

9.1 Receive and note the CEO's Operational Report.

ATTACHMENTS

Nil

8. OFFICER REPORTS

8.1. OUTLINE OF A REVIEW OF PROCUREMENT POLICY

Division: Corporate Services
Director: John Hausler
Author/Position: John Hausler, Director Corporate Services

PURPOSE

1. To comply with resolution of Council passed at the September 2022 meeting to provide Council with a report that outlines a review of the Procurement Policy by the end of 2022.
That a report be brought to Council by the end of 2022 outlining a review of the Procurement Policy.
Moved: Cr Daniel Moloney, Mayor
CARRIED Seconded: Cr Mark Harris (R147/22)
2. To identify and outline an approach and the associated intended areas of a focus in a review of the Procurement Policy.

BACKGROUND

3. Officers have considered several matters regarding how a review could be constructed and have completed initial research into how a contemporary review of the existing policy could be structured.
4. The following key areas have been considered in constructing a review to provide good coverage for key matters related to procurement.
 - Legislative / Policy Context
 - General Procurement Policy Review
 - Environmental and Sustainable Considerations
 - OHS Considerations
5. A preliminary framework to conduct research regarding these four key areas was discussed at the briefing on 16th November 2022 and is outlined in the report.

KEY MATTERS

6. Section 108 of the *Local Government Act 2022* stipulates that the Procurement Policy must include the following:
 - a. The contract value above which the Council must invite a tender or seek an expression of interest;
 - b. A description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money;
 - c. A description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services;
 - d. The conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest;
 - e. A description of the process to be undertaken in inviting a public tender or expression of interest, and
 - f. Any other matters prescribed by the Regulations.

7. Council adopted Procurement Policy (Version 11) to take affect from 1 December 2021 on 27th October 2021.
8. Officers recommend a further review is conducted subject to the outlined framework listed below:

| | |
|--|---|
| Legislative / Policy Context | <p>Evaluation of the current including consideration of the following key areas of legislation and policy:</p> <ul style="list-style-type: none"> • Local Government Act and Regulations • State Government Requirements and Regulations • Other Legislation <ul style="list-style-type: none"> – Prosecution Summaries – Work Safe Requirements – Human Rights – EPA Act – Child Safe • Other Local Government Victoria Approaches |
| General Procurement Policy Review | <p>Officers will look more broadly at the overall policy and will undertake an external review of the policy against other Victorian Local Government procurement policies. Key points identified in the review are outlined below:</p> <ul style="list-style-type: none"> • Consideration of other Councils approaches to evaluating Local Content • Consideration of other Councils scoring and evaluation model • General updates relating to: <ul style="list-style-type: none"> ○ Latest Reconciliation Action Plan Implications ○ Latest Ballarat net Zero Emissions Plan Implications ○ Latest Child Safe Implications ○ Outcomes out of external procurement / tendering review ○ Wording and Language Reviews and updates / edits |
| Environmental and Sustainable Considerations | <p>The review provides an opportunity to consider the most recent approaches in the Victorian Local Government sector to the evaluation of Environmental and Sustainable considerations in the awarding of a tender.</p> <p>Consideration will be given to a sample of other Council's within Victorian Local Government setting to understand the latest approaches to evaluating these factors and the models and methods applied in doing so.</p> <p>Some different environmental and sustainable evaluation structures for Council to consider will be developed and provided for discussion.</p> |
| OHS Considerations | <p>The review allows for Council to consider how the current evaluation process compares with both the State and Local Government practices and the associated legislative and legal environment.</p> <p>Consideration will then be given to some different models for evaluation and scoring of OH&S within tender submissions, which will be provided to Council for consideration and discussion. There will be a chance for Council to compare and contrast alternative models against the existing evaluation approach.</p> |

9. Officers further recommend a report of Procurement Policy review findings and potential policy amendment recommendations is tabled for Council's further consideration at the April 2023 meeting.

OFFICER RECOMMENDATION

10. That Council:

10.1 Note the outline of a review of the Procurement Policy within this report.

10.2 Note that the outcome of the review will be brought back to Council in April 2023.

ATTACHMENTS

1. Governance Review [8.1.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Procurement Policy is a requirement under section 108 of the *Local Government Act 2020*.

COMMUNITY IMPACT

2. There are no community impacts identified in the body of this report.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. The review of Council's Procurement Policy specifically includes environmental and sustainable considerations in its framework.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. The review of Council's Procurement Policy specifically includes environmental and sustainable considerations in its framework.

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

6. The review of the Procurement Policy ensures that the core operations of Council are not impeded and are managed to ensure transparency and good governance.

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. A working group will be established to review the policy and make recommendation. The constitution of this group is still to be determined.

GENDER EQUALITY ACT 2020

9. The gender equality implications of Council's Procurement Policy will be considered under the Legislative/Policy Context of the review framework.

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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.

PROCUREMENT COLLABORATION

11. Allowance for and opportunities for Procurement Collaboration in Council's Procurement Policy will be considered under the General Procurement Policy Review of the review framework.

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8.2. BRIDGE MALL - SPECIAL RATE APPLICATION

Division: Development and Growth
Director: Natalie Robertson
Author/Position: James Guy – Executive Manager Economic Growth

PURPOSE

1. To receive and note the correspondence from the Bridge Mall Business Association requesting the Bridge Mall Special Rate (BMSR) be renewed for another 5 years.
2. To set out the process for the declaration of the BMSR for a five-year period from 2023 to 2028.

BACKGROUND

3. The BMSR was first introduced by the former City of Ballarat Council in 1988. Its primary aim was to raise funds for the Bridge Mall Traders Association (BMTA) to apply towards promotion and advertising for the 'Mall', the provision of security and the employment of a Manager of the BMTA. In 2018, the BMTA rewrote their Rules of Association and rebranded as the Bridge Mall Business Association (BMBA). The BMSR has continued since 1988, at the request of BMBA, being declared by Council initially for a 3-year period but more recently for a 5-year period. The current BMSR will expire on the 30 June 2023.
4. The BMSR is declared in accordance with Section 163 of the *Local Government Act 1989*. The primary consideration of a Special Rate is that the initiatives and projects funded by the Special Rate provide a *special benefit* to those who are required to pay it, over and above those who are not required to pay.
5. For each of the last five years, the BMSR has raised \$148,000 per annum, levied on the Capital Improved Value (CIV) of the participating 80 properties in the Bridge Mall, Coliseum Walk and ground floor tenancies of Norwich Plaza (Attachment 3). Council collects funds that are wholly allocated to the BMBA on a quarterly basis, to employ a Precinct Manager to oversee and coordinate the daily operations of the Precinct, market and promote the Precinct and provide security services.

KEY MATTERS

6. The current five-year Bridge Mall Special Rate will expire on 30 June 2023. At the April General Meeting of the Bridge Mall Business Association (BMBA) a motion was moved and seconded to progress with the special rate levy renewal. On 31 October 2022, the BMBA requested Council undertake the statutory process to renew the BMSR for a further five years from 1 July 2023 to 30 June 2028 (inclusive) as per Attachment 2.
7. The BMBA have requested the amount raised to increase from the current \$148,000 p.a. to \$160,000 in the first year and increase annually by 3% on the anniversary date reaching a total of \$180,081 in Year 5.
8. Despite the introduction of the *Local Government Act 2020* (2020 Act), the legislative scheme governing rates and charges currently remains under Division 1 of Part 8 of

the 1989 Act. Presently, there is no equivalent provision in the 2020 Act. Therefore, Section 163 of the 1989 Act still applies to special rate and charge schemes to be declared by Council, including the BMSR.

9. Before Council can declare a Special Rate, it must give Public Notice of its intention to do so at least 28 days prior to making a declaration. Council must also write to persons liable to pay the Special Rate, providing a copy of the Public Notice. A person may make a submission under section 223 of the *Local Government Act 1989* (1989 Act) in relation to Council's proposal to declare a Special Rate.
10. This report commences the process to renew the BMSR. The decision to proceed will be considered at a future Council meeting following the public notice period.

OFFICER RECOMMENDATION

11. That Council:

11.1 Receive and note the request (Attachment 2) from the Bridge Mall Business Association (BMBA) to renew the Bridge Mall Special Rate for all properties located between Grenville Street and Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza (the Precinct – see Attachment 3) for a period of five years, commencing 1 July 2023.

11.2 Give notice of its intention to declare the Bridge Mall Special Rate for the Precinct in accordance with Sections 163 and 223 of the *Local Government Act 1989* (1989 Act) as follows:

- a. a Bridge Mall Special Rate be declared for a period of five years commencing on 1 July 2023 and concluding on 30 June 2028.
- b. the Bridge Mall Special Rate be declared for the purposes of defraying expenses of advertising, promotion, centre management, business development, security and other incidental expenses associated with the encouragement of commerce in the Precinct, which:
 - i. Council considers is, or will be, of special benefit to those persons required to pay the Bridge Mall Special Rate; and
 - ii. arises out of Council's function of:
 - encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Precinct and the broader municipal district; and
 - providing good governance in its municipal district for the benefit and wellbeing of the municipal community.
- c. the total cost of performing the function and the maximum amount of the Bridge Mall Special Rate to be levied will be:
 - i. Year 1 - \$160,000;
 - ii. Year 2 - \$164,800;

- iii. Year 3 - \$169,744;
- iv. Year 4 - \$174,836; and
- v. Year 5 - \$180,081.

-per annum, equating to a maximum of \$849,461 for the full 5 years, or such other amount as is lawfully levied having regard to necessary adjustments to valuations from time to time.

- d. the Bridge Mall Special Rate will apply to all rateable land which is primarily used, or adapted or designed to be used, for commercial purposes and which is located:
 - i. between Grenville Street and Peel Street that faces the Bridge Mall;
 - ii. on Coliseum Walk; and
 - iii. on the ground floor in Norwich Plaza.
- e. the Bridge Mall Special Rate will be assessed and levied on rateable properties within the Precinct as a rate in the dollar of the Capital Improved Value (CIV) (2022-23 0.0032232 cents), subject to the annual valuations of CIV.
- f. Council considers that there will be a special benefit to persons required to pay the Bridge Mall Special Rate because the viability of Bridge Mall and the businesses in it will be enhanced through increased commerce and business activity.
- g. Council determines that the estimated proportion of the total benefit of the Bridge Mall Special Rate (including special benefits and community benefits) that will accrue as special benefits to all the persons who are liable to pay it, is in a ratio of 1:1 (or 100%) on the basis that the community benefit is nil because funds raised by way of the Bridge Mall Special Rate will be applied to marketing, management and business development activities and will accordingly only benefit the owners and occupiers of those properties to which it will apply.
- h. the owners of the land described in paragraph 11.2(d) of this resolution will, subject to further resolution of Council, pay the Bridge Mall Special Rate on the same date or dates as Council's general rates are due.
- i. Council will, subject to and in accordance with the *Local Government Act 1989*, require a person to pay interest on any portion of the Bridge Mall Special Rate which that person is liable to pay and has not been paid by the date specified for its payment.

11.3 Authorise Council's Chief Executive Officer to give notice of the proposed declaration of the Bridge Mall Special Rate in accordance with the Local Government Act 1989 by at least:

- a. arranging for a Public Notice to be published in the Ballarat Times newspaper; and
- b. sending a Letter enclosing the Public Notice to each person who will be liable to pay the Bridge Mall Special Rate.

11.4 Consider any submissions and objections received by Council in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989* at a Council meeting in April 2023 or such other date as the Chief Executive Officer determines. As per section 163A of the Act, a person may make a submission under section 223 in relation to Council's proposal to declare the Special Rate.

ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]
2. BMBA Special Rate Request for Renewal 2023 - 2028 [8.2.2 - 3 pages]
3. Special Rate properties BMS R 2023 [8.2.3 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report supports Goal 5 of the Council Plan 'A strong and innovative economy and city'. Specifically, within the Annual Plan, it contributes to the achievement of action 5.2 and 5.6.
 - 5.2 Support local businesses to explore, innovate and adapt emerging economic opportunities.
 - 5.6 Facilitate increased vibrancy in the CBD and other key business precincts.

COMMUNITY IMPACT

2. This report details the community benefit that has been funded and will be delivered annually.

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. There are no economic sustainability implications.

FINANCIAL IMPLICATIONS

5. The money raised by the Bridge Mall Special Rate will be released quarterly, as historically requested the Bridge Mall Business Association, in accordance with the terms and conditions of an Agreement to be entered into, in the amounts of:

| Instalment | % | 2023 | 2024 | 2025 | 2026 | 2027 |
|------------|-----|-----------|-----------|--------------|--------------|--------------|
| 1 | 18% | \$28,800 | \$29,664 | \$30,553.92 | \$31,470.48 | \$32,414.58 |
| 2 | 37% | \$59,200 | \$60,976 | \$62,805.28 | \$64,689.32 | \$66,629.97 |
| 3 | 23% | \$36,800 | \$37,904 | \$39,041.12 | \$40,212.28 | \$41,418.63 |
| 4 | 22% | \$35,200 | \$36,256 | \$37,343.68 | \$38,463.92 | \$39,617.82 |
| | | \$160,000 | \$164,800 | \$169,744.00 | \$174,836.00 | \$180,081.00 |

LEGAL AND RISK CONSIDERATIONS

6. No legal implications are relevant to the subject of this report.
7. There is a risk that there may be objections to the continuation of the Bridge Mall Special Rate. This risk has been mitigated by the Bridge Mall Business Association informing members and reporting on the current Special Rate in April 2022 and reaffirming their position at the Bridge Mall Business Association AGM in September 2022.

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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. None required for the development of this report.

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)

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Bridge Mall Business Association Incorporated
Shop 62A Bridge Mall
BALLARAT VIC 3350

31st October 2022

BRIDGE MALL PROMOTIONAL AND SECURITY SPECIAL RATE 2023-2028

Mr Evan King
Chief Executive Officer
City of Ballarat

Dear Evan

We write to the City of Ballarat to confirm our support of the continuation of the "Bridge Mall Promotional and Security Special Rate" for the 2023-2028 period, on behalf of the businesses and property owners in the Bridge Mall Shopping Centre that are included in the current special rate.

The rate assists in the economic viability of businesses throughout the precinct with the provision of promotional and security resources, along with the employ of a Centre Manager to oversee and coordinate the daily operations of the Shopping Centre, which will be vital throughout the redevelopment.

The benefits of the Special Rate have been well documented and widely distributed to the ratepayers and occupiers of the Bridge Mall Shopping Centre. Some of these benefits are the identification, promotion, and advertising of the Centre through all forms of media plus the website, street directories and signage.

Centre Management has done and will continue a commitment to community engagement involving Local Schools, Charity and Service Organizations, Cultural Groups, Federal, State and Local Government Communication Departments and, of course, the monthly Farmers' Market. These various supplementary activities generate a flow-on effect to traders, shoppers, and visitors and most importantly, to the community.

As well as the need for commercial exposure, it is equally important that the perception of safety and the professional management of the precinct is also portrayed to current and potential users of the Shopping Centre. All traders and their patrons of the Bridge Mall Shopping Centre should have quiet enjoyment and a safe environment during the operation of their business as well as having comfort their premises is under passive surveillance after hours. This is achieved via the security services and CCTV.



Bridge street redevelopment.

It is a priority and necessity to ensure the precinct has funds through the special rate for the next term which will see the completion of the redevelopment and the re branding and rebuilding of Bridge Street. The viability of these businesses could diminish into and beyond 2023 in the current climate, and especially through the redevelopment of the precinct without them.

The precinct also employs many full-time and casual employees and strives to be the prime location for retail in the CBD which, without the Promotional and Security Special Rate, this would not be the case.

The Bridge Mall Business Association's Objectives 2023 – 2028 and wherever possible throughout the redevelopment.

- To do everything possible to during the redevelopment period to entice local and regional shoppers and the tourist market to the businesses trading in the Bridge Mall Shopping Centre through advertising and social media, and wherever possible, promotional activities.
- Develop and facilitate promotional activities within the mall that coincide with key social, community and cultural events.
- Develop and implement strategies to underpin the ongoing security and safety of traders and shoppers within the mall precinct in partnership with Council and Government bodies.
- Provide the installation and maintenance of security cameras and the contracting of security guards to provide traders and the public with a safe environment.
- Continued improvement post the redevelopment to the aesthetics and the shopping experience in the shopping centre by providing seasonal decorations, banners, and plantings.
- Continue to support and influence the forthcoming infrastructure changes of the Bakery Hill Gateway Masterplan to enable more varied use, greater vibrancy, extended seasonal activity, improved shopping convenience and additional off-streetcar parking.
- Maintain the leasing and management of a centre office to coordinate the various and specific issues that arise in relation to a shopping centre and future infrastructure developments.
- Entice new and exciting retailers now and during the redevelopment that complement the retail mix of the current and future shopping centre.
- Promote and assist all traders in their endeavour to become successful in their businesses by improving their presentation, merchandising and customer service.



Overall, the Bridge Mall Shopping Centre consists of some 86 tenancies, and we propose that the current tenancies that were rated in the current term remain for the next term requested.

It is proposed that the Promotional & Security Special Rate is levied on the following properties as currently rated,

- 1. all properties in the whole of the Bridge Mall from Grenville to Peel Street, excluding those properties located on the second floor.**
- 2. all properties in Norwich Plaza and Coliseum Walk.**

And that amount raised is increased to \$230,000. \$160,000 contributed through BMBA members and the continued \$70,000 contribution from the City of Ballarat. After the first year we would like a 3% increase applied each subsequent year for the next 4 years after up until 2028 on the BMBA contributions.

Our belief in summary is that over the last 5 years the special rate has been extremely beneficial during covid, and the support given to the businesses through this period. We have emerged a lot stronger for having the association and funds. Moving forward we have identified costs have risen, wage pressures and contractors' costs, hence we are seeking a small increase to provide the same support to the precinct and members.

The BMBA objectives and achievements will not be possible without the continuance of the Special Rate that has been levied for the previous thirty-five years. We thank you for your assistance with this process to ensure the continued viability of Ballarat's most historical shopping centre.

Yours faithfully

Wendy Mclachlan
President
Bridge Mall Business Association Incorporated

Shane Donnithorne
Treasurer/Acting Centre Manager
Bridge Mall Shopping Centre

| Assessment | Property Address | Property Suburb |
|------------|-------------------|---------------------------|
| 403524 2 | 17 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403525 9 | 23 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403526 7 | 25 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403527 5 | 27 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403528 3 | 29 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403529 1 | 31 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403530 9 | 33 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403531 7 | 35 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403532 5 | 43 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403533 3 | 45 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403534 1 | 47 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403535 8 | 53 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403536 6 | 55 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403537 4 | 57 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403538 2 | 59 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403539 0 | 63 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403540 8 | 65 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403541 6 | 67-69 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403542 4 | 71 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403543 2 | 73 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403544 0 | 75 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403546 5 | 77 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403547 3 | 79-81 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403569 7 | 90 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403570 5 | 88 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403571 3 | 86 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403572 1 | 84 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403573 9 | 82 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403574 7 | 80 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403575 4 | 78 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403576 2 | 76 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403577 0 | 74 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403578 8 | 72 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403579 6 | 68-70 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403580 4 | 66 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403581 2 | 64 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403582 0 | 62 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403583 8 | 62A Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403584 6 | 60 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403585 3 | 58 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403586 1 | 54 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403587 9 | 52 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403588 7 | 50 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403589 5 | 48 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403590 3 | 42 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403591 1 | 38-40 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403593 7 | 34 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403594 5 | 32 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403595 2 | 30 Bridge Mall | BALLARAT CENTRAL VIC 3350 |

| | | |
|----------|-------------------|---------------------------|
| 403596 0 | 28 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403597 8 | 26 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403598 6 | 24 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403599 4 | 22 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403600 0 | 18 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403601 8 | 16 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403604 2 | 12-14 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403605 9 | 10 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403606 7 | 8 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403607 5 | 6 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 403608 3 | 2 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 405534 9 | 4 Coliseum Walk | BALLARAT CENTRAL VIC 3350 |
| 405535 6 | 6 Coliseum Walk | BALLARAT CENTRAL VIC 3350 |
| 405536 4 | 5 Coliseum Walk | BALLARAT CENTRAL VIC 3350 |
| 405538 0 | 1 Coliseum Walk | BALLARAT CENTRAL VIC 3350 |
| 423550 3 | 5 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423552 9 | 1A Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423554 5 | 1B Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423555 2 | 7-8 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423557 8 | 4 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423558 6 | 2 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423560 2 | 6 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423561 0 | 10 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423563 6 | 14 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423564 4 | 16 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423565 1 | 17 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423567 7 | 13 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423568 5 | 11 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 423570 1 | 3 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |
| 440108 9 | 46 Bridge Mall | BALLARAT CENTRAL VIC 3350 |
| 447329 4 | 12 Norwich Plaza | BALLARAT CENTRAL VIC 3350 |

8.3. GROWTH AREAS QUARTERLY UPDATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Terry Natt – Manager Strategic Planning

PURPOSE

1. To provide an update on the progress of rezoning the proposed growth areas to Urban Growth Zone (UGZ) and the project plan including timeframes for the Growth Areas Framework Plan.

BACKGROUND

2. On 23 February 2022, Council resolved to:

Apply to the Minister for Planning in accordance with Section 8A(2) and (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare Amendment C221ball to the Ballarat Planning Scheme, by:

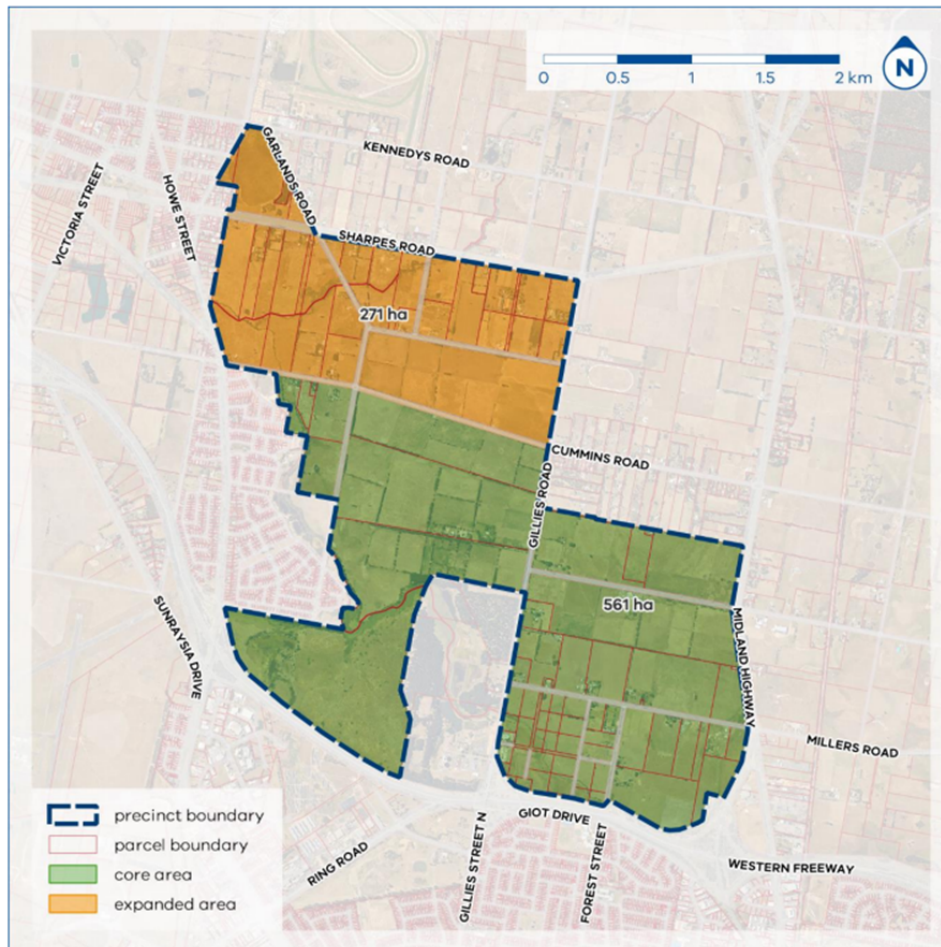
- a. rezoning the growth areas to the Urban Growth Zone in accordance with Attachments E, F and G; and*
 - b. preparing a policy amendment which introduces a new 'Housing Framework Plan' to support the next phases of planning.*
 - c. If authorised by the Minister for Planning under Section 8A (2) and (3) of the Planning and Environment Act 1987, exhibit Amendment C221ball to the Ballarat Planning Scheme in accordance with the notice requirements under section 19 of the Planning and Environment Act 1987.*
 - d. Commence preparation of a Precinct Structure Plan for the northern growth area following application of the Urban Growth Zone.*
 - e. Notes that the Ballarat Housing Strategy should ultimately be the mechanism to determine the extent of future growth and infill development across Ballarat.*
 - f. Authorise the Director Development and Growth to make minor changes to the planning scheme amendment documentation as required.*
 - g. Notes that the 'Growth Areas Framework Plan' will be prepared to establish the most appropriate sequencing of Precinct Structure Plan preparation for the western and north-western growth areas, aligned to sustainable development principles and the likely or planned construction of infrastructure and community facilities to support well planned and sustainable communities.*
 - h. Report back to Council, quarterly, on the progress of the rezoning to UGZ and the project plan including timeframes for the Growth Areas Framework Plan.*
3. This report relates to resolution h. above, which seeks an update on the rezoning of the UGZ and a project plan including timeframes for the Growth Areas Framework Plan.

KEY MATTERS

4. The City of Ballarat received correspondence from the Minister for Planning on 6 September 2022 authorising the Department of Environment, Land, Water and Planning (DELWP) to prepare, adopt and approve an amendment to rezone the core

area of the Northern Growth Area and to make the policy changes to the Ballarat Planning Scheme.

Map: Ballarat Northern Growth Area – Core Area



- City of Ballarat Officers are currently collaborating with DELWP to prepare and refine planning scheme amendment documentation to implement the Ministers decision to rezone the “core area” to Urban Growth Zone. Rezoning to Urban Growth Zone will enable the preparation of a Precinct Structure Plan required to facilitate development of this area.
- The Minister has appointed the Victorian Planning Authority (VPA) to be the planning authority to prepare the required Precinct Structure Plan (PSP), Development Contributions Plan and Planning Scheme Amendment. This process includes consideration for an extension to the boundary if justified. The City of Ballarat is committed to working closely with VPA and stakeholders to prepare these documents.
- The Minister has also asked the VPA to prepare a High-Level Strategic Review (HLSR) of Ballarat’s proposed greenfield land which includes the Western and North-Western growth areas together with urban renewal areas.
- The City of Ballarat and all relevant stakeholders will be engaged to contribute on the HLSR by the VPA and it is expected to take around 6 months to complete. The output of the HLSR is expected to be the provision of a report to the Minister on the findings

and set out a methodology for staging of residential growth and ensuring residential land supply.

9. The findings of the HLSR will also be used to inform the Growth Areas Framework Plan which the City has commenced work on.

10. Key Points

- DELWP to rezone Core Northern Growth Area to an Urban Growth Zone.
- DELWP to update the Ballarat Planning Scheme.
- VPA to prepare the PSP for the Northern Growth Area.
- VPA to review Ballarat's greenfield land and urban renewal areas land supply as part of the HLSR.
- Within two months of the HLSR findings, City of Ballarat officers to present an update on the growth area framework plan for the western growth areas which would ultimately inform appropriate staging and sequencing of residential growth.

OFFICER RECOMMENDATION

11. That Council:

11.1 Note the progress of rezoning the proposed growth areas to Urban Growth Zone.

11.2 Write to the new Minister for Planning as follows:

- a. **Highlighting Council's resolution of 23 February 2022;**
- b. **Affirm Council's expectation that the High-Level Strategic Review (HLSR) currently being undertaken by the Victorian Planning Authority (VPA) will be considered a priority and be delivered within six months of the date of the former Minister for Planning's correspondence of 6 September 2022 so as not to further hinder progression of the strategic work on Council's adopted growth areas boundaries; and**
- c. **Further, to seek projected timeframes for the following:**
 - i. **DELWP to rezone Core Northern Growth Area to an Urban Growth Zone;**
 - ii. **VPA to prepare the PSP for the Northern Growth Area.**

ATTACHMENTS

1. Governance Review [8.3.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with the relevant Council strategies and policies. This report has been prepared with specific reference to the Ballarat Planning Scheme and Ballarat Strategy 2040.

COMMUNITY IMPACT

2. This report is an update on a broader project which has and will continue to require community and stakeholder engagement.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. There are no climate emergency or environmental sustainability implications identified within this report.
4. Council resolution from the 23 February 2022 which established the formal boundary of the growth areas will enable future planning processes to progress, having consideration to environmental and sustainability implications. This will be completed through future preparation of background technical documents for the growth areas and the findings and recommendations within these reports will be actioned accordingly.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. Rezoning of Ballarat's new growth areas is considered to be of state significance to facilitate urban growth will bring forward economic activity associated with all facets of the land development process including planning, building and construction activity.
6. Council resolution from the 23 February 2022 will also assist in the City's post-COVID19 economic recovery through providing housing stock and construction activity over the medium and long term.

FINANCIAL IMPLICATIONS

7. This report is a progress update and has no financial implications.
8. It is noted that Council's proposal to undertake a staged roll-out of the growth areas will stage Council's financial responsibilities associated with the construction of community and other infrastructure projects.

LEGAL AND RISK CONSIDERATIONS

9. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* were considerations of this report.

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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. This report is an update on a broader project which has and will continue to require community and stakeholder engagement.

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

8.4. 2023 COUNCILLOR REPRESENTATION FOR COMMITTEES AND EXTERNAL BODIES

Division: Corporate Services
Director: John Hausler
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The report is for Council to adopt the Councillor Representation for Committees and External Bodies for 2023.

BACKGROUND

2. The report brings forward an extensive list of Delegated Committees, Advisory Committees, Stakeholder Reference Groups, Internal Working Groups, Non-advisory Committees, Boards and Organisations with the proposed Councillor representations for 2023 (effective 1 January 2023).

KEY MATTERS

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

OFFICER RECOMMENDATION

6. That Council:

6.1 Endorse the 2023 appointments of Councillor Representation on Committees, Boards, Organisations and Groups as detailed in attachment 2.

6.2 Ensure that all the Committees, Board, Organisations and Groups are notified of Council's revised representatives.

ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]
2. 2023 Boards and Committees [8.4.2 - 5 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

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

HUMAN RIGHTS CONSIDERATIONS

8. It is considered that 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 no community consultation and engagement identified 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.

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

City of Ballarat – Councillor Representatives OFFICIAL

Committees and Boards 2022 to 2023

| No | Title | Description | Membership | 2022 Councillor Representative/s | 2023 Councillor Representative/s | Details relating to Chairperson | 2022 Councillor Representative Chairperson | 2023 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|--|---|--|---|--|---|--|--|-------------------------------------|
| 1.0 | Community Impact Grant Allocations Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i> | Total 10 3 Councillors 3 External 4 Council Officers (non-voting) | Cr Hudson Cr Moloney Cr Harris | Cr Moloney Cr Hudson Cr Hargreaves | Councillor appointed by Council | Cr Hudson | Cr Hudson | |
| 1.1 | Tourism Events Grant Allocations Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i> | Total 7 3 Councillors 4 Council Officers (non-voting) | Cr Hargreaves Cr Eddy Cr Moloney | Cr Moloney Cr Eddy Cr Hargreaves | Councillor appointed by Council | Cr Hargreaves | Cr Hargreaves | |
| 1.2 | Contracts Approval Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i> | Total 3 3 Councillors | Cr Taylor Cr Harris Cr Hargreaves | Cr Eddy Cr Taylor Cr Harris | Councillor appointed by Council | Cr Taylor | | |
| 1.3 | Her Majesty's Theatre Board Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i> | Total 12 3 Councillors (only 1 voting) 9 External | Cr McIntosh Cr Moloney | Cr McIntosh Cr Moloney | Councillor appointed by Council | Cr McIntosh | Cr Moloney | |
| 1.4 | Planning Delegated Committee | Delegated Committee in accordance with s63 <i>Local Government Act 2020</i> | All 9 Councillors | All 9 Councillors | All 9 Councillors | Councillor appointed by Council | Cr Moloney | Cr Hudson | |
| 2.0 | Audit and Risk Committee | Audit and Risk Committee in accordance with section 53 <i>Local Government Act 2020</i> | Total 7 3 Councillors 4 External | Cr Johnson Cr Harris Cr Moloney | Cr Harris Cr Hudson Cr Johnson | Chairperson is appointed from the external members of the Committee | Independent | | |

City of Ballarat – Councillor Representatives OFFICIAL

Committees and Boards 2022 to 2023

| No | Title | Description | Membership | 2022 Councillor Representative/s | 2023 Councillor Representative/s | Details relating to Chairperson | 2022 Councillor Representative Chairperson | 2023 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|---|---|---|--|----------------------------------|--|--|--|-------------------------------------|
| 3.0 | Sebastopol RSL Hall Community Asset Committee | Community Asset Delegated Committee in accordance with s65 <i>Local Government Act 2020</i> | Total 5 members 1 Councillor 4 External | Cr Hudson | Cr Hudson | Chairperson is appointed from the members of the Committee | | | |
| 4.0 | Coghill's Creek / Glendaruel Cemetery | Other Committees Established Under Acts | All 9 Councillors | All 9 Councillors | 9 Councillors | Mayor Cr Moloney | Cr Moloney | Cr Hudson | All 9 Councillors (as Trustees) |
| 4.1 | Learmonth Cemetery | Other Committees Established Under Acts | All 9 Councillors | All 9 Councillors | 9 Councillors | Mayor Cr Moloney | Cr Moloney | Cr Hudson | All 9 Councillors (as Trustees) |
| 5.0 | Ballarat Airport/ Aerodrome Stakeholder Reference Group | Stakeholder Reference Group | Total 10 Up to 3 Councillors 7 External | Cr McIntosh Cr Moloney Cr Hudson | Cr McIntosh | Councillor appointed by Council | Cr McIntosh | Cr McIntosh | |
| 5.1 | Lake Learmonth Stakeholder Reference Group | Stakeholder Reference Group | Minimum 10 1 Councillor | Cr Eddy | Cr Eddy | Council to appoint or Committee to appoint if Council fails to do so | Cr Eddy | Cr Eddy | |
| 5.2 | Lake Wendouree & Gardens Stakeholder Reference Group | Stakeholder Reference Group | Total b/w 8 & 14 Up to 3 Councillors | Cr Moloney Cr McIntosh | Cr McIntosh Cr Moloney | Council to appoint or Committee to appoint if Council fails to do so | Cr McIntosh | Cr McIntosh | Cr Hudson |
| 5.3 | Tourism Events Stakeholder Reference Group | Stakeholder Reference Group | Total 8 2 Councillors 6 External | Cr Eddy Cr Moloney | Cr Moloney Cr Eddy | Chairperson elected by the Committee | | | |

City of Ballarat – Councillor Representatives OFFICIAL

Committees and Boards 2022 to 2023

| No | Title | Description | Membership | 2022 Councillor Representative/s | 2023 Councillor Representative/s | Details relating to Chairperson | 2022 Councillor Representative Chairperson | 2023 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|---|-----------------------------|---|--|----------------------------------|--|--|--|-------------------------------------|
| 5.4 | Ballarat Major Events Precinct Stakeholder Reference Group | Stakeholder Reference Group | Total 12 2 Councillors 10 External | Cr Eddy Cr Moloney | Cr Moloney Cr Eddy | Chairperson elected by the Committee | | | |
| 6.0 | Arch of Victory /Avenue of Honour Stakeholder Reference Group | Stakeholder Reference Group | Total 16 Mayor ex officio Up to 2 Councillors | Cr Moloney Cr McIntosh Cr Hudson | Cr McIntosh | Chairperson elected by the Committee | | | |
| 6.1 | Ballarat Friends of Ainaro Community Advisory Committee | Advisory Committee | Total 4 1 Councillor 3 External | Cr Eddy Cr Hudson | Cr Eddy | Chairperson elected by the Committee | Cr Eddy | | |
| 6.2 | Ballarat Heritage Advisory Committee | Advisory Committee | Total 18 2 Councillors 16 External | Cr McIntosh Cr Johnson | Cr McIntosh Cr Johnson | Council to appoint or Committee to appoint if Council fails to do so | Cr McIntosh | Cr McIntosh | Cr Moloney |
| 6.3 | Ballarat Regional Soccer Facility Advisory Committee | Advisory Committee | Total 8 2 Councillors 6 External | Cr Hudson | Cr Hudson | Council to appoint or Committee to appoint if Council fails to do so | Cr Hudson | Cr Hudson | |
| 6.4 | Disability Advisory Committee | Advisory Committee | Total 13 1 Councillor 12 External | Cr Johnson | Cr Johnson | Council to appoint or Committee to appoint if Council fails to do so | Cr Johnson | Cr Johnson | |

City of Ballarat – Councillor Representatives OFFICIAL

Committees and Boards 2022 to 2023

| No | Title | Description | Membership | 2022 Councillor Representative/s | 2023 Councillor Representative/s | Details relating to Chairperson | 2022 Councillor Representative Chairperson | 2023 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|---|--------------------------|---|---|---------------------------------------|--|--|--|-------------------------------------|
| 6.5 | Intercultural Advisory Committee | Advisory Committee | Total 13 At least 1 Councillor | Cr Coates Cr Johnson | Cr Coates | Council to select chairperson from Councillors | Cr Coates | Cr Coates | |
| 6.6 | Koorie Engagement Action Group Advisory Committee | Advisory Committee | Total 10 1 Councillor 9 External | Cr Coates Cr Hargreaves Cr Moloney | Cr Coates | Councillor is co-chair of Committee | Cr Coates | Cr Coates | |
| 6.7 | LGBTIQA+ Advisory Committee | Advisory Committee | Total b/2 10 and 12 Up to 3 Councillors | Cr Moloney Cr Coates Cr Hargreaves | Cr Moloney Cr Coates | Councillor appointed by Council | Cr Moloney | Cr Moloney | |
| 7.0 | Integrated Transport Internal Working Group | Internal Working Group | | Cr Coates Cr Taylor Cr McIntosh | Cr Taylor Cr Coates Cr McIntosh | | | | |
| 8.0 | Art Gallery of Ballarat Board | Groups and Organisations | 1 Councillor 9 External | Cr Harris | Cr Harris | Chairperson appointed by Council | | Cr Harris | |
| 8.1 | Australian Local Government Women's Association (ALGWA) | Groups and Organisations | Membership organisation | Cr Coates Cr Hargreaves Cr Johnson Cr McIntosh | Cr McIntosh Cr Coates | | | | |
| 8.2 | Central Highlands Councils Victoria | Groups and Organisations | Total 16 Mayors and CEOs of the 8 members Councils | Cr Moloney | Cr Hudson | CHCV to appoint Chair from Mayors of the 8 member Councils | | | |

City of Ballarat – Councillor Representatives OFFICIAL

Committees and Boards 2022 to 2023

| No | Title | Description | Membership | 2022 Councillor Representative/s | 2023 Councillor Representative/s | Details relating to Chairperson | 2022 Councillor Representative Chairperson | 2023 Councillor Representative Chairperson | Alternate Councillor Representative |
|-----|--|---|--|----------------------------------|----------------------------------|---|--|--|-------------------------------------|
| 8.3 | Central Victorian Greenhouse Alliance | Groups and Organisations | | Cr Coates | Cr Coates | | | | |
| 8.4 | Commerce Ballarat | Groups and Organisations | | Cr Eddy | Cr Eddy | | | | |
| 8.5 | Local Learning Education Network | Groups and Organisations | | Cr Eddy | Cr Hudson | | | | |
| 8.6 | Municipal Association of Victoria (MAV) | Groups and Organisations | | Cr Johnson | Cr Johnson Cr McIntosh | | | | Cr Coates |
| 8.7 | MAV Rural South-Central Region Group | Groups and Organisations | | Cr Johnson | Cr Johnson Cr McIntosh | | | | Cr Coates |
| 8.8 | Regional Cities Victoria | Groups and Organisations | Total 20 Mayors and CEOs of the 10 member Councils | Cr Moloney | Cr Hudson | Chair elected from the Mayors of the 10 member Councils | | | |
| 8.9 | Regional Sustainability Alliance | Groups and Organisations | 1 Councillor | Cr Coates | Cr Coates | | | | |
| 9.0 | Municipal Fire Management Planning Committee | Other Committees Established Under Acts | 1 Councillor | Cr Harris | Cr Harris | | | | |

8.5. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Kylie Sullivan and endorse the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Victoria Cochrane.

BACKGROUND

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

KEY MATTERS

3. Kylie Sullivan holds the position of Coordinator Statutory Planning, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
4. Victoria Cochrane holds the position of Environment Health Officer, and the *Environment Protection Act 2017* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.

OFFICER RECOMMENDATION

5. **That Council:**
 - 5.1 **Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that;**
 - a. **Kylie Sullivan be appointed and authorised as set out in the instrument.**
 - b. **The instrument comes into force immediately upon resolution and remains in force until Council determines to vary or revoke it.**
 - 5.2 **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. **Victoria Cochrane be appointed and authorised as set out in the instrument.**

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

ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]
2. S11A Instrument of Appointment and Authorisation - Kylie Sullivan [8.5.2 - 2 pages]
3. S11B Instrument of Appointment and Authorisation - Victoria Cochrane [8.5.3 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

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

COMMUNITY IMPACT

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

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987* and *Environment and 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 general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

(For Contracts Only)

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

Ballarat City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

OFFICIAL



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

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

Kylie Sullivan

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].

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

Ballarat City Council

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

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

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

Victoria Cochrane

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 [insert date].

8.6. 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:
 - Change in the position title Subdivision Officer (SO) to Senior Subdivision Officer (SSO).
 - Removed the position title Strategic Planning Administration Officer.

OFFICER RECOMMENDATION

6. **That Council exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:**
 - 6.1. **There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.**
 - 6.2. **The Instrument comes into force immediately 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 [8.6.1 - 2 pages]
2. S6 Instrument of Delegation - Members of Staff [8.6.2 - 165 pages]

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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.

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CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

PROCUREMENT COLLABORATION

(For Contracts Only)

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BALLARAT CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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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 |
| CID | Coordinator Infrastructure Delivery |

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| Abbreviation | Position |
|--------------|--|
| 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 |
| EMI | Executive Manager Infrastructure |
| EMO | Executive Manager Operations |

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| Abbreviation | Position |
|----------------|---|
| 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 |
| RMCS | Road Maintenance Contract Supervisor |
| RMS | Road Maintenance Scheduler |

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| Abbreviation | Position |
|--------------|--|
| SASO | Senior Asset Surveillance Officer |
| SSTP | Senior Statutory Planner |
| SSO | Senior Subdivision Officer |
| SCO | Statutory Compliance Officer |
| STP | Statutory Planner |
| SP | Strategic Planner |
| SASU | Supervisor Asset Surveillance |
| SPD | Supervisor Pathways and Drainage |
| SRS | Supervisor Road Safety |
| SUSR | Supervisor Sealed Roads |
| SUR | Supervisor Unsealed Roads |
| SGP | Sustainable Growth Planner |
| SGPO | Sustainable Growth Project Officer |
| SGTSO | Sustainable Growth Technical Support Officer |
| TLCP | Team Leader Compliance and Parking |
| TLEG | Team Leader Economic Growth |
| TLEH | Team Leader Environmental Health |

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| Abbreviation | Position |
|--------------|--|
| 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 remains in force until varied or revoked;

3.2.2 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

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

(a) policy; or

(b) strategy

adopted by Council;

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

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

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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

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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 | |

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| 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 |
| s 18(3) | Duty to comply with a direction from the Secretary | CPG, EMO, EMPSFM, DIE, CUFOS, CGNR | |

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



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



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



| Cemeteries and Crematoria Act 2003 | | | |
|------------------------------------|---|------------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 69 | Duty to take reasonable steps to notify of conversion to historic cemetery park | EMPSFM, DIE | |
| s 70(1) | Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed | CPG, EMO, EMPSFM, DIE, 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 | |

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| 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 | |

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| Cemeteries and Crematoria Act 2003 | | | |
|---|--|--|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 76(3) | Duty to allocate a piece of interment if an unallocated right is granted | CPG, EMO, EMPSFM, DIE, 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 | |



| 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 | |
| s 84I(4) | Power to exercise the rights of a holder of a right of internment | EMPSFM, DIE | |



| Cemeteries and Crematoria Act 2003 | | | |
|------------------------------------|---|------------------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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. |
| 85(2)(c) | Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; | 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 |



| Cemeteries and Crematoria Act 2003 | | | |
|------------------------------------|--|-------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location. | | |
| s 86 | Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | EMPSFM, DIE | |
| s 86(2) | Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment | EMPSFM, DIE | |
| s 86(3)(a) | Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment | EMPSFM, DIE | |
| s 86(3)(b) | Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b) | EMPSFM, DIE | |

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| Cemeteries and Crematoria Act 2003 | | | |
|---|---|-----------------|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | |
| s 91(1) | Power to cancel a right of interment in accordance with s 91 | EMPSFM, DIE | |

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

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



| Cemeteries and Crematoria Act 2003 | | | |
|---|---|------------------------------------|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 102(1) | Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c) | CPG, 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 | |
| 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 | |

OFFICIAL



| Cemeteries and Crematoria Act 2003 | | | |
|---|--|------------------------------------|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 106(1) | Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs | CPG, EMO, EMPSFM, DIE, 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 | |
| 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 | |

OFFICIAL



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



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



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

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



| Food Act 1984 | | | |
|---------------|---|---------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 19(2)(a) | Power to direct by written order that the food premises be put into a clean and sanitary condition | TLEH, EHO, CEH, DDG | If s 19(1) applies |
| s 19(2)(b) | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | TLEH, EHO, CEH, DDG | If s 19(1) applies |
| s 19(3) | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | TLEH, EHO, CEH, DDG | If s 19(1) applies Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a) | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise | DDG | If s 19(1) applies |
| s 19(6)(a) | Duty to revoke any order under section 19 if satisfied that an order has been complied with | TLEH, EHO, CEH | If s 19(1) applies |

OFFICIAL



| Food Act 1984 | | | |
|---------------|--|---------------------|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 19(6)(b) | Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with | TLEH, EHO, CEH | If s 19(1) applies |
| s 19AA(2) | Power to direct, by written order, that a person must take any of the actions described in (a)-(c). | TLEH, EHO, CEH, DDG | Where Council is the registration authority |
| s 19AA(4)(c) | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | TLEH, EHO, CEH | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7) | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with | TLEH, EHO, CEH | Where Council is the registration authority |
| s 19CB(4)(b) | Power to request copy of records | TLEH, EHO, CEH, DDG | Where Council is the registration authority |
| s 19E(1)(d) | Power to request a copy of the food safety program | TLEH, EHO, CEH, DDG | Where Council is the registration authority |

OFFICIAL



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

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| Food Act 1984 | | | |
|---------------|---|---|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 19NA(1) | Power to request food safety audit reports | TLEH, EHO, AOBs, AOEH, AOLLT, CAEO, TOBS, CEH, TLRsATS, HSO, AORS | Where Council is the registration authority |
| s 19U(3) | Power to waive and vary the costs of a food safety audit if there are special circumstances | Not Delegated | |
| 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 |
| 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, | Where Council is the registration authority |

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| Food Act 1984 | | | |
|---------------|--|---|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | TLRSATS, HSO, AORS | |
| 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, TLRSATS, HSO, AORS | Where Council is the registration authority |
| s 38B(1)(a) | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs | 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 |

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| Food Act 1984 | | | |
|---------------|--|--|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 |
| 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) |

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| Food Act 1984 | | | |
|---------------|---|----------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 38E(4) | Duty to register the food premises when conditions are satisfied | TLEH, EHO, CEH, DDG | Where Council is the registration authority |
| s 38F(3)(b) | Power to require proprietor to comply with requirements of this Act | TLEH, EHO, CEH, DDG | Where Council is the registration authority |
| s 38G(1) | Power to require notification of change of the food safety program type used for the food premises | TLEH, EHO, CEH, EMRS | Where Council is the registration authority |
| 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 | |

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| Food Act 1984 | | | |
|---------------|--|----------------------|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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) |
| 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 |

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| 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 |
| s 45AC | Power to bring proceedings | TLEH, EHO, CEH, EMRS | |

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| Food Act 1984 | | | |
|---------------|---|---------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

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| 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 | |

| 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, MSTP, CSTP, DDG, PSP, EMDF, | |

OFFICIAL



| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, MSP, CP, PP, SGP | |
| s 41(2) | Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements | SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, 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 | |

OFFICIAL



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

OFFICIAL



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



| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 17(1) | Duty of giving copy amendment to the planning scheme | SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | |
| s 17(2) | Duty of giving copy s 173 agreement | SP, MSTP, CSTP, DDG, PSP, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | |
| s 18 | Duty to make amendment etc. available in accordance with public availability requirements | SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | Until the proposed amendment is approved or lapsed |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|---|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | |
| s 19 | Function of receiving notice of preparation of an amendment to a planning scheme | SP, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | Until the end of 2 months after the amendment comes into operation or lapses |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|---|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 21A(4) | Duty to publish notice | SP, 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, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | |
| s 23(2) | Power to refer to a panel submissions which do not require a change to the amendment | SP, MSTP, CSTP, DDG, | |



| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP | During the inspection period |

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

OFFICIAL



| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSP, EMDF, PSTP, MSP, PP | |
| s 36(2) | Duty to give notice of approval of amendment | SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | |
| s 38(5) | Duty to give notice of revocation of an amendment | SP, 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, MSTP, CSTP, DDG, | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSP, EMDF, PSTP, MSP, PP | |
| s 41(1) | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period | SP, 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 | 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|---|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46AAA | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | Not Applicable | Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils |
| s 46AW | Function of being consulted by the Minister | DDG, EMDF | Where Council is a responsible public entity |
| s 46AX | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy | DDG, EMDF | Where Council is a responsible public entity |
| s 46AZC(2) | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity | SP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, MSP, PP | Where Council is a responsible public entity |
| s 46AZK | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding | SP, MSTP, CSTP, DDG, | Where Council is a responsible public entity |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|---------------------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | on the public entity when performing a function or duty or exercising a power in relation to the declared area | PSP, EMDF, PSTP, MSP, PP | |
| 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, SGPO, 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 | |
| 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, SGPO, DCA, DDG, EMDF, SGTSO | |
| s 46GO(1) | Duty to give notice to owners of certain inner public purpose land | DDG, EMDF | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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, SGPO, 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, SGPO, DCA, DDG, EMDF, SGTSO | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46GS(2) | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | DDG, EMDF | |
| s 46GT(2) | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference | DDG, EMDF | |
| s 46GT(4) | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land | MSG, SGPO, DCA, DDG, EMDF, SGTSO | |
| s 46GT(6) | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5) | MSG, SGPO, DCA, DDG, EMDF, SGTSO | |

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

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46GV(7) | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area | DDG, EMDF | |
| s 46GV(9) | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | DDG, EMDF | Where Council is the collecting agency |
| s 46GX(1) | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable | MSG, SGPO, 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, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the collecting agency |

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



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46GZ(2)(b) | Function of receiving the monetary component | MSG, SGPO, 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, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(5) | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | MSG, SGPO, 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, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the development agency specified in the approved infrastructure contributions plan |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | | This provision does not apply where Council is also the collecting agency |
| s 46GZ(7) | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | MSG, SGPO, 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, SGPO, DCA, DDG, EMDF, SGTSO | If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |
| s 46GZ(9) | Function of receiving the fee simple in the land | MSG, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the development agency under an approved infrastructure contributions plan |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | | 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, SGPO, 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, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZB(3) | Duty to follow the steps set out in s 46GZB(3)(a) – (c) | MSG, SGPO, 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 | MSG, SGPO, DCA, MSTP, DCS, CSTP, | If the VPA is the collecting agency under an approved infrastructure contributions plan |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | DDG, PSP, EMDF, PSTP, PP, SGTSO | 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, SGPO, 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, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZD(5) | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b) | MSG, SGPO, 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 | MSG, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, | Where Council is the development agency under an approved infrastructure contributions plan |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | acquire that land at the date on which the approved infrastructure contributions plan expires | EMDF, PSTP, PP, SGTSO | This duty does not apply where Council is also the collecting agency |
| s 46GZE(2) | Function of receiving the unexpended land equalisation amount | MSG, SGPO, 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 |
| 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, SGPO, 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, SGPO, 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, SGPO, DCA, DCS, DDG, EMDF, SGTSO | Where Council is the development agency under an approved infrastructure contributions plan |



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

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

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| 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, SGPO, 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, SGPO, 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, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46O(1)(d) & (2)(d) | Power to enter into agreement with the applicant regarding payment of community infrastructure levy | MSG, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | |
| s 46P(1) | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured | MSG, SGPO, 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, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46Q(1) | Duty to keep proper accounts of levies paid | MSG, SGPO, 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, SGPO, DCA, MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | |
| 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, SGPO, DCA, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP, SGTSO | |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 46Q(3) | Power to refund any amount of levy paid if it is satisfied the development is not to proceed | MSG, SGPO, 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, SGPO, 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 |
| 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, SGPO, DCA, MSTP, CSTP, DDG, | With the consent of, and in the manner approved by, the Minister |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSP, EMDF, PSTP, PP, SGTSO | |
| s 46QC | Power to recover any amount of levy payable under Part 3B | MSG, SGPO, 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 |
| 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 | DDG, EMDF, MSP | |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period | | |
| 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 | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 49(1) | Duty to keep a register of all applications for permits and determinations relating to permits | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |
| s 50(4) | Duty to amend application | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, SCO, EMDF, PSTP, AOSC, CP, PP | |
| s 50A(1) | Power to make amendment to application | SSO, SP, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 50A(3) | Power to require applicant to notify owner and make a declaration that notice has been given | SSO, SP, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP | |
| s 50A(4) | Duty to note amendment to application in register | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 51 | Duty to make copy of application available for inspection in accordance with the public availability requirements | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 52(1)(a) | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | STP, 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 | |
| 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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 | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, CP, PP, PSO, SGP | |
| s 52(3) | Power to give any further notice of an application where appropriate | SSO, 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 | SSO, 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) | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, | |

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

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, CP, PP, PSO, SGP | |
| s 54A(3) | Power to decide to extend time or refuse to extend time to give required information | SSO, 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) | SSO, 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, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, CP, PP, PSO, SGP | |
| s 57(2A) | Power to reject objections considered made primarily for commercial advantage for the objector | SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| s 57(3) | Function of receiving name and address of persons to whom notice of decision is to go | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 57A(4) | Duty to amend application in accordance with applicant's request, subject to s 57A(5) | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 57A(5) | Power to refuse to amend application | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 57A(6) | Duty to note amendments to application in register | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 57B(1) | Duty to determine whether and to whom notice should be given | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 57C(1) | Duty to give copy of amended application to referral authority | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 58 | Duty to consider every application for a permit | SSO, 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 | |
| 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, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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 | SSO, 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 | SSO, 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 |
| s 61(2) | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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 | |
| s 61(4) | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 62(1) | Duty to include certain conditions in deciding to grant a permit | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 62(2) | Power to include other conditions | SSO, 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) | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 62(5)(a) | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | SSO, 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 | SSO, 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 | SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| 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) | SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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) | SSO, 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) | SSO, 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, 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(3) | Duty not to issue a permit until after the specified period | STP, MSTP, CSTP, DDG, PSP, EMDF, | This provision applies also to a decision to grant an amendment to a permit - see s 75 |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, CP, PP, PSO, SGP | |
| s 64(5) | Duty to give each objector a copy of an exempt decision | SSO, 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 | SSO, 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 |
| s 65(1) | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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 | SSO, 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 |
| 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 |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 66(6) | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | STP, 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 | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 69(2) | Power to extend time | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |
| s 71(1) | Power to correct certain mistakes | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 71(2) | Duty to note corrections in register | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |
| s 73 | Power to decide to grant amendment subject to conditions | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 76 | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | SSO, 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 | SSO, 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 amended permit recommended by the recommending referral authority |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 76A(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | STP, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, PSO, SGP | |
| s 83 | Function of being respondent to an appeal | SSO, STP, TSODF, MSTP, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 83B | Duty to give or publish notice of application for review | SSO, 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 | SSO, 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 | SSO, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |

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| 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 | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 84AB | Power to agree to confining a review by the Tribunal | SSO, MSG, SGPO, TSODF, DCA, DCS, DDG, EMDF, SGTSO | |
| s 86 | Duty to issue a permit at order of Tribunal within 3 business days | SSO, STP, TSODF, MSTP, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 87(3) | Power to apply to VCAT for the cancellation or amendment of a permit | SSO, 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 | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 91(2) | Duty to comply with the directions of VCAT | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | PSTP, SSTP, CP, PP, SGP | |
| s 91(2A) | Duty to issue amended permit to owner if Tribunal so directs | SSO, STP, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| s 92 | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | SSO, 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 | SSO, STP, CCPSC, TSODF, MSTP, CSTP, DDG, PSP, EMDF, PSTP, | |



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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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, 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 96A(2) | Power to agree to consider an application for permit concurrently with preparation of proposed amendment | 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 | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 96J | Duty to issue permit as directed by the Minister | MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 97MI | Duty to contribute to the costs of the Planning Application Committee or subcommittee | MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 97Q(4) | Duty to comply with directions of VCAT | STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, CP, PP, SGP | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 101 | Function of receiving claim for expenses in conjunction with claim | MSTP, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| 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 | SSO, STP, MSTP, PSP, EMDF | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 114(1) | Power to apply to the VCAT for an enforcement order | CCPSC, MSTP, CSTP, DDG, PSP, EMDF, PSTP, EMRS, PP | |
| 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 | |

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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 |
| 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 | |

OFFICIAL



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

OFFICIAL



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

OFFICIAL



| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 173(1A) | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing | DCS, DDG, TLEG | Where Council is the relevant responsible authority |
| | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority | MSTP, DCS, CSTP, DDG, 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 | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 178 | power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | MSTP, DCS, CSTP, DDG, PSP, EMDF, PSTP, PP | |
| s 178A(1) | Function of receiving application to amend or end an agreement | SP, STP, 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, 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, MSTP, CSTP, DDG, | |

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



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

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| Planning and Environment Act 1987 | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s.178E(2)(a) | Power to amend or end the agreement in accordance with 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)(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 |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|---|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 178E(3)(a) | Power to amend or end the agreement in accordance with 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)(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 |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|---|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 178E(3)(d) | Power to refuse to amend or end the agreement | SP, STP, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP | After considering objections, submissions and matters in s 178B |
| s 178F(1) | Duty to give notice of its decision under s 178E(3)(a) or (b) | SP, STP, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, MSP, CP, PP, SGP | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, 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, 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, MSTP, EMPSFM, CSTP, | |

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



| 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | 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, 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, MSTP, CSTP, DDG, PSP, EMDF, PSTP, SSTP, | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|---|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | MSP, CP, PP, SGP | |
| s 184G(3) | Duty to give notice as directed by the Tribunal | SP, STP, 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 | |

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| 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, 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, | |

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| Planning and Environment Act 1987 | | | |
|-----------------------------------|--|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | MSP, CP, PP, SGP | |
| | 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 | |

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| 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 | |
| s 525(2) | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case) | DIE | |

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| Residential Tenancies Act 1997 | | | |
|--------------------------------|---|---|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 525(4) | Duty to issue identity card to authorised officers | EMGR, SCO, AOSC, CRC | |
| s 526(5) | Duty to keep record of entry by authorised officer under s 526 | TLEH, TOEH, EHO, MBS, CEH, EMPSFM, CBS, EMRS | |
| s 526A(3) | Function of receiving report of inspection | TLEH, TOEH, EHO, AOEH, CEH, TLRATS, HSO, AORS | |
| 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 | |

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| 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 |
| s 12(2) | Power to discontinue road or part of a road | EMO, DDG, DIE, EMDF, EMI | Where Council is the coordinating road authority |

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

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| Road Management Act 2004 | | | |
|--------------------------|--|---|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | | Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1) | Power to fix a boundary of a road by publishing notice in Government Gazette | EMO, DDG, DIE, EMDF, EMI | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| 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 | |

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| 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 |
| 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 |



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

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| Road Management Act 2004 | | | |
|--------------------------|--|--|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 19(4) | Duty to specify details of discontinuance in public roads register | DDG, DIE, CAM, EMDF, EMI | |
| s 19(5) | Duty to ensure public roads register is available for public inspection | DDG, DIE, CAM, EMDF, EMI | |
| s 21 | Function of replying to request for information or advice | DDG, DIE, CAM, EMDF, EMI | Obtain consent in circumstances specified in s 11(2) |
| 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, | |

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| Road Management Act 2004 | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| | | SUSR, EMDF, EMI, CRM | |
| s 40(5) | Power to inspect, maintain and repair a road which is not a public road | SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM | |
| s 41(1) | Power to determine the standard of construction, inspection, maintenance and repair | SPD, SRS, RMS, EMO, DDG, DIE, CAM, 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 |

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| Road Management Act 2004 | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| s 42(2) | Power to amend or revoke declaration by notice published in Government Gazette | DDG, DIE, CAM, EMDF, EMI | Power of coordinating road authority and sch 2 also applies |
| s 42A(3) | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority If road is a municipal road or part thereof |
| s 42A(4) | Power to approve Minister's decision to specify a road as a specified freight road | EMO, DDG, DIE, EMDF, EMI, CIT, 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 |
| s 48M(3) | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M | EMO, DDG, DIE, EMDF, EMI | |

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| Road Management Act 2004 | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | |
| s 54(5) | Duty to conduct a review of road management plan at prescribed intervals | EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC | |

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| Road Management Act 2004 | | | |
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| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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, SUSR, EMI, SASU, CRM | Where Council is the coordinating road authority |
| s 63(2)(e) | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | SPD, SRS, RMS, CEH, CAM, | Where Council is the infrastructure manager |

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

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

OFFICIAL



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

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

OFFICIAL



| Road Management Act 2004 | | | |
|--------------------------|---|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | |
| sch 2 cl 3(1) | Duty to make policy about controlled access roads | Not Delegated | |
| sch 2 cl 3(2) | Power to amend, revoke or substitute policy about controlled access roads | Not Delegated | |
| sch 2 cl 4 | Function of receiving details of proposal from the Head, Transport for Victoria | DDG, DIE, CAM, EMDF, EMI | |
| sch 2 cl 5 | Duty to publish notice of declaration | DDG, DIE, CAM, EMDF, EMI | |

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| Road Management Act 2004 | | | |
|--------------------------|--|--|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| sch 7 cl 7(1) | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve | DDG, DIE, CAM, EMDF, EMI | Where Council is the infrastructure manager or works manager |
| sch 7 cl 8(1) | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | DDG, DIE, CAM, EMDF, EMI | Where Council is the infrastructure manager or works manager |
| sch 7 cla 9(1) | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, CRM | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| sch 7 cl 9(2) | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance | DDG, DIE, CAM, EMDF, EMI | Where Council is the infrastructure manager or works manager |



| Road Management Act 2004 | | | |
|--------------------------|--|--|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| sch 7 cl 10(2) | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | DDG, DIE, CAM, EMDF, EMI | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2) | Power to direct infrastructure manager or works manager to conduct reinstatement works | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |
| sch 7 cl 12(3) | Power to take measures to ensure reinstatement works are completed | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |
| sch 7 cl 12(4) | Duty to ensure that works are conducted by an appropriately qualified person | SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM | Where Council is the coordinating road authority |

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

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| Road Management Act 2004 | | | |
|--------------------------|--|--------------------------------|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 |
| 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 cl18(1) | Power to enter into an agreement | DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority |
| sch7 cl 19(1) | Power to give notice requiring rectification of works | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |

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| Road Management Act 2004 | | | |
|--------------------------|---|--------------------------------|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| sch 7 cl 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 |
| sch 7 cl 20(1) | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | DDG, DIE, CAM, EMDF, EMI, SASU | Where Council is the coordinating road authority |
| sch 7A cl 2 | Power to cause street lights to be installed on roads | DDG, DIE, EMDF, EMI | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road |
| sch 7 cl 3(1)(d) | Duty to pay installation and operation costs of street lighting - where road is not an arterial road | DDG, DIE, EMDF, EMI | Where Council is the responsible road authority |
| sch 7A cl 3(1)(e) | Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas | DDG, DIE, EMDF, EMI | Where Council is the responsible road authority |

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| Road Management Act 2004 | | | |
|--------------------------|--|---------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| sch 7A cl (3)(1)(f) | Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4 | DDG, DIE, EMDF, EMI | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

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

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

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

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| Cemeteries and Crematoria Regulations 2015 | | | |
|--|---|-------------------------------|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| r 36 | Duty to provide statement that alternative vendors or supplier of monuments exist | EMPSFM, DIE | |
| r 40 | Power to approve a person to play sport within a public cemetery | EMPSFM, DIE | |
| r 41(1) | Power to approve fishing and bathing within a public cemetery | EMPSFM, DIE | |
| r 42(1) | Power to approve hunting within a public cemetery | EMPSFM, DIE | |
| r 43 | Power to approve camping within a public cemetery | EMPSFM, DIE | |
| r 45(1) | Power to approve the removal of plants within a public cemetery | CPG, EMPSFM, DIE, CUFOS, CGNR | |



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



| Cemeteries and Crematoria Regulations 2015 | | | |
|---|--|------------------------------------|--------------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| sch 2 cl 5(1) | Duty to display the hours during which pedestrian access is available to the cemetery | CPG, 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 |
| sch 2 cl 8 | Power to approve certain mementos on a memorial | CPG, EMO, EMPSFM, DIE, CUFOS, CGNR | See note above regarding model rules |



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



| 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. |



| 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 |



| Planning and Environment Regulations 2015 | | | |
|---|---|---------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 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 | |
| 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 | |

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



| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 | | | |
|---|---|--|----------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| r 12(2) | Duty to renew the registration if satisfied that the caravan park complies with these regulations | 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 | |
| r 14(1) | Function of receiving notice of transfer of ownership | TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRATS, EMRS, HSO, AORS | |

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| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 | | | |
|--|---|---------------------------|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| r 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 | |
| r 18(6) | Power to determine where certain information is displayed | TLEH, TOEH, EHO, CEH | |

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| Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 | | | |
|--|--|-------------------------|-----------------------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| r 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 | |
| r 26 | Duty to have regard to any report of the relevant fire authority | TLEH, TOEH, EHO, CEH | |

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

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



| Road Management (General) Regulations 2016 | | | |
|--|--|--|--|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| 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 | |
| r 16(3) | Power to issue permit | EMO, DDG, DIE, CAM, EMDF, EMI | Where Council is the coordinating road authority |

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

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| Road Management (Works and Infrastructure) Regulations 2015 | | | |
|---|---|--------------------------|---|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations |
| r 15 | Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works | EMO, DDG, DIE, EMDF, EMI | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2) | Power to waive whole or part of fee in certain circumstances | EMO, DDG, DIE, EMDF, EMI | Where Council is the coordinating road authority |

8.7. OUTSTANDING QUESTION TIME ITEMS

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

PURPOSE

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

BACKGROUND

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

KEY MATTERS

3. Nil

OFFICER RECOMMENDATION

4. **That Council:**
 - 4.1 **Endorse the Outstanding Question Time Report.**

ATTACHMENTS

1. Outstanding Question Time Items [8.7.1 - 1 page]
2. QT81/22 - Linda Zibell [8.7.2 - 1 page]
3. QT89/22 - Joan Brick [8.7.3 - 1 page]

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| Outstanding Question Time Items | | | | | |
|---------------------------------|--------|--------------|--|--|--|
| Meeting | Status | Requested | Question | Officer Responsible | Response |
| 23/11/2022 QT81/22 | Closed | Linda Zibell | In tonight's agenda the Biodiversity Vision and Commitment states (p.33) that the City of Ballarat commits to 'requiring new private developments ... to plan biodiversity into their proposals' and to lift 'standards ... of ... private development towards ... ecology.' Yet the Council Plan's 2021-2025 goal 3 - 'to Foster sustainable growth' contains no words that reflect these commitments (pp.160-170). Will Councilors commit to redressing this omission? | Natalie Robertson, Director Development and Growth | Natalie Robertson, Director Development and Growth provided a written response (see response attached) |
| 23/11/2022 QT88/22 | Closed | Joan Brick | My question is in regard to the surface tailing stand that's proposed. With the tailing stand, it's important that we take it in relation to climate change in regard to its future management. Will this be under consideration in the application considering we have had excessive rain? We have had periods of heat and drought depending on the year. Will this be taken into consideration and the effects of that on the surface tailing stands. | Natalie Robertson, Director Development and Growth | Natalie Robertson, Director Development and Growth provided a written response (see response attached) |

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 29 November 2022

Our Ref: NR:kr

Your Ref: QT81/22

Enquiries: (61) 03 5320 5500

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

Linda Zibell

Email: [REDACTED]

Dear Linda,

RE: OUTSTANDING QUESTION TIME ITEM – QT81/22

I refer to your question asked at the 23 November 2022 Council Meeting.

In tonight's agenda the Biodiversity Vision and Commitment states (p.33) that the City of Ballarat commits to "requiring new private developments ... to plan biodiversity into their proposals" and to lift "standards ... of ... private development towards ... ecology." Yet the Council Plan's 2021-2025 goal 3 - to 'Foster sustainable growth' contains no words that reflect these commitments (pp.160-170). Will Councillors commit to redressing this omission?

The Biodiversity Vision and Commitment and any subsequent Municipal wide Biodiversity Strategy will inform our strategic environmental program of work around protecting and enhancing biodiversity.

Lifting standards of ecology within private development aligns with the Council Plan objective 1.5 (Improve stewardship of our natural resources and protection and enhancement of our biodiversity). Any adopted Biodiversity Strategy will not only align with the Council Plan but any biodiversity strategic planning work will be identified within the Strategy. For example, an implementation action of the Biodiversity Strategy might include a review and update of our Environmental Significance or Vegetation Protection planning controls.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

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PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Joan Brick

Email: [REDACTED]

Date: 2 December 2022

Our Ref: NR:kr:kr

Your Ref: QT89/22

Enquiries: (61) 03 5320 5500

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

Dear Joan,

RE: OUTSTANDING QUESTION TIME ITEM – QT89/22

I refer to your question asked at the 23 November 2022 Council Meeting as below:

My question is in regard to the surface tailing stand that's proposed. With the tailing stand, it's important that we take it in relation to climate change in regard to its future management. Will this be under consideration in the application considering we have had excessive rain? We have had periods of heat and drought depending on the year. Will this be taken into consideration and the effects of that on the surface tailing stands.

In response, I note that the tailings dam is required to be engineered and designed in accordance with Guidelines on Tailings Dams ANCOLD 2012 and Earth Resource Regulation Guidelines for Design and Management of Tailings Storage Facilities (2017). The tailings dam is required to be designed to ensure there is storm and wind capacity for different types of whether events. An emergency overflow spillway also forms part of the design.

The surface of tailings dams is required to remain wet to prevent amenity issues such as dust, and this management would include sprinklers around the facility with water utilised from onsite storage.

Should rainfall and runoff guidelines be updated overtime, including for the operation / management of tailing dams, then the latest standards and requirements would be implemented.

Yours sincerely

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

Natalie Robertson
Director Development and Growth

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9. NOTICE OF MOTION**10. REPORTS FROM COMMITTEES/COUNCILLORS****11. URGENT BUSINESS****12. SECTION 66 (IN CAMERA)****12.1 COMMUNITY AWARDS**

Division: Executive Unit
Director: Evan King
Author/Position: Vivienne Murphy – Executive Officer to the Chief Executive Officer

(confidential information)

12.2 BALLARAT REGIONAL LANDFILL CELL I – CONSTRUCTION

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Les Stokes – Executive Manager Waste and Environment

(confidential information)

13. CLOSE