



Ararat Rural City

# MINUTES

## COUNCIL MEETING

**Tuesday 28 May 2024**

Held in the Council Chambers, Shire Offices  
(Livestreamed)

Commenced 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/aratruralcitycouncil](https://www.facebook.com/aratruralcitycouncil) into your address bar.**

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

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**PRESENT:**

Cr Gwenda Allgood, Cr Rob Armstrong, Cr Henry Burrige, Cr Bob Sanders, Dr Tim Harrison, Chief Executive Officer, Chandra Willmott, Governance & Risk Lead and Thomas Duncan, Theatre Technical Officer

**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 – CR ALLGOOD***

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 – CR BEALES***

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 – CR R ARMSTRONG***

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**

**RECOMMENDATION**

*That the apology of Cr J Armstrong be accepted.*

**MOVED CR BURRIDGE  
SECONDED CR BEALES**

**That the apology of Cr J Armstrong be accepted.**

**CARRIED 4985/24**

**1.4 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

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

**MOVED CR R ARMSTRONG  
SECONDED CR WATERSTON**

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

**CARRIED 4986/24**



## 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 Interests 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 new 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:** 15417

#### **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 form Council to Members of Council Staff

### DISCUSSION

Delegation to Council staff is 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 to reflect staff changes.

### 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 form 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 form Council to Members of Council staff that been updated using the Maddocks Lawyers Delegation Service and RelianSys software.

The delegation service provides tow 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 ser 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 ALLGOOD SECONDED CR BEALES**

**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 ser 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.**

**CARRIED 4987/24**

**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

28 May 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 28 May 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  
28 May 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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 of operations under Part 7 of the Financial Management Act 1994	N/A	Where Council is a Class A cemetery trust
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

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



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	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	
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	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72(2)	Duty to comply with request received under s 72	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	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	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)
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	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 made 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 application or within 45 days of receiving further information where requested	N/A	
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	



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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to find right of interment holder. with consent of the Secretary		
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	

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

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	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
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



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	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
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

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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(4)	Duty to register the food premises when conditions are satisfied	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 certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEO, EHOs	
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

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

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



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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, MDR	
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
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	CEO, MDR, POs, PDOs	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	out in s 197B of the Act after the inspection period ends		
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 expressed to be binding on the responsible public entity	CEO, MDR, POs	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	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,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MDR, POs	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, FSC, 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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	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 contribution to be secured to Council's satisfaction	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	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



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	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 a development agency specified in the approved infrastructure contributions plan to that development agency	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(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, FSC, CSAM,	Where Council is the development agency specified in the approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MDR, POs	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,	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MDR, POs	
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 contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	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
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



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



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, MDR	
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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Y	Duty to carry out works in conformity with the approved strategy plan	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, 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	CEO, MDR, POs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	satisfied that the grant of permit would not cause material detriment to any person		
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 covenant	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	
s 54(1)	Power to require the applicant to provide more information	CEO, MDR, POs	

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

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



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

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

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	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	
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,	

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



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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	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, 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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 149B	Power to apply to the Tribunal for a declaration.	NOT	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, MDR	Where Council is the relevant planning authority
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	CEO, MDR, POs	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	may not be done without the consent of Council or Responsible Authority		
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	
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	



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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	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	
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	

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

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	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	

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



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



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	transfer a road management function of the road authority to the other road authority, utility or provider of public transport		
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	

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

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

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



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	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 related works on a road or road reserve of any road	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the infrastructure manager or works manager



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 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
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

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

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

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	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

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



Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	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
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



Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	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	

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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	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	

<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 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	
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	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, EHOs	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	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
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



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

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	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 KINDERGARTEN & PRE-PREP INFRASTRUCTURE

**RESPONSIBLE OFFICER:** STRATEGIC PROJECT LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 15419

#### **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**

As part of the Victorian Government's *Best Start, Best Life* reforms, 4 Year Old Kindergarten will transition from 15 hours per week to a 30 hour per week Pre-Prep program. The Ararat Rural City is one of the first Local Government Areas to commence Pre-Prep in 2025. The 3 Year Old Kindergarten program will remain 15 hours per week.

This report seeks Council's endorsement of proposed kindergarten infrastructure priorities to support the implementation of Pre-Prep, within the context of the broader Ararat Rural City outlook and the available opportunities for support.

#### **DISCUSSION**

The Ararat Rural City has six sessional (standalone) kindergartens and three long day care (LDC) services. Most of these services are located in Ararat, with one sessional kindergarten located in Lake Bolac and one in Willaura. Only two LDCs are currently approved kindergarten providers. The sessional kindergartens are run by the Y Ballarat, while the LDCs are run by separate childcare businesses.

Council has been working with the local kindergarten and childcare providers, and the Department of Education to support the transition from 4 Year Old Kindergarten to Pre-Prep. This includes the development of an updated Kindergarten Infrastructure and Services Plan (KISP) and an Early Childhood Education Workforce Plan. Both plans are currently in progress and will be finalised in due course. As part of this work, Council has advocated for new and improved infrastructure to prepare for and support the roll out of Pre-Prep and the Best Start, Best Life reforms in the Ararat Rural City.

The Department of Education have informed Council that the draft KISP modelling indicates that the Ararat Rural City municipality has sufficient places to meet their estimated level of demand for Kindergarten and Pre-Prep in the short-medium term, and therefore that new infrastructure to increase capacity is not required. This modelling would be reviewed if there was an event or change that resulted in a loss of places, and grant funding for new infrastructure may be considered if that occurred. The Department of Education has recommended the Building Blocks – Improvement and Inclusion Grants to support the refurbishment of existing facilities without the requirement to increase the number of places. An additional allocation of \$19 million was announced for this grant program in the 2024-25 Victorian Budget.

#### **Population Growth**

The Ararat Rural City Council is expecting the population to grow beyond the rate used in the Department of Education's KISP modelling. Driven by years of chronic workforce and housing shortages, Council have undertaken bold new approaches to overcome housing market failure, support local jobs and transform its community and economy. Council has partnered with local philanthropists, reputable and capable property developers and businesses to rapidly increase supply of suitable, sustainable, safe and affordable housing. With the bottleneck of housing shortages being addressed, local major employers can have greater confidence and are currently actively recruiting to fill job vacancies. Council is also continuing to work with the Wyndham Community and Education Centre and other partners to job match potential new settlers with local employers.

These efforts by Council to address the major challenges for this region will result in population growth, more families and more demand for kindergarten places in the future.

### Proposed Kindergarten Infrastructure Priorities and Actions

The priorities in the table below are proposed based on need and benefits, and the likely opportunities for support. The kindergarten services that are not listed in the table below will continue to be engaged, monitored and supported, where possible.

#	Need & Opportunities	Proposed Actions
<b>1</b>	<b>Ararat North Kindercare</b>	
	<ul style="list-style-type: none"> <li>Licensed for 60 places but the facilities require upgrades to support and provide quality learning environments for this many students and their educators.</li> <li>Co-located Facilitated Playgroup, upgrades would benefit multiple users</li> <li>Already co-located within the Ararat North Primary School, supporting school transition</li> <li>There are major employers within the Ararat North Primary School Zone with growing workforce needs, including Ararat Meat Exports, East Grampians Health Service, Gason and the Hopkins Correctional Centre.</li> <li>Multiple housing development projects also within the School Zone at Ironbark Lane and in areas north and east of Ararat.</li> <li>Upgrades to the learning environments should be eligible for the Building Blocks – Improvement and Inclusion Grants</li> </ul>	Council will work with the Y Ballarat to advocate for the Department of Education (landlord) to undertake facility upgrades at Ararat North Kindercare
<b>2</b>	<b>Ararat Early Learning Centre</b>	
	<ul style="list-style-type: none"> <li>They have a very high demand for places. Their Kindergarten and Pre-Prep programs are already full for 2025 and they have no room to take more students without reducing long day care places, which already has waitlists</li> <li>They are one of only two providers of kindergarten in Ararat that can offer childcare before and after kindergarten, an essential service for some families due to employment or other necessary activities.</li> <li>The Ararat Early Learning Centre are ineligible to apply for any Building Blocks grants to build more infrastructure.</li> </ul>	Council will continue to work with the Ararat Early Learning Centre to find alternative solutions to their kindergarten infrastructure needs.
<b>3</b>	<b>Carey Street Kindergarten</b>	
	<ul style="list-style-type: none"> <li>Aged facility, originally constructed 55 years ago in 1969. A full replacement with support from a Building Blocks – Capacity Building Grant would provide a better longer term investment than a partial building refurbishment with an Improvement Grant.</li> <li>Carey Street Kindergarten is located in the Ararat Primary School Zone. Many families take into account their child’s future primary school when choosing a kindergarten.</li> <li>There are major employers within the Ararat Primary School Zone with growing workforce needs, including AME Systems, Gorrinn Village and major circular economy initiatives on the near horizon</li> <li>Green Hill Lakes Estate, a major housing development with 160 lots, the Ararat East Development Zone and multiple smaller infill housing developments are located within the Ararat Primary School Zone.</li> <li>Carey Street Kindergarten is located on a large, Council managed site of approx. 4,400m<sup>2</sup> and therefore has land capacity to potentially increase the building footprint and offer more places in Ararat to meet future demand.</li> <li>Building Blocks – Capacity Building Grant currently still open. It offers a Modular Kindergarten Facility stream, which has no mandatory cash co-contribution requirements.</li> </ul>	Council will work with the Y Ballarat to seek a Building Blocks – Capacity Building Grant to replace the existing facilities at Carey Street Kindergarten
<b>4</b>	<b>Jack &amp; Jill Kindergarten</b>	

<ul style="list-style-type: none"> <li>• The sub-optimal building layout results in underutilised areas, such as the small outdoor area on the Robson Lane side of the building, and the large storage areas.</li> <li>• Facility was built in 1985 and some features require updating, such as the kitchen and toilet areas.</li> <li>• Jack &amp; Jill Kindergarten is located a short distance from the Ararat West Primary School. There are multiple major housing development projects are located within the Ararat West Primary School Zone, including Evans Park Estate and Omaroo Estate.</li> <li>• Building Blocks – Improvement and Inclusion Grants may not receive additional allocations of funding in future State Budgets, so there may not be opportunity to seek funding support for these refurbishments in the future.</li> </ul>	<p>Council will work with the Y Ballarat to seek a Building Blocks – Improvement Grant to refurbish the facilities at Jack &amp; Jill Kindergarten.</p>
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## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### 4. DEVELOPING AND MAINTAINING KEY ENABLING INFRASTRUCTURE

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

4.2 Work directly with asset users to manage and develop new and existing assets.

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

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

If the grant guidelines remain consistent with previous rounds, the Building Blocks – Improvement Grants program may require a co-contribution for grants over \$150,000, but there is no minimum co-contribution amount or ratio. The budget implications for Jack & Jill Kindergarten will be determined once an indicative scope of works is negotiated with the Y Ballarat and costed. The Building Blocks - Capacity Building Grant, Modular Kindergartens Stream does not have a mandatory cash co-contribution requirement and is therefore not expected to have budget implications.

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

Not applicable

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

If applications for funding are successful, the facility upgrades should be constructed to the latest standards and should result in improved energy and water efficiency.

#### ***Risk Assessment***

If funding is awarded for the proposed projects, any potential construction activity will be scheduled around school terms to minimise disruptions to kindergarten and Pre-prep classes, where possible. Where this can not be avoided, Council will work closely with the Y Ballarat, the kindergarten teachers, families and communities to facilitate temporary alternative locations, if required.

The proposed initiatives will reduce the likelihood of children missing out on Kindergarten and Pre-Prep in the future when the population of the Ararat Rural City increases.

#### ***Innovation and Continuous Improvement***

The proposed kindergarten facility upgrades will improve early years services in the municipality.

***Stakeholder Collaboration and Community Engagement***

Council will continue to work closely with the local kindergarten and childcare providers, and the Department of Education, to deliver early years services and infrastructure.

**RECOMMENDATION**

*That Council endorse the proposed kindergarten infrastructure priorities and actions:*

- 1. Council will work with the Y Ballarat to advocate for the Department of Education (landlord) to undertake facility upgrades at Ararat North Kindercare.*
- 2. Council will continue to work with the Ararat Early Learning Centre to find alternative solutions to their kindergarten infrastructure needs.*
- 3. Council will work with the Y Ballarat to seek a Building Blocks – Capacity Building Grant to replace the existing facilities at Carey Street Kindergarten.*
- 4. Council will work with the Y Ballarat to seek a Building Blocks – Improvement Grant to refurbish the facilities at Jack & Jill Kindergarten.*

**MOVED CR BURRIDGE  
SECONDED CR ALLGOOD**

**That Council endorse the proposed kindergarten infrastructure priorities and actions:**

- 1. Council will work with the Y Ballarat to advocate for the Department of Education (landlord) to undertake facility upgrades at Ararat North Kindercare.**
- 2. Council will continue to work with the Ararat Early Learning Centre to find alternative solutions to their kindergarten infrastructure needs.**
- 3. Council will work with the Y Ballarat to seek a Building Blocks – Capacity Building Grant to replace the existing facilities at Carey Street Kindergarten.**
- 4. Council will work with the Y Ballarat to seek a Building Blocks – Improvement Grant to refurbish the facilities at Jack & Jill Kindergarten.**

**CARRIED 4988/24**

**ATTACHMENTS**

There are no attachments in relation to this item.

## SECTION 4 – INFORMATION REPORTS

### 4.1 2023/2024 CAPITAL WORKS PROGRAM – MAY 2024

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 15420

#### 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

Council adopted its 2023/2024 Capital Works Program as a key element of the 2023/2024 Budget. The 2023/24 budget has a strong focus on infrastructure with a \$9.5 million investment in capital works.

Major works including the following:

- Stage one of Mount William Road construction,
- Urban gravel to seal road upgrades, and
- Maintaining and repairing rural and urban roads and drainage.

#### DISCUSSION

Council's 2023/2024 Capital Works Program continues to be substantially different to previous years, the program does not have a number of major road and bridge construction projects and will continue to undertake a "small targeted" capital works program.

The emphasis for 2023/2024 is on renewal and updating Council assets, undertaking a larger number of smaller projects of lower value to avoid the impacts of price volatility in the market. Using this approach will also provide opportunities to leverage in-house capability, support local employment and engagement of local contractors.

The capital works program has had an emphasis on the following areas:

- An enhanced road reseal program.
- Improvement to urban drainage.
- Upgrades to the footpath network.
- A major urban road gravel to seal program.
- Commencement of Mt William Road Reconstruction works.

#### Capital Works Budget Status:

As of 22 May, 2024, the capital works budget is 72% spent, below the expected monthly rate. This has slowed on other earlier months due to the two bushfires in the municipality in February which has put significant pressure on our workforce, causing priorities to shift towards areas of urgent need.

#### Ongoing Projects

- The Urban gravel to seal project has commenced with Young Street and Thomas Street now complete.
- Mt William Road reconstruction has commenced, with tree trimming and removal commencing and ground works following soon after, an updated resident notification of detours has been sent in the last week. The majority of works are expected to be complete by the end of financial year allowing us to meet funding obligations.



- Road resheeting has seen substantial progress with 109% of the budget expended
- OTTA seals to rural roads within the municipality will be completed before the end of financial year
- Council will be trialling the use of the TerraPave system on Warrayatkin Road from Warrak Road for a distance of one kilometre, these works will be undertaken in the first week of June. Terra Pave products are an environmentally safe, all-purpose liquid soil additive that is mixed with water and used to prevent base failure, dust pollution, soil erosion and increases soil strength and reduces permeability. This product is an alternative to the traditional stabilisation concrete lime and asphalt pavements which produce greenhouse gas and carbon dioxide. Terra Pave is non-petroleum-based and eco-friendly, evaporating only water during the curing process and emitting no volatile organic compounds (VOCs). Developed in conjunction with University of Texas, USA, Terra Pave has been used in more than 40 countries around the world, including Canada, Mongolia, Madagascar, countries within South America and Africa. The application has been designed for use in hot arid areas and will be interesting to see how it performs in a cooler climate.
- Small property capital projects has been fully expended with 121% of the budget expended.

	Budget	Committed/ Contracted	Expended	%	Notes
<b>PROPERTY -CAPITAL</b>					
Property Capital	\$400,000	\$69,700	\$414,449	121%	These works are made up of a series of smaller projects across the municipality.
					This amount does not include payments for the funded playground project completed in 2023.
					This budget has been fully expended.
Alexandra Oval Resurfacing			\$235,830		This was an unbudgeted project. Works on the Alexandra Oval are complete – users will have access to the facility from 1 April 2024.
Ararat Fitness Centre Stage 1	\$950,000		\$50,329	5%	This project has been halted due to age and compliance issues. Further information was provided at the April Council meeting.
<b>TOTAL PROPERTY</b>		<b>\$69,700</b>	<b>\$690,428</b>		
<b>PLANT &amp; EQUIPMENT</b>					
Plant and Vehicles			\$346,146		These unbudgeted items include four new passenger vehicles and a new mower that was purchased at the start of the financial year.
Book stock - Library Book Replacement	\$40,000		\$31,217	78%	Quarter 4 payment is due in June 2024. This will be fully expended by the end of financial year.
<b>TOTAL PLANT &amp; EQUIPMENT</b>			<b>\$377,363</b>		

<u>ROADS</u>					
Gravel Road Sheeting & Gravel Road Widening	\$2,800,000	\$597,858	\$2,441,141	107%	<p>The 23/24 Resheeting and Road Widening program is fully expended.</p> <p>The committed component of the budget is for OTTA Sealing of a number of rural roads that have consistent resheeting work undertaken on them. These works will be completed in May 2024.</p>
Reseal Program	\$1,000,000	\$77,396	\$773,855	85%	<p>Design works are complete for Rhymney Rd.</p> <p>Geotechnical Investigation and design works are nearing completion for the Buangor Ben Nevis Rd. This work is being completed with funding from LRCI and Council. These works will be completed as a part of the 24/25 capital works program.</p> <p>Road reseal program commenced in September 2023 and was completed in December 2023.</p> <p>Line Marking is expected to be completed before the end of financial year.</p> <p>This budget is expected to be underspent by the end of financial year with Rhymney Road works on hold due to cost estimates. This allocation will be redirected to other projects including Helendoite Road Bridge and McLellan Street reconstruction.</p>
Mt William Road	\$1,000,000	\$232,066	\$31,217	28%	<p>Work have commenced.</p> <p>The works have been set out, tree works completed and stabilising contractors engaged to commence in the second week of June 24, and stone ordered as part of the project.</p> <p>These works will be complete by the end of financial year in line with the Roads to Recovery funding.</p>
Urban Road Gravel to Seal	\$2,200,000	\$189,053	\$284,958	22%	<p>Designs are now ready to commence including Currajong Avenue/McLellan Street, Bailey Lane, Mulcahy Road &amp; King Street, with quotations sought for works to be undertaken by external contractors for kerb and channel works.</p>

					<p>The OTTA seal has been completed on Elizabeth Street East, Thomas and Young Streets, Ararat.</p> <p>Planning works for the 24/25 program is currently being undertaken, with design quotation sought to provide works allocations for the up coming financial year.</p> <p>This budget is expected to be underspent with the works being completed costing significantly less than estimated.</p>
Major Patching		\$45,200	\$55,251		<p>This line item is unbudgeted.</p> <p>Major patching contractors have commenced works.</p> <p>Asphalting works have been completed at the Deneys Carpark.</p>
Footpath Renewal Program	\$400,000	\$6,900	\$512,576	130%	<p>Several footpath works have been completed this year within Ararat and rural townships.</p> <p>Works have recently been completed in McGibbony Street and Ford Street in Ararat and Walkerville &amp; Wileman Street in Willaura.</p> <p>The committed works are for funded works on Tunnel Track in Pomonal.</p>
Urban Drainage Works	\$750,000	\$209,139	\$326,641	71%	<p>Works have been completed in Golf Links Road and are nearing completion in Thompson and Kneale Streets, Ararat.</p> <p>A number of small works are expected to be complete by the end of financial year.</p> <p>One significant project is also to be undertaken with connection of drainage from Queen Street to Cemetery Creek, with the tender having been approved in May 2024.</p>
<b>TOTAL INFRASTRUCTURE</b>		<b>\$1,096,373</b>	<b>\$4,425,639</b>		
<b>TOTAL CAPITAL WORKS</b>		<b>\$1,166,073</b>	<b>\$5,493,703</b>		

There are also recreation facilities projects that were funded in the 2021/2022 budget that have extended beyond the single financial year. The committed expenditure includes contracts entered for construction of various elements of the projects. The table below provides a summary of these projects:

Capital Work Element	Committed expenditure	% complete	Notes
Gordon St Recreation Reserve	\$4,825,767	100%	The pavilion has reached practical completion with an Occupancy Permit being provided in mid March 2024.  Fencing of the soccer and AFL fields has commenced and concreting of the little athletics infrastructure has been completed. Seeding of the soccer pitch is the final works to be completed.  The Ministerial opening for the redevelopment is to be held on Friday 21 June 2024.
Buangor Recreation Reserve Kitchen Extension	\$53,590	20%	The project has been out to the market and came in with a significant price difference between the cost plan and the pricing received from the tenderers.  Funding opportunities are being looked at to progress this project further.
Lake Bolac Golf Club Kitchen	\$179,864	91%	Works were undertaken by Build Forth, from Ballarat, this project is complete.

## 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:

- 4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031.
- 4.2 Work directly with asset users to manage and develop new and existing assets.
- 4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety and align with Council's financial sustainability.
- 6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation, and rating fairness.

### *Budget Implications*

The 2023/2024 Capital Works Program represents a significant element of Council's 2023/2024 Budget. In the current civil construction market, it is essential that Council manages capital works expenditure carefully to ensure budget outcomes are met.

### *Policy/Relevant Law*

The 2023/2024 Capital Works Program complies with the program funded in the 2023/2024 Budget.

### *Sustainability Implications*

There are no environmental sustainability implications. Council is mindful of considering new innovative approaches to improve its sustainability and environmental footprint as a part of the Capital Works program.

### *Risk Assessment*

The 2023/2024 Capital Works Program was developed as a mitigation of the financial risks associated with market volatility currently being experienced in the civil and building construction sectors.

***Innovation and Continuous Improvement***

Development of the 2023/2024 Capital Works Program represented an agile response to market conditions. A capacity to rework strategy based on a changing environment is a critical element in developing an innovative organisation.

***Stakeholder Collaboration and Community Engagement***

The 2023/2024 Capital Works Program has been developed as an element of the 2023/2024 Budget. There was extensive community engagement undertaken prior to adoption.

**RECOMMENDATION**

*That Council receive this information report.*

**MOVED CR BEALES**

**SECONDED CR R ARMSTRONG**

**That Council receive this information report.**

**CARRIED 4989/24**

There are no attachments in relation to this item



#### 4.2 COUNCIL PLAN 2021-2025 YEAR 3 ACTION PLAN UPDATE (MAY 2024)

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO's OFFICE  
**REFERENCE:** 15421

**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 Council Plan 2021-2025 contains actions to be undertaken during the 2023/2024 (Year 3) financial year under the strategic objectives:

1. Growing our place
2. Building robust local economies
3. Preserving the environment
4. Developing and maintaining key enabling infrastructure
5. Enhancing community life; and
6. Strong and effective governance

The Council Plan 2021-2025 Year 3 Action Plan is presented to Council and highlights the actions identified against the strategic objectives.

#### DISCUSSION

This report outlines the actions to be undertaken for Year 3 of the Council Plan 2021-2025.

The Council Plan for 2023/2024 (Year 3) contains 73 actions, which is provided as Attachment 4.3.

Status	Number of items
Complete	16
In progress 0-50%	18
In progress 51-99%	23
Ongoing	16

#### KEY CONSIDERATIONS

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

- 1.1 Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.
- 1.2 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.
- 1.3 Work with other levels of government, business, and not-for-for profits to develop programs to increase immigration to Ararat Rural City to grow our population.
- 2.1 Partner with Federation University Australia to deliver the Ararat Jobs and Technology Precinct.
- 2.2 Work with other levels of government, local business, and private investors to develop a business park within Ararat Rural City, focused on agricultural value adding and advanced manufacturing, potentially leveraging "behind the meter" power.
- 2.3 Engage with Grampians Tourism and local businesses to drive growth in high yield tourist outcomes.
- 3.1 Position Ararat Rural City Council as a prime mover in driving circular economy policy in waste management, including local processing and management of recyclables, and in use of renewable energy for Council purposes.
- 3.2 Develop innovative energy solutions utilising locally produced waste.

- 3.3 Partner with local organisations and scientific experts to develop an appropriate and pragmatic local government Environment Strategy, focused on the circular economy, emission reduction through renewable energy and management of Council assets.
- 4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031.
- 4.2 Work directly with asset users to manage and develop new and existing assets.
- 4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.
- 5.1 Open up Council's arts and culture assets to greater community participation, ownership and engagement in decision-making. 5.2 Develop models of volunteering that recognise, support, and properly utilise the skills that community volunteers bring to community life.
- 5.3 Partner with community groups, not-for-profits, and traditional owner organisations to develop Ararat Rural City as a more inclusive and diverse community.
- 6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.
- 6.2 Ensure appropriate risk management is applied to Council and organisational decisions. Council's internal function is applied to areas of perceived risk.
- 6.3 Continuously improve Council's community engagement process and practices in line with deliberative engagement practices, while acknowledging the need for a range of different techniques to ensure effective engagement.

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

Initiatives and projects listed in the Council Plan Action Plan have an allocation in the 2022/2023 Budget.

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

The Local Government Performance Reporting Framework – Governance and Management Checklist No 17 – Council Plan Reporting - Report reviewing the performance of the Council against the Council Plan including the results in relation to the strategic indicators for the first six months of the financial year.

Where Council has a report, it must also provide details of the report, where Council has no report, it must provide a reason.

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

None identified for this report.

#### ***Risk Assessment***

Not meeting the requirements of the Local Government Performance Reporting Framework will result in negative feedback on the Know Your Council website, as well as receiving negative results in the Community Satisfaction Survey.

#### ***Innovation and Continuous Improvement***

The list presented to Council shows the innovation and continuous improvement that Council is providing to both the organisation and the community.

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

The Chief Executive Officer along with relevant officers have worked to ensure that Council Plan actions met expected milestones and timeframes where possible.

#### ***RECOMMENDATION***

*That the Council Plan 2021-2025 Year 3 Action Plan Update Report be received.*

#### **MOVED R ARMSTRONG SECONDED CR BEALES**

That the Council Plan 2021-2025 Year 3 Action Plan Update Report be received.

#### **CARRIED 4990/24**

**ATTACHMENTS**

The Council Plan 2021-2025 Year 3 Action Plan is provided as Attachment 4.2

Objective	Action	Due date	Progress	Officer update	Responsible Officer	
1. Growing Our Place	1.1 Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.	03/01/2023	Complete	The refining the planning scheme project has had a significant setback due to unforeseen impacts of the Wildlife Gates Inc. At this September 2023 Council meeting, Council adopted a revised plan which is currently being implemented.	Dr Tim Harrison / Rob Fitch	
	1.2 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.	12/01/2023	In progress 51-59%	Work on the environmental planning study being undertaken by Federation University Australia.	Dr Tim Harrison	
	1.3 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City, focused on agricultural value adding and advanced manufacturing, potentially leveraging "behind the meter" energy.	30/01/2023	In progress 0-50%	Recruit a community reference group to provide community input to the planning scheme review process.	Dr Tim Harrison / Phuong Au	
	2. Building Robust Local Economies	2.1 Partner with Federation University Australia to deliver the Ararat Jobs and Technology Precinct (AJTP).	03/01/2024	In progress 51-59%	Finalise existing flood study work undertaken by Council.	Rob Fitch
		2.2 Work with other levels of government, local business, and private investors to develop a business park within Ararat Rural City, focused on agricultural value adding and advanced manufacturing, potentially leveraging "behind the meter" energy.	03/01/2024	In progress 51-59%	Undertake a strategic planning study for the Ararat East Development Zone which will inform a future growth strategy.	Dr Tim Harrison / Rob Fitch / Phuong Au
		2.3 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.	03/01/2024	Ongoing	Continue to develop the Ararat Housing Enterprise (AHE), delivering the first four houses in Ararat during 2023/2024.	Dr Tim Harrison / Rebecca Rodger
		2.4 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City, focused on agricultural value adding and advanced manufacturing, potentially leveraging "behind the meter" energy.	03/01/2024	Ongoing	Work with stakeholders work towards implementation of the key recommendations of the Ararat Development Strategy.	Dr Tim Harrison / Tim McDougall / Phuong Au
	3. Growing Our Place	3.1 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.	11/05/2023	Complete	Complete construction of McCallum Street extension to provide alternate access to the Ararat East Development Zone.	Jeremy Latham / Rebecca Rodger
		3.2 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.	03/01/2024	Complete	Explore additional models for investment in affordable housing, including adoption of one new model in 2023/2024.	Dr Tim Harrison
		3.3 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.	12/01/2023	Complete	Provide to support and develop the in-migration program for people from the communities of Burma, transitioning from the Workforce Pilot Program to a locally based model.	Tim McDougall
3.4 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		03/01/2024	In progress 51-59%	Develop an ANCC population strategy that will explore mechanisms for building sustainable population growth.	Dr Tim Harrison	
3.5 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		12/01/2023	Complete	Activate the "Tech Lab" at the July 28 site	Glen Carman / Mel Roberts	
3.6 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		12/01/2023	In progress 51-59%	Hold a twice-yearly research seminar which will showcase research activity from the AJTP to key stakeholders and the broader community	Dr Tim Harrison / Professor Hargrave Sandhu (edUIN)	
3.7 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		Ongoing	Ongoing	Build stronger connections between AJTP and local industry, including promotion of industry internships for research students.	Dr Tim Harrison / Professor Hargrave Sandhu (edUIN)	
3.8 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		30/01/2023	In progress 51-59%	Develop an ANCC Economic Development and Innovation Strategy that supports development of agriculture, circular economy, advanced manufacturing and high yield tourism.	Dr Tim Harrison / Tim McDougall	
3.9 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		03/01/2024	In progress 51-59%	Continue to develop the Ararat Digital Twin and Rural Smart City as an innovative model. Deliver three key projects outcomes in 2023/2024.	Glen Carman / Mel Roberts	
3.10 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.		03/01/2024	Ongoing	Working with Invest Victoria, Regional Development Victoria and private sector partners develop plans for the ANCC Circular Economy Hub.	Dr Tim Harrison / Tim McDougall	
3.11 Work with other levels of government, business, and private investors to develop a business park within Ararat Rural City to grow our population.	03/01/2024	Complete	Attract one new circular economy industry to Ararat during 2023/2024.	Dr Tim Harrison / Tim McDougall		

<p>2.3 Engage with Grampians Tourism and local businesses to drive growth in high yield tourist outcomes.</p>	<p>Partnering with local wine makers, Grampians Wine incorporated and Grampians Tourism develop an annual five wine and food event at Mt Lang Ghiran vineyard. Work with operators and Grampians Tourism to establish three new tourism businesses in the municipality during 2023/2024.</p>	<p>6/30/2024</p>	<p>In progress 51-59%</p>	<p>The Variety stages plant is being strongly supported by Council to move towards financial close and construction commencing in the 2024 calendar year. Sufficient straw has been committed by local farmers for the project to move to the next stages of development.</p>	<p>Dr Tim Harrison / Tim McDougall</p>	<p>Bankable feasibility study expected to be completed by the end of 2023</p>
<p>3.1 Position Ararat Rural City Council as a prime mover in driving circular economy policy in waste management, including local processing and management of recyclables, and in use of renewable energy for Council purposes.</p>	<p>Assess the effectiveness of Council's current 4 bin domestic materials recovery service and develop a model which utilises higher value uses for recovered material. Explore a model for working with community asset committee to utilise roof top solar to increase use of renewable energy at community facilities. Assess the feasibility of transferring Council's passenger vehicle fleet to electric vehicles.</p>	<p>3/31/2024</p>	<p>In progress 51-59%</p>	<p>An evaluation of the effectiveness of Revolution Ararat will be undertaken in 2023/2024. Williams Recreation Reserve has fitted rooftop solar to their facility through their own resources. Most Community Asset Committees will engage with rooftop solar options as grant funding becomes available. Council adopted an Electrification Policy covering its fleet and light plant at the August 2023 Council meeting. The CIO has transitioned to an electric vehicle at a saving of its excess of 20,000. Another fleet vehicle has been converted to an electric vehicle. Further opportunities for conversion will be assessed on a case by case basis. There are a range of opportunities for energy conservation based on Council's report. The financial feedback perked on the majority of these projects makes them cost prohibitive.</p>	<p>Jan Cooper / Rebecca Rodger Dr Tim Harrison / Iside Frawley</p>	<p>Received 2 enquiries following the launch. Exploring a family resort in Pomonal and Leisure Hotel in Ararat. Personal Bath House has lodged planning permits.</p>
<p>3.2 Develop innovative energy solutions utilising locally produced waste.</p>	<p>Undertake a staged implementation of the energy saving initiatives identified from Rodger's report on Council owned assets. Continue to support Vitility P/L to develop a biogas plant in Ararat which utilises straw as the major input.</p>	<p>6/30/2024</p>	<p>Complete</p>	<p>The Variety stages plant is being strongly supported by Council to move towards financial close and construction commencing in the 2024 calendar year. Sufficient straw has been committed by local farmers for the project to move to the next stages of development.</p>	<p>Rebecca Rodger Sharon Ioy / Rebecca Rodger</p>	<p>Bankable feasibility study expected to be completed by the end of 2023, now named <a href="https://ararabio.com.au/">https://ararabio.com.au/</a></p>
<p>3.3 Partner with local organizations and scientific experts to develop an appropriate and pragmatic local government Environment Strategy, focused on the circular economy, emission reduction through renewable energy and management of Council assets.</p>	<p>Leveraging the work in developing the Circular Economy Hub by attracting another business in the waste to energy/circular economy space. Support Personal Power to implement community-based energy solutions for the community. Complete the environmental planning study being undertaken by Federation University Australia. Working with the Environment Working Group, develop Environment Strategy 2022-2024. Develop an implementation plan for Council's Environment Strategy Produce an annual scoreboard outlining Council's progress on environmental outcomes.</p>	<p>6/30/2024</p>	<p>Complete</p>	<p>Council is working with Inwest Victoria, Regional Development Victoria and a number of private sector partners to make a case for a state significant circular economy hub in Ararat. Council is working on a community battery for Pomonal through the Regional Greenhouse Alliance Neighbourhood Battery Project. Fieldwork for the study is complete. Draft report has been completed and mapping is currently being finished. It is anticipated that this report will be received at the June 2024 Council meeting. A Draft Environment Strategy has been developed based on Working Party feedback. It will be approved by the Working Party and then put out for community consultation. The Environment Working Group have completed development of Council's environment plan, including annual imp-mentatation plans. This will be presented to the June 2024 Council meeting for adoption and community consultation. The environmental score card will be developed by the Environment Working Group following adoption of the Environment Strategy.</p>	<p>Dr Tim Harrison Dr Tim Harrison Joan Frawley / Lauren Jakob (yelding)</p>	<p>Bankable feasibility study expected to be completed by the end of 2023, now named <a href="https://ararabio.com.au/">https://ararabio.com.au/</a></p>
<p>4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031.</p>	<p>Complete preliminary planning for the North-South Heavy Vehicle Route Undertake lobbying to seek funding for the North - South Heavy Vehicle Route. Complete 2023/2024 Capital Works Program</p>	<p>6/30/2023</p>	<p>In progress 51-59%</p>	<p>Some lobby planning discussions have been undertaken with the Department of Transport and Planning around planning of the North - South Heavy Vehicle Route. Initial lobbying for the North South Heavy Vehicle Route has been undertaken with local state members and senior bureaucrats. The project has been included in Council's Advocacy Strategy for 2023/2024. The 2023/2024 Capital Works program is progressing well and tracking towards full completion. Progress is reported at each monthly Council meeting</p>	<p>Rebecca Rodger / Charis Mason / Jan Cooper</p>	<p>Bankable feasibility study expected to be completed by the end of 2023, now named <a href="https://ararabio.com.au/">https://ararabio.com.au/</a></p>

3. Promoting our Environment



Item	Strategic Outcome	Key Objectives	Key Deliverables	Start Date	End Date	Progress	Responsible Officer	Other Officers	Notes
4. Developing and enhancing infrastructure	4.2 Work directly with asset users to manage and develop new and existing assets.	Adopt key road sealing, gravel re-laying, drainage, footpath and cycleway and community projects relating to the 2023/2024 Capital Works Program at the August 2023 Council Meeting.	Adopt the Asset Plan 2023/2024 (Year 2) Program at the August 2023 Council Meeting.	8/31/2024	Complete	Complete	Rebecca Rodger / Jeremy Learmonth / Ian Cooper		Key elements of the capital works plan have been developed and progress is reported on a monthly basis to Council and the community.
			Adopt individual asset plans for each asset class at the September 2023 Council Meeting	8/31/2023	In progress 51-99%	In progress 51-99%	Shawn Fay / Glenn Carman		A revised Asset Plan for 2024/2025 will be presented to the June 2024 Council Meeting.
			Undertake the road related elements of the Advocacy Program adopted by Council.	9/30/2023	Complete	Complete	Rebecca Rodger		Asset Plans for each asset class have been adopted by Council with the final plan to be adopted at the November 2023 Council Meeting.
			Undertake the road related elements of the Advocacy Program adopted by Council.	5/31/2024	Ongoing	Ongoing	Dr Tim Harrison		Council has undertaken significant advocacy around Mt William Road and the North South Heavy Vehicle Route. Roads lobbying is a key element of every meeting with councillors and every forum attended by Councilors or Council staff. Council received 50mm from the Federal Government to support rebuilding of Mt William Rd.
			Undertake the road related elements of the Advocacy Program adopted by Council.	7/31/2023 2/28/2024	In progress 0-50%	In progress 0-50%	Dr Tim Harrison Alana Adams / Zoe Rades		This was delayed by the impacts of the February 2024 fire events.
			Complete Stage 1 of the Ararat Leisure Centre redevelopment	6/30/2024	In progress 0-50%	In progress 0-50%	Rebecca Rodger / Dr Tim Harrison		A revised model for Leisure Centre redevelopment is being explored and further planning required to deliver the first stage of the Leisure Centre redevelopment. There is a need to mitigate risk around potential project cost and complexity in any redesign process. This revision will be presented to the July 2024 Council meeting.
			Review the 10-year Capital Works Strategy to inform 2024/2025 Budget	5/31/2024	In progress 0-50%	In progress 0-50%	Dr Tim Harrison		Review will be completed in Q4 2023/2024 and presented to the June 2024 Council Meeting.
			Develop a detailed New Year Capital Works Plan 2024/2025-2028/2029 to inform 2024/2025 Budget	5/31/2024	In progress 51-99%	In progress 51-99%	Dr Tim Harrison / Rebecca Rodger		The 10-year capital works plan will be completed in Q3 2023/2024. It is proposed to be adopted at the July 2024 Council Meeting.
			Deliver key outcomes from Council Asset Plan 2022-2032 during the plan period.	6/30/2024	In progress 51-99%	In progress 51-99%	Shawn Fay		A number of key outcomes of the 2022/2023 Asset Plan have been delivered in Q3 of 2023/2024.
			4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.	Complete garden street recreation Reserve redevelopment	10/31/2023	In progress 51-99%	In progress 51-99%	Dorothy Yapa / Rebecca Rodger	
5.1 Open up Council's arts and culture assets to greater community participation, ownership and engagement in decision-making.	Develop plans for development of walking / cycling tracks as an element of the Ararat on the Move Strategy.	Undertake recreation and extension of the Bungee Recreation Reserve Bichen	5/31/2024	In progress 0-50%	In progress 0-50%	Jeremy Learmonth / Tim Taylor		Council is working on design and implementation of a number of walking and cycling tracks around the municipality.	
		Undertake recreation and extension of the Bungee Recreation Reserve Bichen	6/30/2024	In progress 0-50%	In progress 0-50%	Dr Tim Harrison		Designs and costing are complete. Additional funding beyond Council's contribution of \$270,000, is being sought to ensure that the project can be completed to the community's satisfaction.	
		Develop the redevelopment of the Tipton Recreation Reserve Clubrooms as a fully costed, "shovel ready" project.	11/31/2023	In progress 51-99%	In progress 51-99%	Rebecca Rodger		Preliminary design and costing work has been completed. There has been a change in strategy and the Tipton Recreation Reserve have chosen to invest resources in improvements to the football ground. A grant has been received from SRU and along with Council funding will see \$330,000 invested in the project.	
		Complete Stage 1 of Personal Travel Track Linkage Plan	5/31/2024	In progress 51-99%	In progress 51-99%	Tim McDougall		Progressing with Planning permissions, further work with Ecology and Heritage and Ararat is complete and will be resubmitted with DEECA in December	
		Continue to support the Friends of Gum Sen as the community committee of management manages the site.	6/30/2023	Ongoing	Ongoing	Dr Tim Harrison		Support for the Friends of Gum Sen is ongoing. This includes working with educational and curatorial outcomes.	
		Form a Town Hall User Group to provide feedback to Council on community use of the Town Hall.	9/30/2023	In progress 0-50%	In progress 0-50%	Tim Lewis		Discussions have been held around forming a Town Hall Users Group and these will be further pursued in Q3 2023/2024. Significant work has been done by Council staff to clarify relationships and expectations.	
		Negotiate Memoranda of Understanding with key users of the Town Hall to ensure shared models of community use.	11/31/2023	In progress 51-99%	In progress 51-99%	Tim Lewis		Significant improvements in the model of working with key community stakeholders have been achieved in 2023/2024. The need to establish MOUs will be assessed on a case by case basis.	
		Commit to regular meetings with the Langi Mungala Committee to assist in developing the museum.	9/30/2023	Ongoing	Ongoing	Dr Tim Harrison		Four meetings with Langi Mungala Committee members have been held so far in 2023/2024. Relationships between Council and the Committee have improved considerably.	
		Promote the benefits and achievements of volunteers to encourage participation.	Ongoing	Ongoing	Ongoing	Candice O'Brien		A Volunteer Expo and Volunteer Celebration will be held during Volunteer Week 2024 to recognise and encourage volunteering.	
		Develop a project based, opt-in opt-out community volunteering model.	11/31/2023	In progress 0-50%	In progress 0-50%	Dr Tim Harrison		Some work has been done on developing this model during the second half of 2023/2024.	
5.2 Develop models of volunteering that recognise, support and properly utilize the skills that community volunteers bring to community life.	Undertake a community skills audit to develop a database of skills available among community members for volunteering.	11/31/2023	In progress 51-99%	In progress 51-99%	Alana Adams / Zoe Rades		The community skills audit was launched by the Mayor at the Volunteering Celebration during Volunteer Week 2024.		
	Facilitate networks/partnerships with and between community groups.	Ongoing	Ongoing	Ongoing	Dr Tim Harrison		Some work has been done in this space as a result of other programs such as the Workforce PMR Program.		

Planning approval has been delayed with RTI for Nalwa Vng impacts



5. Strategic Objectives of the Governance	5.3 Partner with community groups, not-for-profits, and traditional owner organizations to develop Ararat Rural City as a more inclusive and diverse community.	Work with community stakeholders to build a community cultural festival.	3/31/2023	Complete	A successful festival was held in February 2024	Tim McDougal
		Engage with key stakeholders to redevelop Council's Access and Inclusion Policy	3/31/2024	In progress 0-50%	Work on developing the Engagement and Inclusion Policy will commence in Q4 2023/2024	Dr Tim Harrison
		Develop an engagement plan to work with the Barngi (Gadjin Land) Council in implementation of the Recognition and Settlement Agreement.	6/31/2023	Ongoing	Council has been briefed and remain supportive of positive engagement with the BGLC around the ISA. The Mayor made a public statement supporting positive relationships and the CEO and Mayor have met with the co-CEO of BGLC.	Dr Tim Harrison
	5.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.	Commence a process of establishing respectful and productive relationships with traditional owner organisations	12/31/2023	Ongoing	This is an ongoing and significant activity. Council has engaged in meetings with the BGLC in relation to implementation to the BGLC Recognition and Settlement Agreement (RSA). Council has also commenced engagement with DMAC to work on a constructive engagement around the DMAC RSA.	Dr Tim Harrison
		Engage in supporting the development of an Ararat Interfaith group.	9/30/2023	Complete	The CEO attended a meeting at the Ararat Neighbourhood House regarding establishment of an interfaith group in early 2023. It is agreed to support the formation of the interfaith group at this meeting. Follow up on progress needs to be undertaken.	Dr Tim Harrison
		Develop a 2023/2024 Council Budget that delivers public value and returns dividends to the community where appropriate.	6/30/2024	Complete	The Draft Budget 2024/2025 has been developed and community consultation has commenced.	Karlisa Hogan / Rebecca Rodger / Dr Tim Harrison
	5.2 Ensure appropriate risk management is applied to Council and organizational decisions. Council's internal audit function is applied to areas of perceived risk.	Provide monthly financial reporting to Council and the community commencing Q3 2023/2024.	3/31/2024	In progress 51-99%	Regular quarterly reporting has been provided for Q1 and Q2 2023/2024. Monthly reporting to the CEO has commenced and a model for reporting will be implemented to commence in the 2024/2025 financial year.	Karlisa Hogan
		Provide monthly reporting on Capital Works Program implementation, including cost against budget information.	6/30/2024	Complete	Monthly reporting of progress of the Capital Works Program has been implemented since the August 2023 Council Meeting	Rebecca Rodger
		Undertake an annual review of Council's Business Continuity Plan and Disaster Recovery Plan	6/30/2024	In progress 51-99%	Progress is being made towards development and implementation of a workable business continuity and disaster recovery plan. Council continues to work through the plan with the Audit and Risk Committee.	Cherda's Willmott
	5.3 Continuously improve Council's community engagement process and practices in line with deliberative engagement practices, while acknowledging the need for a range of different techniques to ensure effective engagement.	Undertake an Annual review of Council's Risk Management Policy and Framework	6/30/2024	Complete	The Annual Review of Council's Risk Management and Policy Framework has been completed. It was reviewed at the April 2024 Audit and Risk Committee Meeting and adopted at the April 2024 Council Meeting.	Cherda's Willmott
		Ensure appropriate analysis of all inquiry and investigation reports relevant to Council operations are examined and recommendations implemented.	Ongoing	Ongoing	Each external inquiry and investigation undertaken in the local government sector is examined and appropriate actions undertaken. Significant issues and remedies are reported to the audit and risk committee.	Cherda's Willmott
		Develop and implement a new risk management information system to all issues raised through Council's Internal Audit function	12/31/2023	In progress 51-99%	A new risk management system has been developed and is currently being implemented.	Glim Cornes/Cherda's Willmott
		Review Council's Deliberative Engagement Strategy	6/30/2024	Ongoing	Options for improvement identified through the internal audit process are being implemented and current status of outstanding items is being reported to each quarterly audit and risk committee meeting.	Cherda's Willmott
		12/31/2023	In progress 0-50%	This will be reviewed by the new communication and engagement team and be presented for adoption at the June 2024 Council Meeting	Aimee Adams / Zoe Hadas	
Develop an approach for informing the community of development and progress on major projects		12/31/2023	In progress 0-50%	Council has recently made an investment in staff to improve communication and engagement activity. An integrated communication approach is being developed which includes social media, a new community newsletter, engage Ararat and Council's website.	Aimee Adams / Zoe Hadas	

**SECTION 5 – COMMITTEE MINUTES/REPORTS**

There were no committee Minutes/Reports received.

**SECTION 6 – INFORMAL MEETINGS**

## 6.1 COUNCIL BRIEFINGS

**AUTHOR'S TITLE:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 13039074

### OFFICER'S DECLARATION 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 Governance Rules state that if there is a meeting of Councillors that:

1. is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
2. is attended by at least one member of Council staff; and
3. is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting, the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
  - a. tabled at the next convenient *Council meeting*; and
  - b. recorded in the minutes of that *Council meeting*.

### DISCUSSION

As a requirement of the Governance Rules, a summary of matters discussed at the Council Briefings held since the last Council Meeting are presented to Council and will be recorded in the minutes.

INFORMAL MEETINGS
Council Briefing held on 14 May 2024

#### Issues discussed at the briefing:

- 2024/2025 Budget – Detailed breakdown
- 2024/2025 Budget – Capital Works Program
- 2024/2025 Budget – Key Outcomes/Projects
- 2024/2025 Budget – Community Engagement
- Proposed Library Upgrade
- Possible Council apprenticeship program
- 2024/2025 efficiency projects
- Road Surface Trials
- Kindergarten Infrastructure and Pre-Prep Rollout
- 61 View Point Street Development
- Delegations
- Gordon Street Update
- Building and Planning Reports
- Business Occupancy Report
- Ownership of Ararat Mechanics Institute building

### KEY CONSIDERATIONS

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

The report supports the strategic objective of the Council Plan 2021-2025:

- 6.3 Continuously improve Council's community engagement process and practices in line with deliberative engagement practices, while acknowledging the need for a range of different techniques to ensure effective engagement.

***Financial***

There are no financial impacts for the receiving of Informal Meetings of Councillors.

***Policy/Relevant Law***

Reporting of Informal Meetings is in line with the requirements of the Governance Rules.

***Risk Assessment***

Following the requirements of the Governance Rules will ensure that Council meets its legislative requirements.

***Stakeholder Collaboration and Community Engagement***

A summary of matters discussed at the Council Briefings are presented for community information.

**RECOMMENDATION**

*That the Informal Meetings of Councillors Report be received.*

**MOVED CR BEALES  
SECONDED CR WATERSTON**

**That the Informal Meetings of Councillors Report be received.**

**CARRIED 4991/24**

**ATTACHMENTS**

The Summary of Council Briefings are provided as Attachment 6.1.

## Councillor Briefing



Date: Tuesday 14 May 2024  
Commencement: 5.00 pm  
Location: Council Chamber, Shire Offices

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**Present**

**Councillors:** Cr Jo Armstrong  
Cr Rob Armstrong  
Cr Gwenda Allgood  
Cr Peter Beales  
Cr Henry Burridge  
Cr Bob Sanders  
Cr Bill Waterston

**Officers:** CEO, Dr Tim Harrison

**Apologies:**

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**Disclosure of Conflict of Interests**

Disclosure of Interests are to be made immediately prior to any relevant item being discussed (*Local Government Act 2020 - Section 131 and Chapter 5, Section 6 of the Governance Rules*).

**Matters Considered:**

1	Mayor's roundup
2	2024/2025 Budget – detailed breakdown
3	2024/2025 Budget – capital works program
4	2024/2025 Budget – key outcomes / projects
5	2024/2025 Budget – community engagement
6	Proposed library upgrade
7	Possible Council apprenticeship program
8	2024/2025 efficiency projects
9	Road surface trials
10	Kindergarten infrastructure and pre-prep roll out
11	61 View St development proposal
12	Delegations
13	Gordon St Update
14	Building and Planning Reports
15	Business occupancy report
16	Ownership of Ararat Mechanics Institute building

**Dr Tim Harrison**



## 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 – Research and Development – Organic Waste Management
- Item 9.2 – Sale of Council owned land in Banfield Street, Ararat

## 6:17PM 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 R ARMSTRONG

**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 4992/24**

## 6:34PM OPEN COUNCIL MEETING RECOMMENCEMENT

### RECOMMENDATION

*That the Open Council Meeting recommence.*

### MOVED CR WATERSTON

### SECONDED CR R ARMSTRONG

**That the Open Council Meeting recommence.**

**CARRIED 4995/24**

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

## LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

### RECOMMENDATION

*That the:*

- 1 *Decision in relation to Confidential Agenda Item 9.1 be lifted*
- 2 *Report of Confidential Agenda Item 9.1 not be lifted; and*
- 3 *The confidentiality of the report and the decision in relation to Confidential Agenda Item 9.2 be lifted on the adoption of the motion*

**MOVED CR BEALES  
SECONDED CR BURRIDGE**

**That the:**

- 1 Decision in relation to Confidential Agenda Item 9.1 be lifted on adoption of the motion**
- 2 Report of Confidential Agenda Item 9.1 not be lifted on adoption of the motion; and**
- 3 The confidentiality of the report and the decision in relation to Confidential Agenda Item 9.2 be lifted on the adoption of the motion**

**CARRIED 4996/24**

#### **9.1 RESEARCH AND DEVELOPMENT – ORGANIC WASTE MANAGEMENT**

**MOVED CR BEALES  
SECONDED CR R ARMSTRONG**

**That the:**

- 1. Council approves the Chief Executive Officer to sign the agreement between Council and Gaia EnviroTech to continue the processing of Organic Waste from Council's Kerbside Collection and Commercial and Drop Off at the Ararat Transfer Station.**
- 2. The confidentiality of this decision will be lifted on adoption of the motion; and**
- 3. The confidentiality of the report not be lifted on the adoption of this motion.**

**CARRIED 4993/24**

## 9.2 SALE OF COUNCIL OWNED LAND IN BANFIELD STREET, ARARAT

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO's OFFICE  
**REFERENCE:** 15427

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

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

The officer identifies a direct, but unavoidable Conflict of Interest in preparation of this report.

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### **To be considered in camera**

It is considered appropriate for this matter to be dealt with in camera pursuant to section 66(2)(a) and 3(1)(a) of the Local Government Act 2020, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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### **EXECUTIVE SUMMARY**

Ararat Rural City has been approached by ATF Haddow Combs Property Trust to purchase some Council owned, residentially zoned land in Banfield St. The reason for the request is to increase the footprint of an innovative housing development that is proposed for an adjoining parcel of land. It is recommended that Council consider selling the land to ATF Haddow Combs Property Trust for this purpose.

Section 114 of the Local Government 2024 prescribes the process for sale of Council owned land. This process requires Council undertake the following:

- publish the notice of intention to sell the land on Council's website
- undertake a community engagement project consistent with Council policy
- obtain a land valuation from an appropriately qualified land valuer

### **DISCUSSION**

Developers of ATF Haddow Combs Property Trust are currently developing a significant development in Barkly which will yield a high end refurbishment of 118 Barkly Street shop and construction of three luxury townhouses at the rear which will significantly change the landscape in the Ararat CBD. Adam Haddow is a national award-winning architect based in Sydney who has a passion for his hometown of Ararat.

ATF Haddow Combs Property Trust are currently seeking to further invest in Ararat. They have purchased 61 View Point Street, Ararat and have expressed an interest in purchasing the neighboring Council owned land, to expand their development footprint from 448m<sup>2</sup> to 908m<sup>2</sup>.

The architects wish to invest further in Ararat, having a vision to challenge urban living rurally in a creative, well considered, groundbreaking three-story design. This goal seems to align well with Council's desire to be seen as a regional leader in innovation around housing growth. The expanded footprint of the project would provide more scope to develop a significant alternative housing model for retirees and young professions in Ararat.

The land which the developers wish to purchase is a small open space on Banfield St which is currently used as a "pocket park". Anecdotally, the park is not well utilised and is not well placed to meet recreational needs of children in Ararat. The park currently provides a connection between Banfield St and View Point St. The developers have agreed to maintain this access for residents with an improved walking path. The land is 460 square metres in size and zoned General Residential - Schedule 1 (GRZ1) meaning that it would not need to be zoned for the suggested use.





The map above shows the Council owned land and the property already purchased by the developers.

In order to facilitate sale of the land Council will need to apply the provisions of Section 114 of the Local Government Act 2020, which requires Council to:

*before selling or exchanging the land, the Council must:*

- (a) at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—
  - (i) on the Council's Internet site; and*
  - (ii) in any other manner prescribed by the regulations for the purposes of this subsection; and**
- (b) undertake a community engagement process in accordance with its community engagement policy; and*
- (c) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.*

In short, the process to be undertaken to ensure adherence with the Local Government Act 2020 are:

- publish the notice of intention to sell the land on Council's website
- undertake community engagement through:
  - ✓ Engage Ararat
  - ✓ a community meeting
- obtain a land valuation from an appropriately qualified land valuer

It is proposed that the land sale value required by Council be the full commercial valuation for the land and that this amount be placed in financial reserve to support development of future recreational facilities in Ararat.

It is important to acknowledge the importance of the community engagement process as the sale relates to a public recreation space. Community viewpoints on the sale of the land need to be understood to assist Council in decision making.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### **1. Growing Our Place**

- 1.2 Support innovative housing models that work to overcome market failure and create capacity to increase the population of Ararat Rural City.

### ***Budget Implications***

The sale at full market value of the Council owned land provides an opportunity for Council to invest in alternative, and potentially higher use leisure and recreation assets.

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

- Local Government Act 2020 Section 114 Restriction on power to sell or exchange land.
- Valuation of Land Act 1960
- Planning and Environment Act 1987

### ***Sustainability Implications***

This item has no direct sustainability implications requiring Council consideration.

### ***Risk Assessment***

The key risk in the sale of Council land currently used for community recreational purposes to be used as a private housing development lies in community response to the change in use. Undertaking a community engagement purpose around the land sale and use of any funds generated is key to mitigating any reputational risk to Council in the process.

### ***Innovation and Continuous Improvement***

The development proposed by ATF Haddow Combs Property Trust presents an opportunity for further innovation in Ararat around urban housing forms and configurations. The project aims to provide alternative housing opportunities targeted at young professionals and retirees. Ararat, like many rural communities, has difficulty in attracting and retaining early career professionals and additional housing options may be beneficial.

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

As previously identified, community engagement around the sale of land is a key element in ensuring a positive outcome. Community engagement is required under Section 114 of the Local Government Act 2020 and essential in ensuring that the community has a level of comfort around the land sale.

The community engagement will centre around two elements:

- seeking comment and feedback through Engage Ararat
- a community meeting focused seeking community sentiment around the land sale and the use of any funds generated.

### **RECOMMENDATION**

*That:*

- 1 Council commence the process of selling Council owned land in Banfield St (PropNum: 800.5250 PropPFI: 125658891) to ATF Haddow Combs Property Trust, in the manner prescribed under Section 114 of the Local Government Act 2020.*
- 2 Council undertake community engagement through Engage Ararat and a public meeting to seek community views on the proposal to sell the Council owned land*
- 3 Council seeks a valuation on the Council owned land from a suitably qualified land valuer, and if it is agreed to sell the land it is sold to ATF Haddow Combs Property Trust at the full valuation*
- 4 If, following the community engagement process, Council intends to sell the land to ATF Haddow Combs Property Trust, it publishes this intention on Council's website for a period of four weeks prior to sale.*
- 5 The confidentiality of the report and decision be lifted on adoption of the motion*

### **MOVED CR BURRIDGE SECONDED R ARMSTRONG**

**That:**

- 1 Council commence the process of selling Council owned land in Banfield St (PropNum: 800.5250 PropPFI: 125658891) to ATF Haddow Combs Property Trust, in the manner prescribed under Section 114 of the Local Government Act 2020.**
- 2 Council undertake community engagement through Engage Ararat and a public meeting to seek community views on the proposal to sell the Council owned land**
- 3 Council seeks a valuation on the Council owned land from a suitably qualified land valuer, and if it is agreed to sell the land it is sold to ATF Haddow Combs Property Trust at the full valuation**

- 4 If, following the community engagement process, Council intends to sell the land to ATF Haddow Combs Property Trust, it publishes this intention on Council's website for a period of four weeks prior to sale.
- 5 The confidentiality of the report and decision be lifted on adoption of the motion

**CARRIED 4994/24**

**ATTACHMENTS**

There are no attachments relating to this item.

I HEREBY CERTIFY THAT PAGES 8684 - 8786 INCLUDING PAGES 675 - 681 OF THE CLOSED SESSION ARE CONFIRMED AND ARE TRUE AND CORRECT RECORD.

**MAYOR – CR BOB SANDERS**

**Meeting closed at 6:34pm**