



Ararat Rural City

# MINUTES

## COUNCIL MEETING

**Tuesday 27 February 2024**

To be held in the Council Chambers, Shire Offices  
(Livestreamed)

Commencing at 6.00pm

Council:

Cr Bob Sanders (Mayor)

Cr Gwenda Allgood

Cr Jo Armstrong

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

Cr Bill Waterston



Ararat Rural City

**A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting.**

**The recording is being streamed live via Facebook, to improve transparency between council and the community and give more people the opportunity to view what decisions are being made. You do not require a Facebook account to watch the live broadcast, simply enter [www.facebook.com/araratruralcitycouncil](https://www.facebook.com/araratruralcitycouncil) into your address bar.**

**Recordings of Council Meetings (excluding closed sessions) are made available on Council's website.**

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## SECTION 1 – PROCEDURAL MATTERS

### 1.1 LIVE STREAMING

Council is keen to engage with members of the community and live streams the formal Council Meetings to make them accessible. The stream is available to view on Council's Facebook page from 6pm and on Council's website following the Council Meeting.

### 1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

#### *Traditional acknowledgement*

We acknowledge the traditional owners of the land on which we meet today, and pay our respects to their elders, past, present and emerging.

#### *Opening Prayer*

Almighty God, we humbly ask you to help us, as elected Councillors of the Ararat Rural City Council. Guide our deliberations. Prosper what is your will for us, to your honour and glory and for the welfare and benefit of the people whom we serve in the Ararat Rural City.

#### *Councillors Pledge*

We will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions invested in us under the *Local Government Act 2020* and any other Act to the best of our skill and judgement.

### 1.3 APOLOGIES

#### ACKNOWLEDGEMENT

That the apology of CEO Dr Tim Harrison be acknowledged

### 1.4 CONFIRMATION OF MINUTES

MOVED CR J ARMSTRONG  
SECONDED CR R ARMSTRONG

That the Minutes of the Council Meeting held on 30 January 2024 be confirmed.

CARRIED 4942/24

## 1.5 DECLARATION OF CONFLICT OF INTEREST

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
  - (a) advising of the conflict of interest;
  - (b) explaining the nature of the conflict of interest; and
  - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
    - name of the other person;
    - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - nature of that other person's interest in the matter,and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

**There were no Declaration of Conflict of Interest received.**

## SECTION 2 – PUBLIC PARTICIPATION

### 2.1 PETITIONS AND JOINT LETTERS

- 1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 3 Every Councillor presenting a petition or joint letter to *Council* must:
  - write or otherwise record his or her name at the beginning of the petition or joint letter; and
  - confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

**There were no Petitions or Joint Letters received.**

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF S6

**RESPONSIBLE OFFICER:** GOVERNANCE AND RISK LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 14099

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Officers providing advice to Council must disclose any conflict of interest

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

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#### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider adoption of the revised Instrument of Delegation from Council to Members of Council Staff

#### DISCUSSION

Delegation to Council staff are necessary to enable Council to conduct business efficiently by enabling Council staff to make routine decisions under different Acts.

Various Acts, including the Local Government Act 2020, empower Council to delegate statutory functions, powers and duties. This report recommends that specific functions, powers and duties be delegated to identify staff positions in accordance with the attached S6 – Instrument of Delegation by Council to Members of Council Staff.

The instrument of Delegation has recently been updated by Maddocks Lawyers. The changes made to the S6 Instrument of Delegation – Council to Members of Council Staff are as follows:

- Sections 125 and 149B of the Planning and Environment Act 1987 have been inserted.

There has been an update on a few staff changes which have been updated.

#### KEY CONSIDERATIONS

##### *Alignment to Council Plan Strategic Objectives*

The key financial drivers align strongly with the thrust of the Council Plan 2021-2025, particularly the following:

- 6 Strong and Effective Governance
- We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices.

##### *Budget Implications*

There are no budget implications arising from the review of the S6 Instrument of Delegation – Council to Members of Council Staff.

##### *Policy/Relevant Law*

The Council is required to keep a register of delegations and it must be made available for public inspection.

This report is presented to reflect the changes in legislation and staff.

The Council can amend or revoke any delegated power at any time. Council must review all delegations within a period of 12 months after a general election.

##### *Sustainability Implications*

There are no economic, social or environmental implications in relation to S6 Instrument of Delegation – Council to Members of Council Staff.

### **Risk Assessment**

The amendment of the Instrument of Delegation from Council to Members of Council Staff ensures ongoing legislative compliance for Ararat Rural City Council.

It is essential that the Instrument of Delegation are kept up to date to ensure that the members of staff are properly empowered to undertake their roles.

The formal delegation of legislated powers, duties and functions via instruments of delegation, supported by consistent policies allows Council staff to perform day to day duties and make decisions that may otherwise need to be decided upon Council.

### **Stakeholder Collaboration and Community Engagement**

The amendments of Instruments of Delegation from Council to Members of Council staff that been updated using the Maddocks Lawyers Delegation Service and RelianSys software.

The delegation service provides two updates per year and mini updates as required when legislation changes

Chief Executive Officer and relevant officers have reviewed then documents.

### **RECOMMENDATION**

*That In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolve that*

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation Council to Member of Council Staff (S6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument*
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;*
- 4. The duties and functions set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopts; and*
- 5. The instrument be signed under the seal of the Council.*

### **MOVED CR BEALES**

### **SECONDED CR R ARMSTRONG**

**That In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolve that**

- 2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation Council to Member of Council Staff (S6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;**
- 3. The instrument comes into force immediately the common seal of Council is affixed to the instrument**
- 4. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;**
- 5. The duties and functions set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopts; and**
- 6. The instrument be signed under the seal of the Council.**

**CARRIED 4943/24**

### **ATTACHMENTS**

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.1





## ARARAT RURAL CITY COUNCIL

### INSTRUMENT OF DELEGATION

### S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

27 February 2024

## 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:

CEO means Chief Executive Officer  
CE1 means Civil Engineer1  
CE2 means Civil Engineer2  
CE3 means Civil Engineer3  
CSAM means Coordinator Strategic Asset Management  
EMC means Emergency Management Coordinator  
FSC means Financial Services Coordinator  
HRBP means HR Business Partner  
MDR means Manager Development & Regulation  
N/A means Not Applicable  
NOT means Not Delegated Below CEO  
PAYO means Payroll Officer  
PDO1 means Planning and Development Officer 1  
PDO2 means Planning and Development Officer 2  
PDO3 means Planning and Development Officer 3  
RGL means Risk and Governance Lead  
CSOs means Community Safety Officers  
EHOs means All Environmental Health Officers  
PDOs means All Planning and Development Officers  
POs means All Planning Officers  
TOAs means All Technical Officer Assets

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 February 2024 and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or

(b) strategy

adopted by Council;

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

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

The COMMON SEAL of the  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
27 February 2024

Mayor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

Date:

## 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

## S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A	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	N/A	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	N/A	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	N/A	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	N/A	
s 15(4)	Duty to keep records of delegations	N/A	
s 17(1)	Power to employ any persons necessary	N/A	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	N/A	
s 17(3)	Power to determine the terms and conditions of employment or engagement	N/A	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	N/A	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report	N/A	Where Council is a Class A cemetery trust

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of operations under Part 7 of the Financial Management Act 1994		
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	N/A	
s 20(1)	Duty to set aside areas for the interment of human remains	N/A	

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
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	N/A	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	N/A	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
s 60(2)	Power to charge fees for providing information	N/A	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	
s 64B(d)	Power to permit interments at a reopened cemetery	N/A	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A	
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	N/A	
s 70(2)	Duty to make plans of existing place of interment available to the public	N/A	

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A	
s 71(2)	Power to dispose of any memorial or other structure removed	N/A	
s 72(2)	Duty to comply with request received under s 72	N/A	
s 73(1)	Power to grant a right of interment	N/A	
s 73(2)	Power to impose conditions on the right of interment	N/A	
s 74(3)	Duty to offer a perpetual right of interment	N/A	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	N/A	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	N/A	
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	N/A	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A	
s 80(2)	Function of recording transfer of right of interment	N/A	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A	
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)	N/A	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	N/A	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	N/A	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	N/A	
s 84I(6)(a)	Power to remove any memorial on the place of interment	N/A	
s 84I(6)(b)	Power to grant right of interment under s 73	N/A	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)



<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	N/A	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
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	N/A	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
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	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	
s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	
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	N/A	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A	
s 99	Power to approve or refuse an application mad under s 98, or to cancel an approval	N/A	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the	N/A	

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	application or within 45 days of receiving further information where requested		
s 100(1)	Power to require a person to remove memorials or places of interment	N/A	
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)	N/A	
s 100(3)	Power to recover costs of taking action under s 100(2)	N/A	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	N/A	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	N/A	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	N/A	
s 103(1)	Power to require a person to remove a building for ceremonies	N/A	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	N/A	
s 103(3)	Power to recover costs of taking action under s 103(2)	N/A	
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	N/A	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	N/A	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	N/A	
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	N/A	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A	
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	N/A	
s 108	Power to recover costs and expenses	N/A	
s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	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	N/A	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	N/A	
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	N/A	
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	N/A	
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	N/A	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A	
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A	
s 119	Power to set terms and conditions for interment authorisations	N/A	
s 131	Function of receiving an application for cremation authorisation	N/A	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	N/A	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	N/A	
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	N/A	
s 151	Function of receiving applications to inter or cremate body parts	N/A	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	N/A	
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	N/A	
sch 1 cl 8(8)	Power to regulate own proceedings	N/A	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8

<b>Domestic Animals Act 1994</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 41A(1)	Power to declare a dog to be a menacing dog	CEO	Council may delegate this power to a Council authorised officer

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, EHOs	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	CEO, EHOs	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	CEO, EHOs	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, EHOs	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	CEO, EHOs	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEO, EHOs	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).	CEO, EHOs	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	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEO, EHOs	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, EHOs	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, EHOs	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19N(2)	Function of receiving notice from the auditor	CEO, PDO3, EHOs	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CEO, EHOs	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	CEO, EHOs	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, EHOs	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	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, EHOs	Where Council is the registration authority
	Power to register or renew the registration of a food premises	CEO, EHOs	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	CEO, EHOs, PDOs	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEO, EHOs	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, EHOs	Where Council is the registration authority

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, EHOs	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEO, EHOs	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, EHOs	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, EHOs	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, EHOs	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, EHOs	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, EHOs	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	CEO, EHOs	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	CEO, PDO3, EHOs	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	CEO, EHOs	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	CEO, EHOs	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, EHOs	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	CEO, EHOs	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, PDO3, EHOs	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any	CEO, EHOs	

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008		
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, EHOs	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, EHOs	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, EHOs	
s 40F	Power to cancel registration of food premises	CEO, EHOs	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEO, PDO3, EHOs	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	CEO, EHOs	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	CEO, EHOs	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, EHOs	
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	CEO, EHOs	Where Council is the registration authority

<b>Heritage Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, MDR	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

<b>Local Government Act 1989</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 185L(4)	Power to declare and levy a cladding rectification charge	NOT, CEO	



<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, MDR	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, MDR, POs	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CEO, MDR, POs, PDOs	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, MDR, POs, PDOs	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, MDR	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, MDR	
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, MDR	
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	CEO, MDR	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, MDR	
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	CEO, MDR	
s 12B(1)	Duty to review planning scheme	CEO, MDR	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, MDR	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO, MDR	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, MDR	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, MDR, PDOs	
s 17(2)	Duty of giving copy s 173 agreement	CEO, MDR, PDOs	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, MDR	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, MDR, POs, PDOs	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to	CEO, MDR	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	a planning scheme and to exercise any other power under s 19 to a planning scheme		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, MDR, POs	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	CEO, MDR, POs	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, MDR, POs, PDOs	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CEO, MDR, POs	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, MDR, POs	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	CEO, MDR, POs	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, MDR, POs	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, MDR, POs	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, MDR, POs	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, MDR, POs, PDOs	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, MDR, POs, PDOs	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, MDR	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, MDR	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	CEO, PDO1, MDR	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, PDO1, MDR	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, MDR	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, MDR, POs	
s 32(2)	Duty to give more notice if required	CEO, MDR, POs	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, MDR, POs	
s 36(2)	Duty to give notice of approval of amendment	CEO, MDR, POs	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, MDR, POs	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, MDR, POs	
s 40(1)	Function of lodging copy of approved amendment	CEO, MDR, POs	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, MDR, POs, PDOs	
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	CEO, MDR, POs, PDOs	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, MDR, POs	
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	N/A	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	CEO, MDR, POs	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	CEO, MDR, POs	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	CEO, MDR, POs	Where Council is a responsible public entity

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	expressed to be binding on the responsible public entity		
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, MDR, POs	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, MDR, POs	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	CEO, MDR, POs	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, MDR, POs	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GP	Function of receiving a notice under s 46GO	CEO, FSC, CSAM, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, FSC, CSAM, MDR, POs	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, FSC, CSAM, MDR, POs	
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	CEO, FSC, CSAM, MDR, POs	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in	CEO, FSC,	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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	CSAM, MDR, POs	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, FSC, CSAM, MDR, POs	
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	CEO, FSC, CSAM, MDR, POs	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, FSC, CSAM, MDR, POs	
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	CEO, FSC, CSAM, MDR, POs	
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	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, FSC, CSAM, MDR, POs	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure	CEO, FSC, CSAM,	Where Council is the collecting agency

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	contribution to be secured to Council's satisfaction	MDR, POs	
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, FSC, CSAM, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	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	CEO, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	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	CEO, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	a development agency specified in the approved infrastructure contributions plan to that development agency		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	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, FSC, CSAM, MDR, POs	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	CEO, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	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	CEO, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, MDR, POs	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure	CEO, FSC, CSAM,	Where Council is the development agency under an approved infrastructure contributions plan

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MDR, POs	
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, FSC, CSAM, MDR, POs	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)	CEO, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan



<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, FSC, CSAM, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, MDR, POs	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	CEO, FSC, CSAM, MDR, POs	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)	CEO, FSC, CSAM, MDR, POs	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, MDR, POs	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, MDR	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, MDR	
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	CEO, MDR	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, MDR	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, MDR	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, MDR	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, MDR	
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	CEO, MDR	
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	CEO, MDR	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, MDR	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)	CEO, MDR	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	CEO, MDR	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, MDR	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, MDR	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, MDR, POs	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	N/A	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	N/A	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	N/A	
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	N/A	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, MDR	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, MDR	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, MDR, POs, PDOs	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 50(4)	Duty to amend application	CEO, MDR,	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		POs, PDOs	
s 50(5)	Power to refuse to amend application	CEO, MDR	
s 50(6)	Duty to make note of amendment to application in register	CEO, MDR, POs	
s 50A(1)	Power to make amendment to application	CEO, MDR	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, MDR, POs	
s 50A(4)	Duty to note amendment to application in register	CEO, MDR, POs, PDOs	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
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	CEO, MDR, POs	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, MDR, POs	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, MDR, POs	
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	CEO, MDR, POs	
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	CEO, MDR, POs	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, MDR, POs	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covena	CEO, MDR, POs	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, MDR, POs	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, MDR, POs	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54(1)	Power to require the applicant to provide more information	CEO, MDR, POs	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, MDR, POs	
s 54(1B)	Duty to specify the lapse date for an application	CEO, MDR, POs	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, MDR, POs	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, MDR, POs	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, MDR, POs	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, MDR, POs	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, MDR, POs, PDOs	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, MDR, POs	
s 57A(5)	Power to refuse to amend application	CEO, MDR	
s 57A(6)	Duty to note amendments to application in register	CEO, MDR, POs	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, MDR, POs	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, MDR, POs	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, MDR, POs	
s 58	Duty to consider every application for a permit	CEO, MDR, POs	
s 58A	Power to request advice from the Planning Application Committee	N/A	
s 60	Duty to consider certain matters	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 60(1A)	Duty to consider certain matters	CEO, MDR, POs	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, MDR, POs	
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	CEO, MDR, POs	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	CEO, MDR, POs	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, MDR	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	N/A	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, MDR, POs	
s 62(2)	Power to include other conditions	CEO, MDR, POs	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, MDR, POs	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, MDR, POs	
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	CEO, MDR, POs	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, MDR, POs	
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)	CEO, MDR, POs	
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)	CEO, MDR, POs	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, MDR, POs	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	CEO, MDR, POs	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, MDR, POs	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	CEO, MDR, POs	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	CEO, MDR, POs	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, MDR, POs, PDOs	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, MDR, POs	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	CEO, MDR, POs	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, MDR, POs	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	CEO, MDR, POs	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, MDR, POs	
s 69(2)	Power to extend time	CEO, MDR, POs	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 71(1)	Power to correct certain mistakes	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 71(2)	Duty to note corrections in register	CEO, MDR, POs, PDOs	
s 73	Power to decide to grant amendment subject to conditions	CEO, MDR, POs	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, MDR, POs	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, MDR, POs, PDOs	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, MDR, POs, PDOs	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, MDR, POs	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, MDR, POs	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	CEO, MDR, POs	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	CEO, MDR, POs	
s 83	Function of being respondent to an appeal	CEO, MDR, POs	
s 83B	Duty to give or publish notice of application for review	CEO, MDR, POs	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, MDR	
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	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	CEO, MDR, POs	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, MDR, POs, PDOs	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, FSC, CSAM, MDR, POs	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, MDR, POs, PDOs	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, MDR	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, MDR, POs	
s 91(2)	Duty to comply with the directions of VCAT	CEO, MDR, POs, PDOs	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, MDR, POs, PDOs	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, MDR, POs	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, MDR, POs	
s 95(3)	Function of referring certain applications to the Minister	CEO, MDR, POs	
s 95(4)	Duty to comply with an order or direction	CEO, MDR, POs	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, MDR, POs	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, MDR	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, MDR	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, MDR	



<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 96F	Duty to consider the panel's report under s 96E	CEO, MDR	
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	CEO, MDR, POs	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, MDR	
s 96J	Duty to issue permit as directed by the Minister	CEO, MDR, POs	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, MDR, POs	
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	CEO, MDR	
s 97C	Power to request Minister to decide the application	CEO, MDR	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, MDR	
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	CEO, MDR, POs	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, MDR, POs, PDOs	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	N/A	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	N/A	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, MDR, POs	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, MDR, POs	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, MDR, POs	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, MDR, POs	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, MDR,	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		POs, PDOs	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, MDR	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, MDR	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, MDR	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, MDR	
s.107(1)	function of receiving claim for compensation	CEO, MDR	
s 107(3)	Power to agree to extend time for making claim	CEO, MDR	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, MDR	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, MDR, POs	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, MDR, POs	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, MDR	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, MDR	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, MDR	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	NOT	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	CEO, MDR	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, MDR, POs	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, MDR, POs	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, MDR, POs	
s 148B	Power to apply to the Tribunal for a declaration.	NOT	
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	CEO, MDR	Where Council is the relevant planning authority

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	CEO, MDR	
s 171(2)(g)	Power to grant and reserve easements	CEO, MDR	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, FSC, CSAM, MDR	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)	CEO, FSC, CSAM, MDR	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)	CEO, FSC, CSAM, MDR	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	CEO, MDR	
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	CEO, MDR	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	CEO, MDR, POs	
	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	CEO, MDR, POs	
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	CEO, MDR	
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	CEO, MDR	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, MDR, POs	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, MDR	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, MDR	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178A(5)	Power to propose to amend or end an agreement	CEO, MDR, POs	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, MDR, POs	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, MDR, POs	
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	CEO, MDR, POs	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, MDR, POs	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, MDR, POs	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, MDR	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	CEO, MDR	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	CEO, MDR	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, MDR	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	CEO, MDR	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	CEO, MDR	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, MDR	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)	CEO, MDR	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, MDR	
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	CEO, MDR	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, MDR	
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	CEO, MDR	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, MDR	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, MDR	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, MDR	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, MDR	
s 182	Power to enforce an agreement	CEO, MDR, POs	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, MDR, POs	
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	CEO, MDR	
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	CEO, MDR	
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	CEO, MDR	
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	CEO, MDR	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, MDR	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, MDR	
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	CEO, MDR	
s 198(1)	Function to receive application for planning certificate	CEO, MDR, POs, PDOs	
s 199(1)	Duty to give planning certificate to applicant	CEO, MDR, POs, PDOs	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, MDR, POs	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 201(3)	Duty to make declaration	CEO, MDR	
	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	CEO, MDR, POs	
	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	CEO, MDR, POs	
	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	CEO, MDR, POs	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, MDR, POs	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, MDR	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, MDR	

<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, EHOs	
s 522(1)	Power to give a compliance notice to a person	CEO, EHOs	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, EHOs	
s 525(4)	Duty to issue identity card to authorised officers	CEO, EHOs	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO, EHOs	
s 526A(3)	Function of receiving report of inspection	CEO, EHOs	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, EHOs	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, CSAM	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	CEO, CSAM	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(9)(b)	Duty to advise Registrar	CEO, CSAM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, CSAM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, CSAM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, CSAM	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, CSAM	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	CEO	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	CEO	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	CEO, CSAM	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	CEO, CSAM	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, CSAM	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	CEO, CSAM	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, CSAM	
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	CEO, CSAM	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, CSAM	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, CSAM	
s 16(7)	Power to enter into an arrangement under s 15	CEO, CSAM	
s 16(8)	Duty to enter details of determination in public roads register	CEO, CSAM	
s 17(2)	Duty to register public road in public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, CSAM	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	CEO, CSAM	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	CEO, CSAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, CSAM	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	CEO, CSAM, TOAs	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	CEO, CSAM, TOAs	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, CSAM, TOAs	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, CSAM, TOAs	
s 21	Function of replying to request for information or advice	CEO, CSAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, CSAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, CSAM	
s 22(5)	Duty to give effect to a direction under s 22	CEO, CSAM	



<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 40(1)	Duty to inspect, maintain and repair a public road.	CE2, CEO, CE1, CSAM, CE3, TOAs	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CE2, CEO, CE1, CSAM, CE3	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CE2, CEO, CE1, CSAM, CE3, TOAs	
s 42(1)	Power to declare a public road as a controlled access road	CEO, CSAM	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, CSAM	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	CEO, CSAM	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	CEO, CSAM	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)	CEO, CSAM	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	CEO, CSAM	
s 49	Power to develop and publish a road management plan	CEO, CSAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, CSAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, CSAM	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, CSAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, CSAM	
s 54(6)	Power to amend road management plan	CEO, CSAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, CSAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, CSAM	
s 63(1)	Power to consent to conduct of works on road	CEO, CSAM, TOAs	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	CEO, CE1, EMC, CSAM, TOAs	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, CSAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, CSAM, TOAs	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	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 67(3)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 68(2)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	NOT, CEO	
s 72	Duty to issue an identity card to each authorised officer	HRBP, CEO, PAYO	
s 85	Function of receiving report from authorised officer	CEO, MDR	
s 86	Duty to keep register re s 85 matters	CEO, CSAM	
s 87(1)	Function of receiving complaints	CEO, RGL, CSAM	

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 87(2)	Duty to investigate complaint and provide report	CEO, CE1	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, CSAM	
s 112(2)	Power to recover damages in court	CEO, CSAM	
s 116	Power to cause or carry out inspection	CEO, CE1, CSAM, TOAs	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, CSAM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CE2, CEO, CE1, CE3	
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)	CE2, CEO, CE1, CE3	
s 121(1)	Power to enter into an agreement in respect of works	CEO, CSAM	
s 122(1)	Power to charge and recover fees	CEO, CSAM, TOAs	
s 123(1)	Power to charge for any service	CEO, CSAM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, CSAM	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, CSAM	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, CSAM	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, CSAM	
sch 2 cl 5	Duty to publish notice of declaration	CEO, CSAM	
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	CEO, CSAM, TOAs	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	CE2, CEO, CE1, CSAM,	Where Council is the infrastructure manager or works manager

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	related works on a road or road reserve of any road	CE3, TOAs	
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CE2, CEO, CE1, CSAM, CE3, TOAs	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	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CE2, CEO, CE1, CE3	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	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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)	CEO, CSAM, TOAs	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, CSAM, TOAs	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)	CEO, CSAM, TOAs	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, CSAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, CSAM, TOAs	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	CEO, CSAM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	NOT, CEO	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, CSAM	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	CEO, CSAM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, CSAM, TOAs	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	CEO, CSAM	Where Council is the responsible road authority

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

<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	N/A	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	N/A	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
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	N/A	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
r 30(2)	Power to release cremated human remains to certain persons	N/A	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	N/A	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	

<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	N/A	
r 40	Power to approve a person to play sport within a public cemetery	N/A	
r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
r 42(1)	Power to approve hunting within a public cemetery	N/A	
r 43	Power to approve camping within a public cemetery	N/A	
r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
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	N/A	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
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	N/A	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	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	N/A	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	N/A	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	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	N/A	See note above regarding model rules

<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules

<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	CEO, MDR, POs	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, MDR, POs	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	CEO, MDR, POs	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 in accordance with the public availability requirements	CEO, MDR, POs	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, MDR, POs	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.



<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, MDR	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, MDR	
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	CEO, MDR	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Function of entering into a written agreement with a caravan park owner	CEO, EHOs	
r 10	Function of receiving application for registration	CEO, EHOs	
r 11	Function of receiving application for renewal of registration	CEO, EHOs	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, EHOs	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EHOs	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, EHOs	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EHOs	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, EHOs	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, EHOs	
r 14(1)	Function of receiving notice of transfer of ownership	CEO, EHOs	
r 14(3)	Power to determine where notice of transfer is displayed	CEO, EHOs	
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, EHOs	
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, EHOs	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	NOT	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, EHOs	
r 17	Duty to keep register of caravan parks	CEO, EHOs	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, EHOs	
r 18(6)	Power to determine where certain information is displayed	CEO, EHOs	
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	CEO, EHOs	
r 22(2)	Duty to consult with relevant emergency services agencies	CEO, EHOs	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, EHOs	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, EHOs	
r 25(3)	Duty to consult with relevant floodplain management authority	CEO, EHOs	
r 26	Duty to have regard to any report of the relevant fire authority	CEO, EHOs	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, EHOs	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, EHOs	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, EHOs	
r 41(4)	Function of receiving installation certificate	CEO, EHOs	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, EHOs	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, EHOs	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, CSAM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, CSAM	
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)	CEO, CSAM	Where Council is the coordinating road authority

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, CSAM	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, CSAM	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	CEO, CSAM	
r 16(3)	Power to issue permit	CEO, CSAM, TOAs	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, CSAM, TOAs	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	NOT, CEO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, CSAM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CE2, CEO, CE1, CSAM, CE3, TOAs	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))	CEO, CSAM, CSOs	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, CSOs	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	CEO, CSAM, TOAs	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	CEO, CSAM, TOAs	Where Council is the coordinating road authority

### 3.2 APPOINTMENT AND AUTHORISATIONS (PLANNING AND ENVIRONMENT ACT 1987) S11A

**RESPONSIBLE OFFICER:** GOVERNANCE AND RISK LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 14100

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

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#### **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the S11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987.

#### **DISCUSSION**

The Local Government Act 1989 provides for the appointment of Authorised Officers for the purpose of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officers, by authority conferred by instrument of delegation from Council makes these appointments. Under the Planning and Environment Act 1987, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

This report identifies changes since the S11A Instrument of Appointment and Authorisation was adopted on 25 July 2023

A review of current appointments to this Instrument of Appointment and Authorisation has been carried out.

#### **KEY CONSIDERATIONS**

##### ***Alignment to Council Plan Strategic Objectives***

- 6 Strong and Effective Governance  
We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices.

##### ***Budget Implications***

There are not budget implications arising from the Appointment of Authorised Officers

##### ***Policy/Relevant Law***

Section 224 of the Local Government Act 1989 is a provision that remains in force and continues to be the authoring provision for the S11A Instrument of Appointment and Authorisation.

The power to commence proceedings – Section 313 of the Local Government Act 2020

##### ***Sustainability Implications***

There are not economic, social or environmental implications in relation to appointment of Authorised Officers.

**Risk Assessment**

The regular updating of the Instrument of Appointment and Authorisation ensures ongoing legislative compliance for Ararat Rural City Council and that staff members are properly empowered to undertake their roles.

**Innovation and Continuous Improvement**

The appointment of Authorised Officers is essential to the effective control and policing of the municipal district.

**Stakeholder Collaboration and Community Engagement**

The Instrument of Appointment and Authorisation has been updated by referencing the Maddocks Lawyers Delegation Services.

**RECOMMENDATION**

*That in the exercise of the powers conferred by Section 147(4) of the Planning and Environment Act 1987 (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (S11A) (the instrument), Ararat Rural City Council (Council) resolves that –*

1. *The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;*
2. *The Instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and*
3. *The instrument be signed under the seal of the Council.*

**MOVED CR BEALES  
SECONDED CR ALLGOOD**

**That in the exercise of the powers conferred by Section 147(4) of the Planning and Environment Act 1987 (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (S11A) (the instrument), Ararat Rural City Council (Council) resolves that –**

2. **The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;**
3. **The Instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and**
4. **The instrument be signed under the seal of the Council.**

**CARRIED 4944/24**

**ATTACHMENTS**

The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) S11A is provided as Attachment 3.2

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



**Ararat Rural City Council**

**Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

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

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

Robert Fillisch	Manager Development and Regulation
Leigh Jeffrey	Planning Officer
Simon Glenister	Planning Officer
Lorna Munoz	Planning Officer
Lyndon Turner	Community Safety Officer
Danielle Jenkins	Community Safety Officer
Michelle Freeman	Community Safety Officer
Dot Jerram	Planning and Development Officer
Mandy Tucker	Planning and Development Officer
Ainsley Cameron	Planning and Development Officer
Eloise Tooheys	Environmental Health Officer
Mary Galea	Environmental Health Officer
Hannah Shanks-Colla	Environmental Health Officer
Sean La Fontaine	Environmental Health Officer

**By this instrument of appointment and authorisation** Ararat Rural City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers 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 officers 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 Ararat Rural City Council on 27 February 2024.

The COMMON SEAL of the  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
27 February 2024

Mayor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

### 3.3 NORFOLK ISLAND PINE TREES ON BARKLY STREET, ARARAT

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 14104

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

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#### **EXECUTIVE SUMMARY**

A number of Norfolk Island pine trees along Barkly Street, Ararat, appear to be in poor or very poor condition. They may have been impacted by disease, the overall increased temperatures and reduced rainfall which are less supportive of this species, or they may have reached the end of their lifespan. Trees that are in poor condition or have died may pose a safety risk to the public.

As a result, it is proposed that the Council commence a process of community and stakeholder consultation and engagement to proactively identify suitable replacements, in preparation for when the existing Norfolk Island pine trees come to an end of life.

#### **DISCUSSION**

The Ararat Rural City has a very wide diversity of trees in terms of species, age, size and density. Trees are an essential part of the urban and rural landscape, providing economic, social and ecological benefits.

Unlike other community assets, trees are living, biological assets and need to be managed accordingly to maximise their benefits and minimise adverse effects. Trees do not behave evenly over their life and are prone to many factors outside the control of the tree owner, e.g. drought, weather, site conditions, contractor/service provider interference and disease.

Norfolk Island pine trees (*Araucaria heterophylla*) are an evergreen conifer native to Norfolk Island where the annual average rainfall is 1312mm. The highest daily average temperature ever recorded on Norfolk Island was 28.4C on 11th Feb 1996 and the lowest daily average temperature ever recorded was 6.2C on 29th July 1953. For comparison, Ararat has an annual average rainfall of 586.5mm, the highest daily average temperature ever recorded was 44.7C on 7 Feb 2009 and lowest daily average temperature ever recorded was 4.7C on 31 May 1977. (Bureau of Meteorology).

Due to the changing climate, increasing temperatures and reducing rainfall, the climate conditions in Ararat may have become increasingly less favourable for the Norfolk Island pine trees, making them more susceptible to disease and stress. It may be timely to start considering more climate and site appropriate species for Barkly Street, Ararat, in preparation for replacing the pine trees when they reach their end of life.

#### **KEY CONSIDERATIONS**

##### ***Alignment to Council Plan Strategic Objectives***

4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.

##### ***Budget Implications***



The community and stakeholder consultation and engagement process will utilise the Council's existing Engage website and human resources, and is expected to have minimal to no budget implications.

***Policy/Relevant Law***

The Road Authority for Barkly Street, Ararat, where the Norfolk Island pine trees are located is VicRoads.

The Council's Tree Asset Management Plan excludes roadside trees pursuant to Section 107 of the Road Management Act 2004, which states that Council does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

***Sustainability Implications***

This recommendation will help prepare for the replacement of trees as they reach their end of life and therefore will have positive environmental outcomes.

***Risk Assessment***

Being proactive in identifying suitable replacements for ageing trees will support a future reduction in risk from falling branches and other potential hazards associated with trees in poor or very poor condition.

***Stakeholder Collaboration and Community Engagement***

Community and stakeholder consultation and engagement will commence on adoption of this recommendation.

The Road Authority for Barkly Street, Ararat, where the Norfolk Island pine trees are located is VicRoads and therefore should be consulted as a stakeholder.

***RECOMMENDATION***

*That the CEO has Council staff undertake community and stakeholder consultation and engagement to ascertain the historical significance of the trees and proactively identify suitable replacement tree species for when the existing Norfolk Island pine trees on Barkly Street, Ararat, reach their end of life.*

**MOVED CR J ARMSTRONG**

**SECONDED CR ALLGOOD**

**That the CEO has Council staff undertake community and stakeholder consultation and engagement to ascertain the historical significance of the trees and proactively identify suitable replacement tree species for when the existing Norfolk Island pine trees on Barkly Street, Ararat, reach their end of life.**

**CARRIED 4945/24**

**ATTACHMENTS**

The Photos of Norfolk Island Pine Trees on Barkly Street, Ararat is provided as Attachment 3.3

# Photos of Norfolk Island pine trees on Barkly Street, Ararat

Photos Dated 22 February 2024













### 3.4 LAKE BOLAC AND SURROUNDS CHILDCARE DEMAND AND FEASIBILITY STUDY

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 14110

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

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#### EXECUTIVE SUMMARY

The Ararat Rural City Council has undertaken a childcare demand and feasibility study in Lake Bolac and the surrounding areas. This initiative aimed to:

- Gather information on the likely demand for childcare places, including days and times that care is likely to be needed
- Gauge how much families are able to pay for childcare services, taking into account childcare subsidies.
- This initiative will also look at Outside of School Hours Care services (OSHC), occasional care and school holiday care programs.

The information obtained in this study will be summarised into a report and used to liaise with potential childcare providers on supplying childcare services in Lake Bolac.

Community consultation occurred over December 2023 to January 2024. The responses to the consultation and survey showed a strong demand for childcare in Lake Bolac.

This report seeks Council's endorsement to commence the exploration of options for private sector or not-for-profit investment into childcare services in Lake Bolac.

#### DISCUSSION

The insufficient number of childcare places in the Lake Bolac area creates significant challenges for families. This has been a very long standing issue which the community has raised with Council on a number of occasions.

Lake Bolac is located 30 minutes from Ararat and Mortlake. The surrounding area includes the townships of Willaura, Mininera, Westmere, Streatham, Nerrin Nerrin, Woorndoo, and Wickliffe. At the 2021 ABS Census, these communities had a population of 83 children aged 0-4, and 159 children aged 5-14. Historically, the nearest childcare centres to Lake Bolac were located in Chatsworth (20 minutes travel time by car, open 2 days per week), Mortlake (30 minutes), or Beaufort (45 minutes).

In 2016, a Family Day Care service was established in the Lake Bolac P-12 College, providing very much needed childcare places within the community. Family Day Care services may care for up to 7 children at any one time, with no more than 4 children under school age. The demand for places at the Family Day Care service far exceeds the allowable supply.

Community consultation occurred over 6 drop in sessions in December 2023 and January 2024 across Lake Bolac, Willaura, Streatham, Mininera and Wickliffe. An online survey was also available from 12 December 2023 to 31 January 2024. A total of 45 survey responses were received with most (42) received online. A total of 71 individual children need childcare, before and after kinder care, or Outside of School Care.



A summary of the demand for childcare places is provided in Table 1 below. Further details are available in the attached Community Consultation Summary Report.

Table 1. Indicative spread of demand for places over the week

Day	Age 0-2 or unclear age	Age 3 to pre-school	Outside of School Hours Care	Minimum Places Needed
Monday	25	9	6	40
Tuesday	28	9 (1 before & after kinder only)	4	41
Wednesday	30	11 (3 before & after kinder only)	6	47
Thursday	26	11 before & 12 after kinder only	4 before, 8 after	42
Friday	24	10 before & 12 after kinder only	6 before, 10 after	46

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### 1. GROWING OUR PLACE

We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.

#### 2. BUILDING ROBUST LOCAL ECONOMIES

We will develop strong relationships to build and strengthen a diverse local economy, focussed on creating jobs and wealth through adding value to existing strengths in agriculture, manufacturing, tourism and hospitality.

### *Budget Implications*

The exploration and engagement with private and not-for-profit sectors on investment in childcare in Lake Bolac will be undertaken by existing Council staff and have minimal to no budget implications.

### *Policy/Relevant Law*

N/A

### *Sustainability Implications*

N/A

### *Risk Assessment*

N/A

### *Innovation and Continuous Improvement*

This initiative allows us to potentially identify innovative solutions to childcare shortages in rural and regional areas.

### *Stakeholder Collaboration and Community Engagement*

Community consultation and engagement has occurred. Collaboration and engagement with the private and not-for-profit sector will occur following adoption of the recommendation.

**RECOMMENDATION**

*That Council endorses the exploration of options for private sector or not-for-profit investment in childcare services in Lake Bolac.*

**MOVED CR BURRIDGE  
SECONDED CR J ARMSTRONG**

**That Council endorses the exploration of options for private sector or not-for-profit investment in childcare services in Lake Bolac.**

**CARRIED 4946/24**

**ATTACHMENTS**

The Community Consultation Summary Report is provided as attachment 3.4

# Lake Bolac & Surrounds Childcare Demand & Feasibility Study

Community Consultation Summary Report

Date: 22 February 2024  
Author: Phuong Au, Strategic Project Lead

## Summary

The Ararat Rural City Council has undertaken a childcare demand and feasibility study in Lake Bolac and the surrounding areas. This initiative aimed to:

- Gather information on the likely demand for childcare places, including days and times that care is likely to be needed.
- Gauge how much families are able to pay for childcare services, taking into account childcare subsidies.
- This initiative also looked at Outside of School Hours Care services (OSHC), occasional care and school holiday care programs.

The information obtained in this study will be summarised into a report and used to liaise with potential childcare providers on supplying childcare services in Lake Bolac.

This document is a summary of the community consultation that occurred over 6 drop-in sessions in December 2023 and January 2024 across Lake Bolac, Willaura, Streatham, Mininera and Wickliffe. An online survey was also available from 12 December 2023 to 31 January 2024.

A total of 45 survey responses were received with most (42) received online. A total of 71 individual children need childcare, before and after kinder care, or Outside of School Care (OSHC) on various days of the week (see tables below).

## Questions and Responses

1. Does your family require access to childhood services, such as childcare, Outside of School Hours Care (OSHC) services or school holiday programs in Lake Bolac?

Answer	Number of Responses
Yes	43
No	2

2. Do you currently use a childcare service?

Answer	Number of Responses
Yes	27
No	18

3. Optional: You have indicated that you currently use a childcare service. Please provide details on what services you currently use.

Comments Submitted	Number of Responses
Family Day Care	10
Occasional Care	2
Nanny	4
Private Babysitter	1
Child Care/Day Care	11
Early Learning Centre	1
Family	1

4. Optional: You have indicated that you currently use a childcare service. How much do you currently pay per day or per hour for your childcare?

Comments Submitted	Number of Responses
\$0 - \$25 per day	2
\$26 - \$50 per day	2
\$51 - \$75 per day	0
\$76 - \$100 per day	5
\$101 - \$125 per day	2
\$126 - \$150 per day	5
\$151 - \$175 per day	1
Not sure/Other	1
Paid hourly rate	\$11 per hour x 1 \$14 - \$16 per hour \$30 per hour x 2

5. Optional: You have indicated that you currently use a childcare service. Would you consider changing the service you currently use if a new centre-based childcare service or a new family day care service become available in Lake Bolac?

Answer	Number of Responses
Yes	16
No	0
Not sure or prefer not to say	2
Other (comments below)	7
Comments submitted for 'Other':	
<ul style="list-style-type: none"> <li>• Depends on the hours. I currently drop off 7:30am and pick up 5:30pm and it's only closed for 2 weeks over Xmas and public holidays, so would need at least that.</li> <li>• If there was opportunity for employment for myself than yes</li> <li>• Need more days</li> <li>• I live where we are atm, but it's so, so expensive for us.</li> <li>• Would prefer one in Willaura</li> <li>• Would use whatever is available</li> <li>• Prefer in home care, but wouldn't rule out childcare either</li> </ul>	

6. How many children do you currently have that require a childcare, OSHC or school holiday program place? Please include their current age. (Submitted responses where manually categorised into the ages in the table below.)

Age	Number of Children
Unclear*	9
0	3
1	14
2	20
3	10
4	4
5	4
6	3
7	1
8	3
<b>Total</b>	<b>71</b>

\*The hours of childcare required for children with unclear ages were consistent with childcare hours, as opposed to OSHC or before and after kindergarten care.

7. Do you plan to have more children? If so, how many and roughly when (what year) do you plan to have them? (Submitted responses where manually entered into the categories in the table below and the sum total provided.)

Comments Submitted	Number
Yes	27
No	17
Undecided	3
Total is approximately 28-30 children planned over the next few years	

8. How regularly would you require childcare or OSHC? (More than one response was allowed)

Answer	Number of Responses
All year round	27
Only during harvest season (approx. late November to early February)	2
Occasionally, about once or twice a week	16
Occasionally, about once or twice a month	2
School holiday programs only	1
Other (comments below)	6
Comments submitted for 'Other':	
<ul style="list-style-type: none"> <li>School terms, open to summer school holidays</li> <li>In or near Willaura too</li> <li>2 days a week</li> <li>5 days a week</li> <li>2-3 days per week</li> <li>During school terms</li> </ul>	

Questions 9 to 11 asked responders to indicate what days of the week and what start and finish times they required. The responses were manually organised into the following tables.

**Note:** Kindergarten days is assumed to be Tuesday to Friday for 4 year olds (Pre-Prep roll out from 2025) and Thursday to Friday for 3 year olds from 8.30am to 4.00pm. For Lake Bolac P-12 College, student arrival is from 8.40am and programs start at 8.50am until 3.30pm.

Table 1. Childcare Demand for Monday, minimum places needed: 40

Age	Start Time					Finish Time					Total
	6:30	7:00	7:30	8:00	8:30	16:30	17:00	17:30	18:00	18:30	
0 to 2	3	6	5	6	1	-1	-3	-7	-7	-3	21
Unclear	0	1	0	1	2	-1	-2	-1	0	0	4
3 to Pre-school	0	1	2	5	1	0	-3	-3	-1	-2	9
Before & After Kinder	-	-	-	-	-	-	-	-	-	-	0
OSHC	0	0	0	6	0	0	-4	0	0	-2	6

Table 2. Childcare Demand for Tuesday, minimum places needed: 41

Age	Start Time					Finish Time					Total
	6:30	7:00	7:30	8:00	8:30	16:30	17:00	17:30	18:00	18:30	
0 to 2	3	6	7	6	3	-3	-5	-7	-7	-3	24
Unclear	0	1	0	1	2	-1	-2	-1	0	0	4
3 to Pre-school	0	1	3	4	0	0	-2	-3	-1	-2	8
Before & After Kinder	0	0	0	1	-	0	-1	0	0	0	1
OSHC	0	0	0	4	0	0	-2	0	0	-2	4

Table 3. Childcare Demand for Wednesday, minimum places needed: 47

Age	Start Time					Finish Time					Total
	6:30	7:00	7:30	8:00	8:30	16:30	17:00	17:30	18:00	18:30	
0 to 2	3	6	6	8	1	-4	-3	-8	-6	-3	24
Unclear	0	1	0	3	2	-3	-2	-1	0	0	6
3 to Pre-school	0	1	3	4	0	0	-1	-4	-1	-2	8
Before & After Kinder	0	0	0	3	-	-1	-1	-1	0	0	3
OSHC	0	0	0	6	0	0	-4	0	0	-2	6

Table 4. Childcare Demand for Thursday, minimum places needed: 46

Age	Start Time					Finish Time					Total
	6:30	7:00	7:30	8:00	8:30	16:30	17:00	17:30	18:00	18:30	
0 to 2	3	6	5	6	3	-2	-6	-7	-6	-3	23
Unclear	0	1	0	1	1	-1	-1	-1	0	0	3
3 to Pre-school*	0	0	0	0	0	0	0	0	0	0	0
Before & After Kinder	0	1	2	8	-	-1	-4	-5	0	-2	11, 12
OSHC	0	0	0	4	0	0	-2	-4	0	-2	4, 8

\*All 3 to pre-school aged are assumed to participate in kindergarten

Table 5. Childcare Demand for Friday, minimum places needed: 46

Age	Start Time					Finish Time					Total
	6:30	7:00	7:30	8:00	8:30	16:30	17:00	17:30	18:00	18:30	
0 to 2	3	6	4	7	1	-1	-6	-6	-5	-3	21
Unclear	0	1	0	1	1	-1	-1	-1	0	0	3
3 to Pre-school*	0	0	0	0	0	0	0	0	0	0	0
Before & After Kinder	0	1	1	8	-	-1	-4	-5	0	-2	10, 12
OSHC	0	0	0	6	0	0	-4	-4	0	-2	6, 10

\*All 3 to pre-school aged are assumed to participate in kindergarten

12. How much would you be able to pay for childcare or OSHC in Lake Bolac per hour and per child? Please consider the following points:

- The fees at Long Day Care centres in small regional towns tend to be around \$11 per hour per child, before Child Care Subsidy payments are taken into account. For example, Beaufort Early Learning Centre is open from 8am to 6pm and charge \$110 per day (\$11 per hour). Dimboola Early Learning Centre are open from 8am to 5:30pm and charge \$105 per day (\$11.05 per hour), and Chatsworth Occasional Child Care fees are \$83 per day for 9am to 4.30pm, 2 days a week (\$11.06 per hour).
- In order to establish a *new* childcare service in Lake Bolac that is financially viable, a childcare provider may need charge a higher rate than services in Beaufort, Dimboola or Chatworth.
- The Child Care Subsidy hourly rate cap for Centre Based Day Care (long day care and occasional care) is \$13.73 per hour.

Answer	Number of Responses
More than \$13.73 per hour for each child	7
Up to \$13.73 per hour for each child	5
Up to \$12.50 per hour for each child	9
Up to \$11.50 per hour for each child	9
Up to \$11 per hour for each child	4
Less than \$11 per hour for each child	5
Other (comments below)	6
Comments submitted for 'Other':	

- Unsure what is usual?
- Flexible depending on other aspects
- I understand how the costs are worked out, but we receive no subsidy, so the less the better for us!
- Dependent on service but happy to pay for 2-3 days per week of care
- \$11 is reasonable
- Happy to pay anything, childcare means we can work more, which equals more subsidy

13. Optional: If you have any further comments or feedback regarding childcare, OSHC services or school holiday programs in Lake Bolac and surrounding areas, please share these below.

(Responses to this question have been kept confidential)

14. Optional: If you would like to receive updates from the Ararat Rural City Council on childcare or OSHC services in Lake Bolac, please provide your name, email or other contact details below.

(Responses to this question have been kept confidential)



**SECTION 4 – INFORMATION REPORTS**

**There were no information reports received**

**SECTION 5- COMMITTEE MINUTES/REPORTS**

**There were no committee minutes / reports received**

**SECTION 6– INFORMAL MEETINGS**

No information meetings were received

**SECTION 7 – NOTICES OF MOTION**

*A notice of motion* must be in writing signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* no later than 12.00pm (noon) and at least six (6) days prior to the Council Meeting to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*.

**There were no Notice of Motion items received**

**SECTION 8 – URGENT BUSINESS**

Items cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 2 cannot safely or conveniently be deferred until the next *Council meeting*.

**There were no Urgent Business items received**

## SECTION 9 – CLOSE SESSION (CONFIDENTIAL)

In accordance with section 66(2)(a), 3(1) *Confidential Information* (a) of the Local Government Act 2020, the following agenda items are listed for consideration in the confidential section:

- Item 9.1 – EPA Environmental action notices for the Elmhurst, Streatham and Tatyoon Transfer Stations.

### 6.14PM CLOSURE OF COUNCIL MEETING TO THE PUBLIC

The Open Council Meeting will now be closed, but members of the public are welcome to rejoin the Council Meeting following the recommencement of the meeting.

#### RECOMMENDATION

*That the meeting be closed to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.*

**MOVED CR BEALES  
SECONDED CR BURRIDGE**

**That the meeting be closed to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.**

**CARRIED 4947/24**

### 6.20PM OPEN COUNCIL MEETING RECOMMENCEMENT

#### RECOMMENDATION

*That the Open Council Meeting recommence.*

**MOVED CR BEALES  
SECONDED CR J ARMSTRONG**

**That the Open Council Meeting recommence.**

**CARRIED 4949/24**

**Gallery invited to return to Council Chamber.**

### LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

#### RECOMMENDATION

*That the confidentiality of the report and decision in relation to 9.1 be lifted on adoption of the motion.*

**MOVED CR J ARMSTRONG  
SECONDED CR BURRIDGE**

**That the confidentiality of the report and decision in relation to 9.1 be lifted on adoption of the motion.**

**CARRIED 4950/24**

### 9.1 EPA ENVIRONMENTAL ACTION NOTICES FOR THE ELMHURST, STREATHAM AND TATYOON TRANSFER STATIONS

#### RECOMMENDATION

*That:*

1. *Ararat Rural City Council complies with the Environmental Action Notices issued for the Elmhurst, Streatham and Tatyoon Transfer Stations.*
2. *Elmhurst Transfer Station site is modified to increase compliance with the EPA registration and to prevent waste that cannot be lawfully accepted from being deposited.*
3. *Streatham and Tatyoon Transfer Stations be closed.*
4. *The confidentiality of the report and decision be lifted on adoption of the motion.*

#### MOVED CR BEALES

#### SECONDED CR R ARMSTRONG

**That:**

1. **Ararat Rural City Council complies with the Environmental Action Notices issued for the Elmhurst, Streatham and Tatyoon Transfer Stations.**
2. **Elmhurst Transfer Station site is modified to increase compliance with the EPA registration and to prevent waste that cannot be lawfully accepted from being deposited.**
3. **Streatham and Tatyoon Transfer Stations be closed.**
4. **The confidentiality of the report and decision be lifted on adoption of the motion.**

#### CARRIED 4948/24

I HEREBY CERTIFY THAT PAGES 8110 - 8194 INCLUDING PAGES 658-662 OF THE CLOSED SESSION ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

**MAYOR – CR BOB SANDERS**

**Meeting Closed at 6.21PM**