



Ararat Rural City

# MINUTES

## COUNCIL MEETING

**Tuesday 27 August 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/araratruralcitycouncil](https://www.facebook.com/araratruralcitycouncil) into your address bar.**

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

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**PRESENT:**

Cr Gwenda Allgood, Cr J Armstrong, Cr Rob Armstrong, Cr Henry Burridge, Cr Bob Sanders, Cr Bill Waterston, Dr Tim Harrison - Chief Executive Officer, Rebecca Rodger - Contracts and Procurement Lead, Chandra Willmott – Governance and 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 J ARMSTRONG***

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 WATERSTON***

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 BURRIDGE***

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 Beales be accepted.*

**MOVED CR J ARMSTRONG  
SECONDED CR R ARMSTRONG**

**That the apology of Cr Beales be accepted.**

**CARRIED 5033/24**

**1.4 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

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

**MOVED CR ALLGOOD  
SECONDED CR WATERSTON**

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

**CARRIED 5034/24**

## 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 Petitions or Joint Letters received.**

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 COMMUNITY ENGAGEMENT FOR THE SALE OF COUNCIL OWNED LAND IN BANFIELD STREET

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO's OFFICE  
**REFERENCE:** 16666

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

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

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

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#### **EXECUTIVE SUMMARY**

A request had been received to sell Council owned land in Banfield St, Ararat. At the May 2024 Council Meeting, Council initiated community engagement to seek community views on the proposal to sell this land starting with engagement through the Council's Engage Ararat page, which closed on the 5 August 2024. This report provides a brief update on the first element of the community engagement process.

#### **DISCUSSION**

Council owns a small parcel of land between Banfield and View Point Streets in Ararat. Community input was sought on this area as part of the consideration of a request to sell the land for a residential development aimed at retirees and young professionals. The community engagement process centred around two elements, this report provides a brief update on the first element that sought comment and feedback through the online platform Engage Ararat, which closed on 5 August 2024.

A total of 155 submissions were received, with 151 via Engage Ararat, and 4 via phone, letters or in person to the Council office. This volume of engagement with Council's Engage Ararat page represents a significant increase in interactions with this platform. The contents of the submissions covered a wide range of perspectives and information, including how the parcel is currently used, its history, and comments on the possible future uses and considerations for the different options.

These submissions will be carefully and thoroughly considered alongside the broader pressures and issues that local governments have the responsibility to address in their communities. For example, balancing the benefits received through small public spaces such as this with the benefits from diversifying the housing options in Ararat to support existing residents who wish to downsize whilst remaining in their community, and encouraging more young adults to choose to live in Ararat.

Given the upcoming council elections and the commencement of the caretaker period, these submissions and the broader issues will be further analysed and recommendations made to the newly elected council. As such we recommend that the council defer the decision to sell the land at Banfield Street.

#### **KEY CONSIDERATIONS**

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

This report aligns with the following 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.

## 6. Strong and Effective Governance

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***

The community engagement activities described in this report has been undertaken with existing Council resources and has therefore not had any budget impacts.

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

Local Government Act 2020

### ***Sustainability Implications***

This item has no direct sustainability implications requiring Council consideration.

### ***Risk Assessment***

The activities described in this report contribute to addressing and mitigating potential risks.

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

The level of community engagement via the Engage Ararat platform and the dissemination of the engagement opportunity through to people who do not use online submission channels represents an improvement in Council's implementation of its Community Engagement Policy. Council officers will continue to innovate and improve the methodologies used to support community engagement in decisions that impact them.

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

The community engagement has two elements, the first of which is briefly summarised in this report. The second element is a public meeting which will be held after the council elections have occurred and the incoming Councillors commence their term.

## RECOMMENDATION

*That*

- 1. Council thanks the community for their thoughts and input on this matter,*
- 2. Council receive the report and given the level of community feedback analysis required, Council defer this matter until after the election period*

## MOVED CR J ARMSTRONG

## SECONDED CR ALLGOOD

## ALTERNATE RESOLUTION:

**That**

- 1. Council thanks the community for their thoughts and input on this matter,**
- 2. Council receive the report and given the level of community feedback received, Council no longer consider the sale of the land**

**CARRIED 5035/24**

**UNANIMOUS**

## ATTACHMENTS

The community submissions are provided as Attachment 3.1



**Engage Ararat Feedback Report**

**View Point Street + Banfield Street Footpath and Playground**

**155 entries as of 22/8/2024**

Date Submitted	Feedback
Jul 27, 2024, 12:35 PM	<p>I feel the need to strongly object to this proposal. This remains the only public open space in the area bounded by Minton, Viewpoint, Banfield Streets and George Road. It is an important playground for children in this area of Ararat. To imply that Alexandra Gardens is easily walkable accessible to young children and their parents in this area is ridiculous. The walk coupled with crossing the Western Highway rules out a short playground. The Hewitt Street playground isn't easily accessible to families with young children in the local area, particularly those between and Banfield Streets.</p> <p>Selling the block and recreating a 'lane' will only create a hard to police and arguably unsafe space for pedestrians, especially at night and will potential cause of disruption to local residents.</p> <p>Ararat is not so short of residential land that we need to sell off public open space in residential areas. An increase in building density in this a only add to the problem of reduced amenity for families and young children in this part of the city.</p> <p>This park is also an important pedestrian link for the neighbourhood. It is used by young families, school children and elderly people.</p> <p>Council's current drive to 'density' residential housing in the city should actually cause it to increase and protect public open space if its commit a healthy community is true. Play space for young people is greatly reduced by this drive to increase rate revenue and maintaining small spac becomes more and more important to health and wellbeing.</p> <p>Adding to the built environment also increases runoff and decreases soil permeability and subsoil moisture takeup and increases the heat in th area, especially during summer. The net effect is a less shady, less liveable residential area and greater pressure on local trees and other veg and greater burden on already inadequate stormwater systems.</p> <p>The loss of this area also removes one of the few surviving relatively mature native trees in the area and will impact local birdlife which include Holland Honeyeaters, Eastern Spinebills, Crimson Spinebills, Eastern Rosellas, Wattle birds and wrens, all of which are regularly observed in a around this space.</p> <p>The residents in this area contribute more than enough to Council's rate revenue to maintain our park.</p> <p>Keep your hands off our only surviving neighbourhood public open space!</p>
Jul 28, 2024, 01:30 PM	<p>We walk through this park regularly and I have never seen this playground being used so I agree with the idea of a small walkway and mounta building on more frequently used play spaces</p>
Jul 28, 2024, 01:36 PM	<p>It is incredibly important we keep green areas. There are so many little parcels of land (backyards etc) that are being subdivided with lots of un put on them. There is plenty of other land available. Please do not take away another green space instead of putting on more townhouses</p>
Jul 28, 2024, 01:37 PM	<p>I believe the park should be kept and not sold. In fact I think the space has potential and good location to be upgraded to an actual usable park or even small trampoline park for children in the area. I strongly believe we do not h enough facilities for our infant/toddler/child population in the area.</p>
Jul 28, 2024, 01:39 PM	<p>Absolutely no way! There is so much valuable land for housing around Ararat! Keep this great little park these little pockets of gold are what set rural living apart from inner city housing estates! People come to the country jammed in! I have so many found memories of this park growing up!</p>
Jul 28, 2024, 01:42 PM	<p>Leave the playground alone and rename it Gunstone Park. It was formerly a laneway na m Ed in his honour</p>

Jul 28, 2024, 01:44 PM	<p>Have you thought about removing the playground to reduce the maintenance and replace with a low maintenance native garden or woody meadow? Start making climate ready spaces which reduce surrounding temperatures. There are enough designated residential areas in Ararat to accommodate the low amount of employment already, such as Evan's park and Grady Estate, already developed areas. Please leave open spaces open, green and available to the public to enjoy.</p> <p>How disappointing to hear that this lovely little park is to be sold off by Council. I live on Banfield Street and see many small children with parents and grandparents playing there. It's an easy walk for grandparents and small children - no need for a car trip or to cross the busy (and getting busier) highway. There is plenty of land around for social and other housing without taking away such an accessible play area. Thumbs down to Council this one.</p>
Jul 28, 2024, 01:51 PM	<p>Street Resident</p>
Jul 28, 2024, 01:53 PM	<p>This seems like a money grab for council. Leave it alone and let the residents enjoy the green space - remember what it was like to be a kid.</p>
Jul 28, 2024, 02:01 PM	<p>This area has been a lane then a playground. I drive past it every day and there is always mothers with kids or other people there, where will they go to play if it becomes another unit? I as a rate payer am greatly opposed to the removal of this play area for the children of our community.</p>
Jul 28, 2024, 02:01 PM	<p>Please keep this valuable asset to residents living close to Banfield and View Point Streets. The land size is too small for a house - especially a proposed lane running beside it. The parcel of land is located on a bend in Banfield Street, which will make it a nightmare for any vehicles trying to enter the block - reduced visibility while reversing out of said block.</p> <p>The subdivision of many traditional house blocks in that area of town (ie multiple units proposed for Ford Street and George Road, and those a built in Banfield Street in recent months) means more people living in the area of this park. As our neighbourhoods are expanding, we need an deserve public open space.</p> <p>Please look at our recreational needs instead of trying to save council a few dollars.</p> <p>The Hewitt Street playground is much larger. Divide and sell off that instead.</p> <p>Please don't sell it, it's a lovely little playground for the children who live on the surrounding streets.</p>
Jul 28, 2024, 02:05 PM	<p>Leave the playground where it is. Density housing is happening in lots of backyards. Banfield and View Point are two very busy thoroughfares and another driveway will be of safety concerns for drivers and the resident!! I doubt a residential home will help the environment with shrubs/grasses etc. Ararat has some open spaces, please leave them alone!!</p>
Jul 28, 2024, 02:06 PM	<p>Good work Ararat council (not), new builds near the city are ensuring there are ample green spaces and playgrounds and you are aiming to re one. Also, accessing Alexandra Gardens requires crossing the highway, an extremely busy road at times. Did 2020 teach you nothing, access variety of green spaces is important!</p>
Jul 28, 2024, 02:11 PM	<p>At a time when we need to encourage outdoor activities for children I think it is appalling to remove a functional playground for housing. This is simply council using the need for housing as an excuse to get out of paying maintenance costs to keep a community asset operational. There are plenty of other suitable areas in the township that are suitable for private use without destroying community assets. Appalling.</p>
Jul 28, 2024, 02:12 PM	<p>When walking home with groceries I have often stopped and rested at this park. If the playground is removed, could a seat still be provided near the laneway for people carrying groceries to rest?</p>
Jul 28, 2024, 02:13 PM	<p>I think we should have more parks and playgrounds, not less.</p> <p>Please keep this as open public space, and add additional trees for shade and birds.</p>

Jul 28, 2024, 02:13 PM	<p>This is not a good thing for the people of Banfield St. Many people use it as a short cut when walking to the street. Many of these are elderly who sit and rest on the journey. This park is accessible for families with small children. The tight bend in the road already has a guard. How many residential buildings could it accommodate? How would these benefits outweigh the loss of this public space?</p>
Jul 28, 2024, 02:17 PM	<p>We use this park regularly as it's right near our house and our kids love it! We would be so disappointed if it wasn't there anymore</p>
Jul 28, 2024, 02:29 PM	<p>Dear council, Are we really so desperate for money that we need to sell off all the bits of vacant garden/playground land around town? We have been unlucky enough to now have four residences looking into our back yard compared to the original one, what an invasion of privacy this is, all because council wants more rates for the budget. We are not in favour of off the selling land. Also, when you approve the subdivision of land with in the city, can you make sure it's next to your homes? Probably not.</p>
Jul 28, 2024, 02:30 PM	<p>I am very disappointed to hear that you are thinking of selling this small patch of land. I have recently moved up to High St West but lived on the corner of High &amp; Viewpoint st for over 20 years and my grandchildren have spent many hours enjoy this space. We would often take our lunch across (until the table &amp; seats were removed) and enjoy the slide, climbing tower where we would drive the fire truck with great views of the mountain down the fireman's pole, practice our balancing on the timber border, and enjoy the rocking animals. Surely council is not that desperate for money they need to sell this block. I ask councillors to please reconsider.</p>
Jul 28, 2024, 02:32 PM	<p>I would like it to remain a green space. Remove the playground if necessary but keep it as a small open area.</p>
Jul 28, 2024, 02:37 PM	<p>I think it could use some improvements as a Public Space. Very little in it, and could be made more inviting to engage with. Perhaps it could be an invitation to form a local community of people willing to join together to improve it? Just an idea I have seen work in other communities...</p>
Jul 28, 2024, 02:39 PM	<p>I object. I lived in the area most of my life growing up and the park is not only a shortcut but a place for people to stop and catch their breath and enjoy.</p>
Jul 28, 2024, 02:45 PM	<p>This space should be maintained for local community use in that area. Council needs to show us a plan for green spaces throughout the city, with areas of green planned for community use to make living in the town a way of being. Our forefathers were aware of the necessity for these spaces and mental well being.</p>
Jul 28, 2024, 02:46 PM	<p>Where is our overall plan in these new subdivisions for green parks???? With blocks of land getting smaller and smaller within Ararat Housing density is getting ridiculous. We need more green areas/playgrounds for the families that are having to raise their children on tiny blocks. We shouldn't have playground areas.</p>
Jul 28, 2024, 02:54 PM	<p>It appears that Ararat are getting many houses and units being built in house yards; laneways; with several being crammed together on small blocks so why remove one of the current playgrounds for children, surely they deserve to have an area to use outdoors. We adults want kids to get outdoors and away from screens, tv and have the ability to mix with others by playing sport so why take this well used area away from them during their early formative years.</p>
Jul 28, 2024, 03:12 PM	<p>I think it's a disgusting idea to sell the land off, I used that area as a child just as I have taken my children there as they were growing up. Nowadays I have grandchildren and will be bringing them down there as well. My grandkids have lived a few doors away and it was always cool to go meet up with friends there. I'm against it being sold off.</p>
Jul 28, 2024, 03:34 PM	<p>I would rather keep the playground as it is great for toddlers</p>

Jul 28, 2024, 03:35 PM	I often walk through this space on my way to the supermarket from home. The kids love to stop in and have a play on the playground. The playground needs a bit of an update though. Our children still need to know the importance of playing outside and if we have more quality spaces of playgrounds for them benefits them.
Jul 28, 2024, 03:41 PM	No leave it as a playground.
Jul 28, 2024, 03:55 PM	I have used the pathway through this playground as a resident of both Barfield and View Point Streets. It is very rare to see children playing there. My grandchildren tried it out but very quickly decided they much prefer the playground in Alexandr Gardens. Walking the dog through the playground this week, unaware of the councils proposal, I thought to myself that the cost of maintaining rarely used space would be better spent elsewhere. I endorse the proposal and hope the saved maintenance costs and increase in rate income used to upgrade other playground that have higher usage.
Jul 28, 2024, 04:04 PM	Please do not sell off this piece of land for residential. All communities need parks available for the young and old to use. Open spaces are good for everybody so as a rate payer it is not something I will agree with.
Jul 28, 2024, 04:08 PM	Ararat. I would like the park/playground to stay as is. It provides a place to rest, a space to play for children and a shorter walk to facilities such as the supermarket and Barkly Street shops. That is a very pretty part of Ararat and cramming multi units or townhouses amongst the characterful houses would be a blight in my opinion. There is more space on the outskirts of town. Leave this one be.
Jul 28, 2024, 04:10 PM	Considering how small the area involved is why not just leave it alone, especially when it currently serves a purpose as a rest stop and children's park. Only got to travel around town to view some ugly congested new builds, Barkly/ Maude st units, McCibbony/ Vincent etc. build on larger land spaces, no back yards and not attracting families, amazed the permits are approved, one unit in the Maude st build is nearly in the lane gutter. I could understand using the banfield area if it was a larger expanse, but I please leave it alone
Jul 28, 2024, 04:17 PM	No no please don't remove the park We lived on Dawson Street for 4 years and the amount of people who sit at the park and the kids that are young and not big enough to play at parks are there with parents because they're very aware it's a safe space for them No houses on that site
Jul 28, 2024, 04:24 PM	Leave the land for current green space used for the whole community. Suggest demolish the Angling Club Hall which is unfit for use and use the land for housing.
Jul 28, 2024, 04:26 PM	I disagree to proposal, we need to promote kids being outdoors and playing outside. Ararat families deserve to be able to access playgrounds, and in my opinion more people would utilise this space if it were made more family friendly
Jul 28, 2024, 04:33 PM	Absolutely not. We regularly use this playground and space, it is the closest playground and does not require us to cross the highway with small children. This space is important to us and our community. In times where we are encouraging our children away from screens, it is important to provide us with proximate alternatives to entertain them. It is not in the interest of residents in the area to sell this space.
Jul 28, 2024, 04:35 PM	Having grown up and also raised my own family in this area I see this as a very important public space and have spent countless hours here in the past forty years! Surely there is more land available for development and the town could spread rather than becoming denser! Also those that are living centrally should be afforded the green recreational space our town is missing for

Jul 28, 2024, 04:40 PM	Once council start grabbing public land for its own benefit where will it stop. We need public areas, and this one, situated among many homes with families is a great community asset. Once it's gone, it's gone forever. We should encourage kids to get outside and play, not take away the places they can walk to and from their homes.
Jul 28, 2024, 04:45 PM	Absolutely ridiculous idea to get rid of this playground. It has been around for as long as I can remember. Used regularly by toddlers and families it's obviously just a ploy to get more housing so more rates are paid to the council
Jul 28, 2024, 04:45 PM	Hi there, [REDACTED] & I feel very strongly about keeping public playgrounds and parks open and available for residents of the rural city to use. I have recollection of using this park and the one in Speed Street when our children were growing up. Instead of using it for more housing it would be put some rates into improving the spaces, e.g fencing for safety. Regards [REDACTED]
Jul 28, 2024, 04:47 PM	Why take away a multi purposeful nook such as this within close proximity of the CBD, for the sake of say, \$300,000? Please do not resell or redevelop the playground!
Jul 28, 2024, 05:08 PM	The space should be left as is, if this land was developed, property entrances would be via Banfield street and viewpoint st. To enter the property from Banfield street via a car would be dangerous because of the frequent traffic bend, it would cause significant risk of a car accident or pedestrian being hit by a car.
Jul 28, 2024, 05:08 PM	Don't be greedy grubs! Very shortsighted and arrogant proposition. I find this utterly insulting
Jul 28, 2024, 05:10 PM	DO NOT SELL OR DEVELOP THIS LAND. It is a lovely spot and serves the community just fine the way it is.
Jul 28, 2024, 05:29 PM	I disagree with this proposal. 1. It should be kept an open park space as housing density is increasing. 2. This is a tight corner and another driveway on either side would be dangerous. Banfield St is hard to see and Church traffic on other side causes congestion as well.
Jul 28, 2024, 05:29 PM	No, do not agree with the selling of land. It won't solve any housing issues this town already sees. To what, build one house unit there, a small one. What's even going to fit there. Nothing. It's a tiny block. Just leave it alone. What point of keeping some for a little laneway that will just become a safety issue and attract undesirables.
Jul 28, 2024, 05:33 PM	I think that's a great idea to sell it!
Jul 28, 2024, 05:48 PM	My children are frequently playing at this playground and land. It is within bike riding distance for my son as well as walking distance. This playground provides safe high climbing ladders and slides for my toddler daughter, which she can confidently and independently complete building her gross motor skills as well as her confidence and feeling of accomplishment without needing adult assistance, which the other playgrounds in the areas you've recommended, don't provide! Grumps park in particular does not have a ladder or steps as such to reach the slide, it is other obstacles which lead up to the slide which my toddler can not independently complete, therefore leaves her feeling less confident and capable abilities.
Jul 28, 2024, 06:00 PM	The small amount of revenue this will generate compared to the benefit of maintaining this as an open space is not worth the loss of this playground
Jul 28, 2024, 06:06 PM	You the council tried to close this playground years ago. I complained as I used it daily for my grandkids new play equipment was added. This little playground is still used often. Leave it as it is as there isn't many places for young families in this area without a car to use. Yes Hew street may have one but this is handy for young families in THIS area within walking distance for young children to walk to and from their homes. Leave it alone DO NOT close it leave it for the public. I for one would not want to walk in a small lane of a night or walking my dog with other dogs walk from the other end.

Jul 28, 2024, 06:06 PM	Why are you constantly removing reasons for young family's to stay in town? Your making it harder and harder for people to stay and afford to stay.
Jul 28, 2024, 06:12 PM	Please leave our playgrounds alone, with so many of backyards being sold off I think we desperately need to have the playgrounds, if not as a playground then as just a green space. Why clogg the street up with more housing.
Jul 28, 2024, 06:12 PM	Hi  I am not in favour of this little playground being removed we walk with our little grandchildren from the middle of Banfield Street to Safeway and have a little play on the way and on the return. Many people use this area daily and the other options are out of the way. Ararat should be keep these areas free for everyone to use and not profiteering from children
Jul 28, 2024, 06:19 PM	We fully oppose any thoughts of selling the public land as mentioned. Council should leave any residential land acquisition to property develop Council should seriously consider the pedestrian access to the CBD and the health and safe activities of our young citizens. Users of this access consider any proposal of a narrow laneway as a security risk. Does Council intend to canvass the thoughts of our traditional owners"? Any councillors intending to seek re-election should now make their view about any sale of land very public.
Jul 28, 2024, 06:21 PM	Leave it as it is! Plenty of people use it for the kids!
Jul 28, 2024, 06:26 PM	I think it should be left as it is.
Jul 28, 2024, 06:40 PM	We disagree with this suggestion as outdoor entertainment is so important for children and all. Parks need to be encouraged, not taken away.
Jul 28, 2024, 06:47 PM	I stop at this park with my grandson for a quick play when we are out and about, he calls it his favourite little play ground
Jul 28, 2024, 06:51 PM	Only days ago I used this playground with my two nieces whom are both under the age of five and live in the nearby vicinity. It would be such a shame to see this sold off.
Jul 28, 2024, 07:05 PM	Keep the playground here also an upgrade to equipment and seating would work for this area. I played here as a kid when I visited Nan across the road in viewpoint. I have fond memories
Jul 28, 2024, 07:06 PM	I have used this lane way and have photos of my grandchildren playing on the equipment as different age. My now younger grandchildren no longer use this area as their are much better playgrounds around.
Jul 28, 2024, 07:16 PM	I do not agree with this proposal. This little park is very important to keep, particularly as it is a small patch of public open space left in a large urban area which is being rapidly overtaken by increasing housing density. Surely there is an even greater argument for access to open space and playgrounds when population density increases and yards get smaller. I regularly used this park as a stop for a rest and a play with my children when we were walking home from the supermarket. I see many other the same now, children playing and elderly taking the opportunity to rest or get some fresh air. I don't think it is reasonable to expect them to go somewhere else, particularly the elderly. Green space is an important part of any residential area the more the better. There are numerous other areas that provide development for housing, the Greenhill lake estate is a prime example. Are you sure council is not wanting to do this simply to save money on upkeep and maintenance and to turn a quick buck through the sale of it

Jul 28, 2024, 07:20 PM	<p>This is a lovely little park perfectly suited to toddlers. A seven minute walk to Hewitt St is NOT seven minutes for an under 5. We should be pre spaces like this not selling them off as we can never get it back once it's gone. Even without children I enjoy this piece of open space when w town as it breaks up the houses so that the area feels less crowded and more welcoming. It would be awful to lose it for a little short term gain save a bit of money on maintenance.</p>
Jul 28, 2024, 07:53 PM	<p>Please keep this land as a small green space amongst increased density of housing and reduced greenery in the town. This is so important for the mental health of residents.....green spaces are becoming scarce. Please NOTE that not all residents have cars and there are residents who therefore can not drive to the other venues you mention. Thank You</p>
Jul 28, 2024, 08:09 PM	<p>Leave this play ground as is! It is a good little spot to stop when walking in that area! My kids always have a little play when we go past! Maybe an update and some more equipment and will be perfect</p>
Jul 28, 2024, 08:28 PM	<p>There needs to be parks for parents to walk to with their children. Leave the park alone and look at the big picture and develop one of the waste of space parks like Centenary park or Kokoda park. We have 2 major ovals and park so open these parks up for housing</p>
Jul 28, 2024, 08:38 PM	<p>No.Do not sell it,it's an asset that will never be able to replace, it's not a good ideal!!</p>
Jul 28, 2024, 08:38 PM	<p>This is a terrible idea. There is way too much overdevelopment in Ararat at the moment and it is becoming not a very nice place to live. Too m trees are being removed for development of housing and not being replaced. People come to places like Ararat to enjoy the open space, it is the appeal of living in a rural city/country town. There are plenty of vacant blocks of land in and around Ararat. I can think of several that have for sale for a considerable period of time.</p> <p>The overdevelopment is having a negative impact on peoples mental health and causing a lot of stress to some residents who have lived in an supported this town for many years. One particular out of town developer has no regard for the local residents, tradesmen and local suppliers. quality of life has certainly diminished since a development took place next to our residence.</p> <p>A laneway sounds like it would also be a safety issue and the area would be better left open so that people have a safe environment when usi area. It appears that Council are happy to sell out the residents and ratepayers of our town for their own personal gain i.e. meet personal KPI" targets!</p>
Jul 28, 2024, 08:56 PM	<p>Leave the play ground as a public area, LEAVE AS IS!</p>
Jul 28, 2024, 08:57 PM	<p>Please leave the area alone and available as free space, not more units</p>
Jul 28, 2024, 08:59 PM	<p>I am totally against this proposal please leave some green space &amp; a little playground in place for the kids to play. I have taken my younger cou the playground and they love it. The small equipment is great for the kids, I often see elderly residents sitting in the park. Please just leave it al</p>
Jul 28, 2024, 09:12 PM	<p>I regularly use this playground with my children when walking back from supermarket. There are not enough green spaces or playgrounds in th I would support upgrade to playground but not adding housing here. Sad to see council not prioritising family and children</p>
Jul 28, 2024, 10:27 PM	<p>Areas set aside for public use (playgrounds,sports fields and parks) should NEVER be sold or taken away for profits We need to increase areas for our kids to play safely - and our rates help pay for these areas and it's equipment We have seen in the past where developers tried to turn centenary park into a housing development, and our outdoor swimming pool faced clo Council needs to look at the community needs and not be swayed by the developers looking to make a quick buck at our expense</p>
Jul 28, 2024, 11:13 PM	<p>Please leave our playground alone.</p>



Jul 28, 2024, 11:25 PM	This is a terrible idea! My family regularly uses this park. Why not upgrade the park & create a nature play park & add more seating & shade to enjoy. Green spaces are valuable in our community
Jul 29, 2024, 06:20 AM	No, leave these free open spaces alone for people to enjoy!!!
Jul 29, 2024, 06:25 AM	Why on earth would the Council sell such a small block of land. When I lived in Viewpoint st, I saw children and adults use the park. Surely there are more blocks of land that would be better to sell.
Jul 29, 2024, 07:30 AM	"Leave the small park alone." I have used it many times over the years walking to the main st with my young children. They always looked for stopping there to play. How many playgrounds is there for our children to enjoy on that side of town "Not many". Why must the urban spread such a small piece of ground. Children need these spaces.
Jul 29, 2024, 07:34 AM	I think it's a great idea. I often walk through there so the laneway is also a great idea. I've not seen the facilities there utilised in many years.
Jul 29, 2024, 08:35 AM	What a joke this council is why do the council want to sell it ?
Jul 29, 2024, 09:31 AM	My family which included four kids,lived in Beauville street for year. This park was not just a shortcut to the supermarket and Main Street our ki going there for a play or to meet their friends and hang out and yack, As they got older it was their cut through home from their nights out and a quick rest on the seat, To some it's not much of a space to many it's welcomed rest spot, meeting space and small safe play area, I'm sure my four kids, husband and many others have memories of this small sp funds allow please leave this space open
Jul 29, 2024, 10:13 AM	Crossing a busy highway is not a feasible option for most families on this side of the highway. People like the closeness of the location to them. The Hewitt St park needs to be more accessible, its got no tracks leading to around the playground. Its also very loud due to the proximity to the kindergarten. The selling of this land makes no sense, other than if the pro right beside is going to buy it. How about being honest about the consultation if that's the case. It will be of no purpose to anyone else, its a tin land - you cant fit a house there, especially as the whole block isn't being sold as a lane-way is still going to be placed there. This only makes s either adjacent property is looking to expand their current property line. Don't agree the lane-way > sure its needed, but it will quickly become u You wont be able to see who is coming around the corner, there will be no visibility in between two high perimeter fences.
Jul 29, 2024, 10:23 AM	I think it's a perfect opportunity to remove and put the playground and some swings in Evans park for all the kids and families
Jul 29, 2024, 10:31 AM	The way this reads is that the property on the side where the lane way is not wants it, as it has recently been sold. No other scenario makes sense.
Jul 29, 2024, 11:02 AM	Leave as open free space so many people benefit from that area for so many years. Omg enough is enough Upgrade the playground and keep as a thorough far for the aged, disability to access shopping areas easily and somewhere to sit and rest.
Jul 29, 2024, 11:24 AM	This is an important through-way that lots of people use, i walk my dog daily and constantly see people there, its really nice to have a wide view and open visibility, would be a shame to close this off.
Jul 29, 2024, 11:27 AM	If it is going to be sold it off - sell the whole lot and forgot putting in the lane. Close it off completely. Its like 4 houses to the end of the block. People can walk around. Its not that far really.
Jul 29, 2024, 11:35 AM	I live in Dawson st and I would like the playground to stay. My kids take the dog for a walk and like to stop at this park and have a play. They are both autistic and it is safe for them to walk down there and rest and then come back up again. Its nice to have a small park, they get overwhelmed at the larger playgrounds.

Jul 29, 2024, 01:51 PM	Isn't that block of land unsuitable to build on. Is the right on the curve of the road, the entrance and parking would be a great problem. Leave playground where it is please. :)
Jul 29, 2024, 01:51 PM	Isn't that block of land unsuitable to build on. Is the right on the curve of the road, the entrance and parking would be a great problem. Leave playground where it is please. :)
Jul 29, 2024, 03:22 PM	Please don't remove this park. I grew up there many years ago and loved playing there. As cities get bigger and more congested parks and spaces like this are more and more valuable.
Jul 29, 2024, 03:35 PM	I believe it is important to maintain green space. It provides a playground for young children and also a rest point for the elderly. As we head towards higher density living, it is important to provide this space as backyards disappear. Also, with an ageing population, where driving is not an option, such a playground provides a rest point. Please keep the playground.
Jul 29, 2024, 04:55 PM	I do not want the playground changed. It is a very valuable area for the elderly that walk to Woolworth and back to their homes. People stop to have a little rest there on the seats. Giving elderly their independence. I also take my grandchildren there to play. I must admit graffiti on the play equipment and the rubbish left there is annoying but everyone seems to help keep the area safe.
Jul 30, 2024, 02:32 AM	I do not support this, we need more not less play spaces for our children, yes it's a 7 minute walk to another, then these areas get more utilised or not as then kids just don't go out and sit in front of their screens. More interaction with others and being outside should be encouraged, different playgrounds with different activities to engage our children. There is plenty of development going on around town you can make money off rates, you don't need to sell off spaces like this.
Jul 30, 2024, 06:54 AM	It's important to keep green spaces in residential areas. Surely there are other areas that are not as built up already that could be sold. It's not all about money. It's about current residents quality of life too!!!
Jul 30, 2024, 11:54 AM	Hands off our open areas which are used by our elderly and parents and children, it is also a cut through to the church and supermarket. Having a laneway there is not a good idea, too hidden and unsafe as there are too many degenerates lurking around..
Jul 30, 2024, 02:16 PM	It should stay a park
Jul 30, 2024, 08:31 PM	Please don't sell this off. It's a great cut through area & playground.
Jul 30, 2024, 08:37 PM	I am very strongly against the proposal to sell the existing playground thoroughfare to become residential property. This area is well used for people walking to and from the business area, families stopping to play at the playground and older people walking to meet each other. We live very close by and take our grandchildren to play when we prefer not to take the children across a busy highway to Alexandra gardens or the much longer walk to Hewitt St. The area is a very valuable open space in an otherwise quite congested area of town.
Jul 30, 2024, 09:01 PM	Leave the park as a park. Ararat has seen enough housing development by greedy out of town developers.
Jul 31, 2024, 12:19 AM	Dreadful proposal. It is community space, for the community. There is already too much multi dwelling (over) development. Council should pay attention to the economics and the downward population trend and support the needs of the entire town, not just the developers.
Jul 31, 2024, 12:40 AM	Do what you're paid to do! Really??? The council should focus on the job they were elected for. Clearly you are pandering to developers and will wave through as many projects as you can, particularly if there are no objections. Consider this: we rate payers either don't know what is proposed, or don't know how to object (or council does not provide an easy to use system), or simply don't have the resources to object. Your rate payers- the people who elected you, remember - deserve better... a council who looks after the best interests of the WHOLE town. Here's a hint: Preserve the public space, and stop the rampant over development. There is simply not enough work here and the hoses being built are not "affordable housing" as your State Government overlords are ordering.
Jul 31, 2024, 10:00 AM	Wake up to yourselves! The park is a valuable green space, rest area and play ground, used by all ages, and should remain available to the community.

Jul 31, 2024, 02:36 PM	<p>This is one of the few parks we can use regularly on our short walks without crossing the highway, or needing to tie my dog up separately. We use it fairly regularly and it seems a shame to sell it for the sake of one potential house.</p>
Aug 01, 2024, 02:04 AM	<p>I walk this track weekly sometimes even daily on my walks and when the kids are with me they always stop to have a play at the play ground. Leave the playground there please.</p>
Aug 01, 2024, 01:28 PM	<p>My husband and I are against this proposal of selling this small park in our area. Ararat has plenty of other places to build on, there seems to be a considerable amount of construction happening at present that needs to be occupied first. We do wonder about the quality of some of these buildings squashed into very small areas and how much power would be required to live in them. We don't want to Ararat to look second rate.</p>
Aug 01, 2024, 06:26 PM	<p>Please do not see this parcel of land. This is used by locals to rest and play.</p>
Aug 01, 2024, 10:35 PM	<p>Ararat Rural City Sale of Our Park for Residential Use</p> <p>As ratepayers, residing opposite the small public park between Banfield and Viewpoint St since October 1987, we strongly to object to the proposal to sell the land for residential use for a number of reasons.</p> <p>The small park provides an open space that is highly utilised by residents young and old, either taking a short cut on their way to the shopping precinct or using it as a recreational space.</p> <p>Each day we observe a large number of residents take a short cut through the park whilst walking to or from the shopping precinct rather than crossing at the busy roundabout intersection of Banfield and High St. This provides a much safer option than crossing at the busy intersection of Banfield and High St.</p> <p>Parents with young children often stop to rest as do the elderly as their mobility declines. The existence of the playground equipment and seating provides encouragement for our residents to walk, instead of driving. Walking is of great benefit to the health and well-being of our residents and having a spot to sit on the way to the main street promotes this healthy activity. Most noticeable is the number of parents with young children. An opportunity to play on the playground equipment acts as an enticement for the toddlers and early primary school age children. The equipment is well maintained and most appropriate for this age group. Quite often we observe elderly residents out for a walk of the block who will stop, sit on the seats and enjoy the fresh air and sunshine.</p> <p>This little park with playground equipment is a safer option for families with young children living in the neighbourhood to access on foot than trying to cross the busy highway to Alexandra Gardens.</p> <p>The park is well illuminated and quite an open space. It provides a safe passage at night for our adolescents and residents walking home from dinner in the main street. Selling the block and creating a narrow walkway bound by fences will add to the anxiety of walkers at night. It is harder to "police".</p> <p>With the push by council to promote denser residential living (such as the 4-5 two bedroom units currently under construction on the Ararat West school crossing in Banfield St) it is even more essential our small public park be retained. It beggars belief how Council in the first place approved the construction of 5 units on a normal house block right on the AWPSS school crossing. The park opposite our place needs to be retained and other scrubs and trees planted to offset the impact of these and other high density building developments "popping up" in Ararat. These residential buildings with little space for a garden all add to global warming.</p> <p>Ararat is not so short of residential land that it needs to sell off this pocket of public land with it's large established native tree. The small space needs to be protected for native birds and wildlife. It would be great if council were to plant some additional native shrubs too.</p> <p>Selling the park and building a residence may lead to traffic congestion/make it less safe in Viewpoint St.</p> <p>We trust that the Council will NOT entertain the idea of selling of the small public space for residential living and OPT to retain and improve this small public space for future generations to enjoy and use.</p>

Aug 02, 2024, 09:15 AM	<p>I would be extremely disappointed to see this space and playground removed. We regularly use this short-cut between Banfield St and Viewpoint St, and always stop with our children for a play on the playground. There are often others walking through as well, or older people resting on the park bench, and it's a lovely opportunity to say hello to other members of the community. I would be much less inclined to use a laneway, it would not feel as safe. It would be really tragic to lose a green space in this area of town.</p>
Aug 02, 2024, 12:46 PM	<p>It's a beautiful green space in an urban environment. We need MORE green spaces like this, not less. Do NOT ruin this lovely open space in a residential area. Keep Ararat green &amp; environmentally friendly.</p>
Aug 02, 2024, 02:49 PM	<p>We think that this is an asset and should be retained. Its value as a playground and walkway should not be lost to the community. Once it is gone we will never be able to get it back.</p>
Aug 02, 2024, 04:26 PM	<p>I believe it would be detrimental to the area to lose this park. Many older people use this space as a resting place after walking from Barkly St to their homes in the area of George Rd, Banfield St, Clay St and Dawson St. It is also a pedestrian link for old and young alike to get to Barkly St shopping area, Woolworths, K-Hub, Ararat Medical Centre etc. Many young parents use this park as an outdoor activity space for their children.....also taking into account the mental wellbeing that this space provides for parents and children alike. Selling this block and creating a "laneway" would possibly be an unsafe option. Hard to police and not user friendly for young or older people day or night. Walking through the park is a safer option than walking down a lane especially at night. With the amount of graffiti that's been happening in Ararat I would not be surprised to find the "laneway" targeted with this vandalism. Surely there must be some other areas in town that can be acquired that are not as publicly utilised as this park. Please leave our park as it is.</p>
Aug 02, 2024, 05:12 PM	<p>This play area needs to be kept as it is used for young children. I use it for great grandchildren school holidays. Why do the Council want to sell , is it a money grab or has a building co come to them wanting to build on it Leave it as an open area</p>
Aug 02, 2024, 07:24 PM	<p>How ridiculous to think that the City Council should want to remove the park on Banfield St. It shows that they don't understand what it means to people and their children and grandchildren who stop and walk through this area daily. This park is also used by many elderly shoppers who use it as a rest stop on their way home with their shopping. Disgusted.</p>
Aug 02, 2024, 08:09 PM	<p>It may be a very small playground but it is well used and well loved. The seating is also used and needed. A laneway is a horrible idea. What a tragic loss this would be to the community if it was sold off and replaced with a cheap and nasty shoebox of a building, especially in such a character filled street. The area could certainly be enhanced further, plant more trees and gardens. Its a valuable community space.</p>
Aug 02, 2024, 08:17 PM	<p>NO! This is a valuable and unique community space, it's more than just a very small playground. It's an open space that's available to all. Selling it off might provide a short term financial boost but the long term loss would far outweigh it. How many new residential areas does the town need? The new developments aren't even closed to full. Then there are the derelict empty houses in prime areas. Don't take away this unique space.</p>
Aug 02, 2024, 08:24 PM	<p>Why would Council consider selling this very small piece of land? it's not big enough for development. This little piece of tranquility has been there for a very long time. It's a beautiful place to just sit and ponder, a short cut to Barkly Street, the Medical Centre. It's always been a great little area for kids to just play and enjoy. To sell this little oasis is wrong. Thank you for your time and I hope my input is worthy of consideration.</p>
Aug 03, 2024, 02:57 PM	<p>Will make corner too unsafe if turned into residents Please we need to preserve these locations to maintain community feel and not overcrowded, once these sort of changes are made they can never be changed.</p>
Aug 04, 2024, 09:45 AM	<p>The family are very upset with the proposal by council to close and sell our treasured park/green space for a housing development! It is a low cost park/green space for the council that has been used by the community for decades and is a must keep for future generations. As residential living becomes more dense we need to retain all our public parks/green spaces for the well-being and comfort of our future citizens. Although small, it offers young children a sense of ownership and adventure without intimidation and fear. It is also a resting area and walk way for elderly, families and all adults. This area is a real outdoor well being centre for our part of the community. Please do not remove from the map! Regards</p>

<p>Aug 04, 2024, 03:25 PM</p>	<p>I strongly disapprove of the council selling off public land to a private developer. This parcel of land (the playground and the walk through) are utilised by different members of the community at all times of the day and night. It is also good to have some green space in the community, a pity that the trees that were planted and died were not replaced. I hope you take on board the comments made by the community in this regard and that this idea of selling off public land is shelved permanently. Regards rate payers of Ararat</p>
<p>Aug 04, 2024, 04:56 PM</p>	<p>Dear Council Members,  I would like to express my gratitude for the public consultation process regarding the potential release of Council owned land between Banfield and View Point Streets.  As the property owner of 61 View Point Street, I would like to provide input on why I support the release of this land and why I believe it is in the best interest of our community:  1. More Housing: The land in question occupies a prime location that could accommodate multi-housing due to its proximity to key amenities in town. Our key services (e.g. hospital) and future industry rely on more and diverse housing typologies. Releasing land with close proximity to amenity will support this growth, limit the sprawl of the township and help attract needed talent.  2. Efficient Use of Council Resources: The site is currently under utilised and will better suit the needs of the community by accommodating housing and investment. While the site currently has a very limited selection of play equipment it has low amenity, doesn't attract high usage, nor is it strategically zoned in Councils planning code as public open space - it is zoned residential.  3. Nearby Recreational Facilities: Council correctly notes the other community open spaces in close proximity of the land which are better suited as public parklands and with funds from the sale, more resources can be concentrated into these existing fit for purpose parks and play areas to boost their facilities.  4. Local Jobs: Development of the land will create local job opportunities during and after construction. With the potential of a multi-housing project on this site, it will offer significant job opportunities for local trades and apprentices.  5. Diversity of Housing Typologies: The project could deliver different housing - terraces for example, catering to different needs and demographics within our community.  6. Economic Investment: This initiative aligns with the broader council strategy to attract economic investment.  7. Maintaining and Improving Through-Site Link: The sale of the land will maintain and improve access through the site, benefiting both new residents and the existing community.  Thank you for considering my input.  Sincerely, [REDACTED]</p>
<p>Aug 04, 2024, 08:20 PM</p>	<p>Hello,  My in laws live across the road in Banfield St. This is a treasured local park which we take our toddler to which she loves. I also note the park is often busy with other children , indicating its value to the local community. We often also see other older people sitting in the park , enjoying it as a place where they can sit and engage with the community outside their houses and the main shops. It would be a shame if these people had the park taken from them for the council to put a property on. Could this isolate the already vulnerable people in the community if you take away a place for social engagement? Also Banfield St is a busy road and cars often disregard the speed limit, the park sits right on the corner , has the council considered the possibility of crashes (I believe there have sadly been lives lost on this corner) and the risk to inhabitants living in the new property? You could argue that children playing at the park could also be at risk playing during the daytime , however if drivers have been drinking etc/nighttime, this would clearly be a greater risk to people residing in the property?.</p>

Aug 04, 2024, 08:22 PM	<p>Thanks, [REDACTED]</p> <p>I absolutely don't consider the other playgrounds nearby, a 7 minute walk with a toddler, multiple children or being not as able as others, can take a lot longer! &amp; why would you dig up and move the current play equipment that is perfectly well used where it is.</p> <p>With the population growing you shouldn't be selling off public land that is used by children &amp; families, absolutely ridiculous. We need more outdoor spaces to encourage our young population to be outside. Think of other ways to generate income, don't take away opportunities for children and families and all in the community. The variety of playgrounds is also very beneficial for families.</p> <p>I would consider a small lane way as dangerous and wouldn't walk through it with my family and especially wouldn't use it if I was elderly or by myself. I feel very safe walking through the current playground walkway.</p> <p>Why can't you be more strategic and think of ways that will generate ongoing income. Selling off a piece of land will only create a lump sum, that will likely go nowhere. This would be such a loss for this area of the town, with lots of young families, who not only live in the area, but also visit their relatives and use the playground.</p> <p>With more intelligent ways of generating ongoing income, you can then have more money to maintain &amp; improve the current playgrounds.</p> <p>Hi please disregard my wife's name [REDACTED] on my submission, Thanks [REDACTED]</p>
Aug 04, 2024, 08:26 PM	<p>Hi please disregard my wife's name [REDACTED] on my submission, Thanks [REDACTED]</p>
Aug 04, 2024, 09:53 PM	<p>Councils option of destroying an established playground area is not in my opinion to the benefit of our community. The park between Banfield and Viewpoint Streets is a patch of well utilised and appreciated communal open space. Recognition is made of the health and environmental benefits of outdoor green spaces. As we move to higher density of residential buildings, areas such as this playground will further provide for community wellbeing. Therefore I oppose the possibility of private urban development on this site.</p>
Aug 04, 2024, 10:16 PM	<p><b>SAVE OUR PARK</b></p> <p>The Council of the day developed this area between Banfield and View Point streets when community members requested that the road be removed and replaced with a park after a fatality on the intersection of Banfield Street and the park, formerly an extension of the current Dawson Street.</p> <p>On the council website, councilors express their passion to provide for all residents in the municipality so that surely includes us.</p> <p>Our park is well used. In this built-up area, it's a place to play, socialize or just have a rest after shopping etc. and is a green space in line with climate change preparedness. Although small, this accessible space is appreciated on this side of the national highway which is dangerous for adults let alone children to cross. (It has already claimed the life of a child attempting to). The Alexandra Gardens are not easily accessible, nor is the Hewitt Street park for many people. We know council is very interested in the welfare of its citizens including road safety.</p> <p>Our park has high visibility. The proposed lane/alleyway is not at all acceptable. There would be safety concerns with the possibility of misbehaviour including inconsiderate cyclists etc. People with walking frames or prams may be reluctant to use it. Possible vandalism could only lead to more costs for council. There would also be the cost with new paving and lighting. Anyway, why would you go to the expense of putting a lane on the other side of the park when there's already a path with good lighting?</p> <p>What other costs to the community could be incurred? This park is home to public utilities/infrastructure: a power pole, 5 heavy power lines across it and the Telstra/NBN pillar. In one corner of the park near View Point Street there is a sign 'Telecom Australia. DANGER. High Voltage Underground Cable'.</p> <p>Keep our green space. The council's 'Draft Environmental Sustainability Strategy 2024-2030' states, 'We are prepared for the impacts of climate change'. That's good to hear. We need more green spaces, not less. Surely it includes this one. They contribute to the health and wellbeing of human beings, pets and wildlife, help balance temperatures and regulate rainfall runoff. It's sad that in the current 'climate', the almighty dollar dictates that every bit of dirt be covered with bricks and mortar. What will be next? There are many problems associated with over development which we're sure don't need to be spelt out.</p> <p>Some comments from our councilors on the council website: (One has been very involved with "Landcare", obviously interested in the environment.</p>

	<p>In relation to Ararat others said they have a "large focus in developing our recreational facilities", "have always had the interests of the whole municipality at the fore", "maintain new and existing sporting, recreation and community facilities", "to deliver what Ararat Rural City truly deserves" ... Selling off our park just isn't in line with these comments.</p> <p>We aren't against development per se but there are other places more suitable.</p> <p>We are adamant about maintaining the status quo. Please leave our park alone, a park for all ages, a green space for us and the environment, another valuable amenity.</p> <p>Thankyou and regards, [REDACTED]</p>
Aug 05, 2024, 12:20 PM	I believe that the above park, whilst small, is a significant and much valued "green space" and community space in its present location.
Aug 05, 2024, 12:33 PM	I am against the selling of this land. One house on it or a continued open area for all to enjoy
Aug 05, 2024, 12:54 PM	Well first up I disagree with the selling of this block of land at all. Firstly the council needs to inform the people of Ararat exactly what is going to be built on this block of land, we do not need another block of one bedroom apartments especially in this area of Ararat. And who is going to be paying for all the removing of the power lines running across the block and anything else that needs to be done. And we all know what happens with small laneways don't we a haven for vandalism. And on top of that cars could not come out of there onto Banfield street it is dangerous. Another reason I walk past this play ground on a regularly and parents with very young children stop and let their children play for awhile as it is a playground for smaller children and it is in perfect spot for parents who have walked to Main Street.
Aug 05, 2024, 06:59 PM	I often wonder about the unused old football ovals that could be opened for housing development. While I can appreciate the need for more housing in Ararat, I do not see the need for the council to sell off open green space for residential development. There seems to be a number of residents willing to 'share' their back gardens with developers or sell their older house for redevelopment without resorting to selling our parks to pacify developers greed for land. If council needs to increase their income by selling land or by rating new properties to build their bank balance, why not develop and sell off the parcel of land they acquired years ago in Hadland St? Leave our open green space and parklands alone!! It's one of the last playgrounds for children and my husband was one who had it updated when our children were small. It's a short cut for many elderly people. Please leave it alone.
Aug 05, 2024, 07:01 PM	We use this playground from time to time when walking. It would be a shame for it to go.
Aug 06, 2024, 10:12 AM	My kids attend this playground regularly will be sad to see if go
Aug 07, 2024, 12:06 PM	
Aug 07, 2024, 07:05 PM	What's is the council going to do with the proceeds of the sale? Why wouldn't you use the footpath that already exists instead of adding expense to the proposal? Is the land for private or public housing? Is the Ararat Council that broke that it needs to sell land that is a public space and if so what else are you proposing to sell off? Where is the old drunk dude going to drink now? On a completely different topic, how or who decided on the EV charging point outside the Town Hall? It appears that Dr Harrison's Tesla seems to be parked there, regardless of it being charged. Could the council then rent the car space he has allocated at the Council offices to someone else? I object to this it's like houses on Top of each other. I have stopped at this park often it's a nice tidy area for all ages.
Aug 07, 2024, 08:02 PM	[REDACTED]
Aug 08, 2024, 09:26 AM	Leave it as it is.
Aug 08, 2024, 12:18 PM	As a long term resident of Ararat West, I object to this closure of the park. It is necessary to keep these areas for future generations and to enhance the neighbourhood. Please leave this little space alone. [REDACTED]

Aug 08, 2024, 01:20 PM	Leave this little playground park alone. It is small takes little maintenance. Develop one of the larger unused parks such as Kokodia park or Centenary park. Banfield st park should stay
Aug 08, 2024, 02:16 PM	Please leave this area as is. So many people and children utilise this.
Aug 08, 2024, 04:32 PM	Why is this even an issue it's a great playground and walk way the councillor s and mayor want to worry about other things what are happening around the town and look at other towns to see how it's done come on council elections hopefully get a new councillors and mayor that knows what there doing .
Aug 08, 2024, 06:21 PM	I use this small park 3 to 4 times a week to walk down to the shops, and on the way back, to read a few articles in good weather. Every weekend I see parents with small children when I pass through. Most parks nearby are across the Western Highway, a road that entails risk to parents with small children. Are you sure you can't leave that tiny park for public use? Greed is not always the best way to make decisions.
Aug 09, 2024, 10:29 AM	I would like to object to Council selling the Banfield Street Park. This park would have been provided by the Public through Public Open Space Contributions in the past. This park is used by families & walkers and also a rest area for walkers. Council shouldn't be competing with private developers, there are many blocks for sale in and around Ararat, with more becoming available. We are a country town and our parks are an important part of this. A fenced pathway beside the block would not feel safe for walkers especially at night, it would also be an area that may attract graffiti and rubbish. Parking would also be a problem on both Banfield Street and Viewpoint Streets. Please consider this decision very carefully and the rate payers that this will affect. Kind Regards, [REDACTED]
Aug 09, 2024, 06:45 PM	That's very disappointing, as it's the only playground in the area. I would like to oppose this plan, as the land needs to remain as parkland for families in the area to enjoy. Please reconsider, don't sell the land, it should remain as is.
Aug 10, 2024, 08:30 AM	This land should be left to be used by the community. We have developed building land in Ararat that has not sold for months. We are not that tight for residential land.
Aug 10, 2024, 05:43 PM	This is a valuable public space not only for children to play in but used as a rest point for walkers as a break in their walk to the Main Street and beyond. This is a space which has disability access and often see elderly people in the space taking a rest before continuing their journey. What a greedy attempt at selling off public land space!
Aug 11, 2024, 10:45 AM	Leave it as a park and shortcut for residents. The more green spaces we have around our beautiful city, the better. It is a great asset and the equipment is perfect for very small children.



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

**RESPONSIBLE OFFICER:** GOVERNANCE AND RISK LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 16667

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

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

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

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#### EXECUTIVE SUMMARY

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

#### DISCUSSION

Delegation to Council staff 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 the following changes:

- Removal of sections 12(2), 12(4)-(7) of the Road Management Act 2024.
- Deletion of the Residential Tenancies (caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, as they have been revoked pursuant to regulation 4(a) of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulation 2024. The new regulations commenced on the 29 June 2024 and have been included.
- The Food Act 1984 was amended pursuant to the regulatory Legislation Amendment (Reform) Act 2024 which has resulted in:
  - Including 19(4)(a)(ia) and 19(4)(a)(ib), and amended 19(4)(a)(ii), which relates to Council's power to direct that a copy of an order be affixed, displayed or published.
  - Included section 19FA(1), which relates to Council's power to direct a proprietor of a food premises to revise the foods safety program for the premises or comply with any requirements specified in the food safety program.
  - Included section 19FA(3)(a), which relates to Council's power to refuse to approve an application for registration or renewal of premises, where a proprietor of a food premises fails to comply with a direction given under 19FA(1).
  - Included section 19FA(3)(b), which related to Councils power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1).
- Included section 19FA(3)(c) which related to Councils power to suspend a registration of premises, where a proprietor of a food premises fails to comply with a direction given under 19FA(1).

#### 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 is 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 BURRIDGE  
SECONDED CR WATERSTON**

**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:**

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

**CARRIED 5036/24**

**ATTACHMENTS**

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.2



ARARAT RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF  
STAFF

27 August 2024

## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

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

3. declares that:

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

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or  
(b) strategy  
adopted by Council;

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

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

The COMMON SEAL of the  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
27 August 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	N/A	Where Council is a Class A cemetery trust



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	cemetery trust and power to establish other governance committees from time to time		
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report 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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	N/A	
s 20(1)	Duty to set aside areas for the interment of human remains	N/A	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	N/A	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
s 60(2)	Power to charge fees for providing information	N/A	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	

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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A	
s 80(2)	Function of recording transfer of right of interment	N/A	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	N/A	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	N/A	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	N/A	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	N/A	
s 84I(6)(a)	Power to remove any memorial on the place of interment	N/A	
s 84I(6)(b)	Power to grant right of interment under s 73	N/A	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
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.

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	
s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	

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



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	N/A	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	N/A	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	N/A	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	N/A	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A	
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A	
s 119	Power to set terms and conditions for interment authorisations	N/A	
s 131	Function of receiving an application for cremation authorisation	N/A	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary
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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, EHOs	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEO, EHOs	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, EHOs	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, EHOs	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, EHOs	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, EHOs	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, EHOs	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, EHOs	Where Council is the registration authority
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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, EHOs	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, EHOs	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, EHOs	Where Council is the registration authority
	Power to register or renew the registration of a food premises	CEO, EHOs	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEO, EHOs, PDOs	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEO, EHOs	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, EHOs	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEO, EHOs	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, EHOs	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, EHOs	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEO, EHOs	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, EHOs	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, EHOs	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, EHOs	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, EHOs	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, EHOs	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, EHOs	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, EHOs	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, EHOs	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, PDO3, EHOs	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, EHOs	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration	CEO, EHOs	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	before the registration of the food premises is renewed		
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
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	CEO, EHOs	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	components that do not meet the requirements		
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



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, MDR, POs	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CEO, MDR, POs, PDOs	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, MDR, POs, PDOs	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, MDR	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, MDR	
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, MDR	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, MDR	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, MDR	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, MDR	
s 12B(1)	Duty to review planning scheme	CEO, MDR	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, MDR	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	CEO, MDR, POs	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, MDR, POs	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, MDR, POs	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, MDR, POs	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, MDR, POs	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, MDR, POs	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, MDR, POs, PDOs	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, MDR, POs, PDOs	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, MDR	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, MDR	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, PDO1, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 out in s 197B of the Act after the inspection period ends	CEO, MDR, POs, PDOs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, MDR, POs	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, MDR, POs	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GP	Function of receiving a notice under s 46GO	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, FSC, CSAM, MDR, POs	
s 46GR(2)	Power to consider a late submission	CEO, FSC,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Duty to consider a late submission if directed to do so by the Minister	CSAM, MDR, POs	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, FSC, CSAM, MDR, POs	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in 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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, FSC, CSAM, MDR, POs	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure 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	CEO, FSC,	Where Council is the collecting agency



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CSAM, MDR, POs	
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, FSC, CSAM, MDR, POs	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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, MDR, POs	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, MDR, POs	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, MDR, POs	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, FSC, CSAM, MDR, POs	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, MDR, POs	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure 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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CSAM, MDR, POs	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, MDR, POs	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, MDR	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, MDR	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, MDR	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, MDR	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, MDR	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, MDR	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, MDR	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, MDR	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	N/A	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, MDR	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, MDR	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, MDR, POs, PDOs	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 50(4)	Duty to amend application	CEO, MDR, 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,	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		POs, PDOs	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, MDR, POs	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, MDR, POs	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, MDR, POs	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, MDR, POs	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, MDR, POs	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, MDR, POs	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, MDR, POs	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, MDR, POs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, MDR, POs	
s 57A(5)	Power to refuse to amend application	CEO, MDR	
s 57A(6)	Duty to note amendments to application in register	CEO, MDR, POs	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, MDR, POs	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, MDR, POs	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, MDR, POs	
s 58	Duty to consider every application for a permit	CEO, MDR, POs	
s 58A	Power to request advice from the Planning Application Committee	N/A	
s 60	Duty to consider certain matters	CEO, MDR, POs	
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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, MDR, POs	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, MDR, POs	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, MDR	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	N/A	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, MDR, POs	
s 62(2)	Power to include other conditions	CEO, MDR, POs	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, MDR, POs	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, MDR, POs	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, MDR, POs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		POs, PDOs	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, MDR, POs	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, MDR, POs	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, MDR, POs	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, MDR, POs	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, MDR, POs	
s 69(2)	Power to extend time	CEO, MDR, POs	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, MDR, POs	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, MDR,	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		POs, PDOs	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, MDR	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, MDR, POs	
s 91(2)	Duty to comply with the directions of VCAT	CEO, MDR, POs, PDOs	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, MDR, POs, PDOs	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, MDR, POs	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, MDR, POs	
s 95(3)	Function of referring certain applications to the Minister	CEO, MDR, POs	
s 95(4)	Duty to comply with an order or direction	CEO, MDR, POs	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, MDR, POs	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, MDR	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, MDR	
s.107(1)	function of receiving claim for compensation	CEO, MDR	
s 107(3)	Power to agree to extend time for making claim	CEO, MDR	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, MDR	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, MDR, POs	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, MDR, POs	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, MDR	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, MDR	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, MDR	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	NOT	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	CEO, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 130(5)	Power to allow person served with an infringement notice further time	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	
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,	CEO, FSC, CSAM, MDR	Where Council is the development agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	before the time that the land is required to be provided under s 46GV(4)		
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, MDR	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, MDR	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, MDR, POs	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, MDR, POs	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, MDR	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, MDR	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, MDR, POs	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, MDR	

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

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



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, MDR	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, MDR	
s 182	Power to enforce an agreement	CEO, MDR, POs	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, MDR, POs	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, MDR	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, MDR	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, MDR	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, MDR	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, MDR	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, MDR	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any	CEO, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	person to whom the Minister is required to give notice		
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	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, CSAM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, CSAM	Where Council is the coordinating road authority
s 12(10)	Duty to notify of decision made	CEO, CSAM	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, CSAM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, CSAM	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, CSAM	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, CSAM	
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	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Duty to register public road in public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, CSAM	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, CSAM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, CSAM, TOAs	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, CSAM, TOAs	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, CSAM, TOAs	
s 21	Function of replying to request for information or advice	CEO, CSAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, CSAM	

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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, CE1, EMC, CSAM, TOAs	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, CSAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 67(3)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 68(2)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	NOT, CEO	
s 72	Duty to issue an identity card to each authorised officer	HRBP, CEO, PAYO	
s 85	Function of receiving report from authorised officer	CEO, MDR	
s 86	Duty to keep register re s 85 matters	CEO, CSAM	
s 87(1)	Function of receiving complaints	CEO, RGL, CSAM	
s 87(2)	Duty to investigate complaint and provide report	CEO, CE1	



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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	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
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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	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
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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
sch7 cl 19(1)	Power to give notice requiring rectification of works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, CSAM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, CSAM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, CSAM, TOAs	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, CSAM	Where Council is the responsible road authority
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
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	

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	N/A	
r 40	Power to approve a person to play sport within a public cemetery	N/A	
r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
r 42(1)	Power to approve hunting within a public cemetery	N/A	
r 43	Power to approve camping within a public cemetery	N/A	
r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	N/A	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	N/A	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules

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

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	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	



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
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

### 3.3 ELECTION PERIOD POLICY 2024

**RESPONSIBLE OFFICER:** GOVERNANCE AND RISK LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 16668

**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 Policies and Strategies are regularly updated as part of legislative requirements.

The Election Period Policy has been updated to reflect legislative changes and requirements.

#### DISCUSSION

In the lead up to an election the Local Government sector adopts a caretaker period to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.

This policy was adopted by Council on the 30 April 2024. However, on Wednesday 25 June 2024, the Local Government Amendment (Governance and Integrity) Act 2024 (the Amended Act) was given Royal Assent. The Amendment Act includes reforms to strengthen council leadership, capability and councillor conduct, improve early intervention and effective dispute resolution and strengthen oversight mechanisms. The Amendment Act makes a range of changes to the Local Government Act 2020.

The Local Government (Electoral) Amendment Regulations 2024 were made on the 25 June 2024. These regulations bring into effect changes to key dates relating to the conduct of elections, including the nomination day and the lodgement date for candidate statements and questionnaires.

With these regulations confirmed, the election period for the 2024 general elections will begin at 12 noon on Tuesday 17 September 2024 and end at 6.00pm on Saturday 26 October 2024.

This Policy now reflects this key change in date when the election period begins.

#### KEY CONSIDERATIONS

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

6 Strong and effective governance

***Budget Implications***

There are no budget implications in relation to the adoption of the Election Period Policy 2024.

***Policy/Relevant Law***

Local Government 2020 Act:

- S69 Governance Rules to include election period policy
- (1) A Council must include an election period policy in its Governance Rules.
  - (2) An election period policy must prohibit any Council decision during the election period for a general election that—
    - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
    - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or

- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

***Sustainability Implications***

There are no economic, social and environmental implications identified.

***Risk Assessment***

If the Election Period Policy 2024 is not updated and adopted there is a risk that Council has not covered its legislative requirements.

***Innovation and Continuous Improvement***

None identified.

***Stakeholder Collaboration and Community Engagement***

The revised Election Period Policy 2024 was presented to the Council briefing on 13 August 2024

**RECOMMENDATION**

*That*

1. *Council adopts the revised Election Period Policy 2024.*

**MOVED CR ALLGOOD**

**SECONDED CR J ARMSTRONG**

**That**

1. **Council adopts the revised Election Period Policy 2024.**

**CARRIED 5037/24**

**ATTACHMENTS**

A copy of the Election Period Policy 2024 is included as attachment 3.3



# Election Period Policy 2024

## DOCUMENT CONTROL

Category Type: Policy  
Type: Council  
Responsible Officer: Risk and Governance Lead

Last Review Date: 30 April 2024  
Date Approved: 27 August 2024  
Next Review Date: April 2028

Revision No: 6

Stakeholder Engagement:  
Councillors  
Chief Executive Officer  
Governance and Risk Lead  
Audit and Risk Committee

# Election Period Policy 2024



## 1. INTENT

In the lead up to an election, the Local Government sector adopts a caretaker period to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.

Specific provisions have been incorporated into the Local Government Act 2020 (the Act) that prohibit Council making some decisions, or publishing or distributing electoral matter in an "election period".

The relevant provisions of the Act and definitions are detailed in the Attachment to this Policy.

## 2. POLICY

Ararat Rural City Council is committed to the principle of fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.

The Election Period Policy has been developed in order to ensure that general elections for Ararat Rural City Council to be held on Saturday 26 October 2024 are conducted in a manner that is fair and equitable, and is publicly perceived as such.

### 2.1. Election Period

2.1.1. The election period (or caretaker period) commences 12 noon (12.00pm) of Tuesday 17th September 2024 and continues until 6pm Saturday 26 October 2024, a period of 39 days.

2.1.2. During the election period the Council will be deemed to be in 'election caretaker mode'.

2.1.3. The Chief Executive Officer will ensure that all Councillors and employees are informed of the requirements of this policy.

### 2.2. Decision Making

2.2.1. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

2.2.2. This includes a commitment to comply with the requirements of section 69 of the Act which prohibits specific Council decisions during an election period.

2.2.3. Council may hold a scheduled Council Meetings during the election caretaker period but will avoid prohibited decision as outline in 2.,3

2.2.4. Scope exists for Council to hold an unscheduled Council Meeting but only in the most urgent or extraordinary circumstances or statutory processes that may arise.

### 2.3. Prohibited Decisions

2.3.1. Council is prohibited from making any Council decision:

2.3.1.1. During the election period for a general election that:

- a. relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b. commits the Council to expenditure exceeding one per cent of the

## Election Period Policy 2024



- .c. Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or the Council considers could be reasonably deferred until the next Council is in place; or
  - .d. the Council considers should not be made during an election period; or
- 2.3.2. during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

### 2.4. What is a Council Decision?

- 2.4.1. A **Council decision** means the following:
- 2.4.1.1. a resolution made at a Council meeting;
  - 2.4.1.2. a resolution made at a meeting of a delegated committee; or
  - 2.4.1.3. the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

### 2.5. Misuse of Position

- 2.5.1. Councillors cannot use their current position to gain access to information or resources that would otherwise not be available. Councillors and candidates must be given equal access to support and information.
- 2.5.2. The penalty for Misuse of Position under Section 76D of the Local Government Act 1989 is 600 penalty units or imprisonment for 5 years or both.

## 3. PUBLIC CONSULTATION

- 3.1. Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.
- 3.2. Public consultations are best to be avoided during the election period unless they are required under the *Planning and Environment Act 1987*, or section 223 of the *Local Government Act 1989*.
- 3.3. Consultations may be undertaken during the election period to facilitate the day-to-day business of Council, to ensure matters continue to be proactively managed.
- 3.4. Consultations will avoid any express or implied links to the election.
- 3.5. Consultations under statutory provisions should only proceed after express agreement by the Chief Executive Officer and then if it relates solely to the normal day-to-day business of Council.

## 4. COUNCIL RESOURCES

- 4.1. It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately during a Council election.
- 4.2. Council will ensure that due propriety is observed in the use of all Council resources, and

## Election Period Policy 2024



Council employees are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

- 4.3. Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the election caretaker period, and shall not be used in connection with any electioneering activity.
- 4.4. Reimbursements of Councillors' out-of-pocket expenses during the election caretaker period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 4.5. No Council events, logos, letterheads, or other Ararat Rural City Council branding should be used for, or linked in any way to, a candidate's election campaign.
- 4.6. The Chief Executive Officer or any employee should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 4.7. Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied.
- 4.8. No election material or active campaigning is to be conducted at any Council sponsored events or be displayed in any Council building.
- 4.9. Allocations on budget for Councillors seminars/training and attendance at conferences are to be allocated on a pro rata basis between the commencement of the financial year and the election date, i.e. pro rata basis of 4 months out of 12-month period.
- 4.10. The Council will also ensure other Ararat Rural City resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources. Council employees must adhere to the following:
  - 4.10.1. Council employees will not undertake an activity that may affect voting in the election;
  - 4.10.2. Council employees will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and
  - 4.10.3. Council employees who believe they are being placed in a compromising situation by a request from a Councillor should politely refer the Councillor to the Chief Executive Officer for clarification on their request.
- 4.11. Prior to the election period the Chief Executive Officer will ensure that all Council employees are advised regarding the application of the caretaker procedures.
- 4.12. Any employee who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise Chief Executive Officer before authorising, using or allocating the resource. The Chief Executive Officer will decide if the use of Council resources is appropriate or not.
- 4.13. In applying these principles, the Council understands that the following will be normal practice during election periods:
  - 4.13.1. Public events will only be organised and run if it is totally unavoidable to conduct such events during the caretaker period and then only with the express permission of the Chief Executive Officer;
  - 4.13.2. Speeches for Councillors will only be prepared by Council officers in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication;



## Election Period Policy 2024



- 4.13.3. Media services, including media releases, will not be provided for Councillors during the election period;
- 4.13.4. Media releases will not mention or quote any Councillor(s) during the caretaker period;
- 4.13.5. Councillor Newsletters will not be printed by Council during the election period; and
- 4.13.6. Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- 4.14. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.
- 4.15. Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the caretaker period that exceeds normal usage levels.
- 4.16. Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private mobile phone for all election enquiries and publicise such on election literature.

### 5. INFORMATION

- 5.1. The Council recognises that all election candidates have rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council officers that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election caretaker period.
- 5.2. Information and briefing material prepared by employees for Councillors during the election caretaker period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.
- 5.3. An Information Request Register will be maintained by the Governance Unit commencing on the opening of nominations. This Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates, and the responses given to those requests.
- 5.4. Responses to candidates' requests will be provided by the Chief Executive Officer. Only information that can be reasonably accessed will be released.
- 5.5. Section 76D of the *Local Government Act 1989* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage.
- 5.6. Any Freedom of Information (FoI) applications lodged during the election period on matters such as expenses, costs etc. regarding current Councillors will be dealt with where possible outside of the election period (The FoI Act specifies a 30 day period in providing a response to a FoI application).

### 6. COMMUNICATION

- 6.1. Council communication will not be used in any way that might influence the outcome of a Council election.
- 6.2. During the election caretaker period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council

## Election Period Policy 2024



role.

- 6.3. Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer.
- 6.4. In response to media inquiries the Chief Executive Officer will only provide information that relates to current services and operations.
- 6.5. In the election period no media releases will be issued quoting or featuring the Mayor or Councillor(s).
- 6.6. During the election caretaker period, Council initiated communications shall be restricted to the communication of normal Council activities.
- 6.7. No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 6.8. No publicity will be provided that involves specific Councillors.
- 6.9. Councillors should not use their position as an elected representative or their access to Council employees and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 6.10. Sessions with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 6.11. Publicity of Council events (if any during the election period) will be restricted to the communication of normal Council activities.
- 6.12. Councillor participation at Council sponsored events (if any during the election period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during this time period.

### 7. COUNCIL PUBLICATIONS

- 7.1. Council will limit printing, publishing and distributing publications during an election period. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.
- 7.2. Council must not print, publish or distribute a publication during the election period unless it has been authorised in writing by the Chief Executive Officer.
- 7.3. The Chief Executive Officer must not authorise a publication that contains electoral matter.
- 7.4. Electoral matter is any matter that is intended or likely to affect voting in an election.
- 7.5. The authorisation by the Chief Executive Officer must be in writing and cannot be delegated. Authorisation wording – over the Chief Executive Officers signature - should be as follows *"Authorised by the Chief Executive Officer in accordance with the Election Period Policy"*
- 7.6. The following documents are Council publications:
  - Council newsletters
  - Advertisements and notices e.g. job advertisements, public notices of contracts etc.
  - Media releases
  - Leaflets and brochures

## Election Period Policy 2024



- Mail-outs to multiple addresses

**All these publications will require authorisation by the Chief Executive Officer provided that the CEO is certain they do not contain electoral matter.**

- 7.7. This Policy also applies to the publication of material specified in this Policy published on Council's website.
- 7.8. The recommended practice – in line with State and Federal Governments – is where possible to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.
- 7.9. A number of Council publications with references to either current Councillors or candidates, both on website and public display will be withdrawn from such display during an election period.
- 7.10. During the election period Council's website will not contain material which is precluded by this Policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.
- 7.11. Profiles of the current Mayor and Councillors will be removed from Council's website during the election period but retain their contact details for their day-to-day role as Councillor i.e. names, photos and mobile numbers.
- 7.12. Any new material published on Council's web site during the election period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process. Council agendas, minutes and the annual report are considered exempt from certification.
- 7.13. Council is required by the Act to produce an annual report, and the *Annual Report 2023/24* may be published during the election period. The *Annual Report* will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters. It may also be required for the Annual Report to be the subject of a Council Meeting in October to confirm the completion of the Annual Report.
- 7.14. Social Media – any publication on social media sites such as Facebook or twitter which are auspice by Council will also require authorisation by the Chief Executive Officer. Similar requirements apply to Council blog sites.
- 7.15. Any matter that exists on Social Media pages that could be viewed as electoral matter will be removed including YouTube videos or photos of Councillors at publicity events, as is done with Councillor profiles on Council websites.

Social media activity during the caretaker period is to conform with the following:

- On all Facebook pages the "post comments" from all" facility to be disabled.
- Facebook posts to be kept to minimum, normal day-to-day activities only.
- No launches or announcements of any new projects, policy initiatives, or programs.
- You Tube videos to be removed and suspended during the period.
- No matter is permitted that may be construed as electoral matter – sites should be reviewed to ensure there is none.
- No hosting or responding to political content at all is permitted.
- During this time ensure moderation of Twitter and Facebook sites.

## Election Period Policy 2024



- Keep Twitter updates to a minimum – normal day-to-day business only.

### 8. ASSISTANCE TO CANDIDATES

- 8.1. The Council affirms that all candidates for the Council election will be treated equally.
- 8.2. Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.
- 8.3. All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer (for instance CEO Lists), to the Chief Executive Officer or a designated Council officer.

### 9. CARETAKER STATEMENT - SPECIAL COUNCIL MEETING REPORTS

- 9.1. As Council will not hold an ordinary Council Meeting this section only applies to reports for a Special Council Meeting, if such a meeting is called.
- 9.2. In order to facilitate compliance with its commitment to ensuring appropriate decision-making during elections, Council endorses the following procedure:

During the election period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every report submitted to a Council meeting (if required) for a decision.

The "Caretaker Statement" will specify the following:

"The recommended decision is not a "Prohibited Decision", as defined in section 69 of the Local Government Act 2020."

During the caretaker period, the Council will not make a decision on any matter or report that does not include the Caretaker Statement.

### 10. DISCLAIMER

This Policy has been written to provide a guide only for Council employees, Councillors and candidates and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the Act and associated regulations in relation to the election period.

### 11. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

## Election Period Policy 2024



### 12. TERMS/DEFINITIONS

Term	Definition
Act	Local Government Act 2020
Fol	Freedom of Information

### 13. REFERENCES

In accordance with the Local Government Act 2020 and the Local Government Act 1989 transitional arrangements, the following sections of the Local Government Act 1989 are currently still in force.

<p><b>Section 76D</b></p> <p><i>Provision to be repealed on 24 October 2020</i></p>	<p><b>Misuse of Position</b></p> <p>1 A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position:</p> <p>(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</p> <p>(b) to cause, or attempt to cause, detriment to the Council or another person.</p> <p>Penalty: 600 penalty units or imprisonment for 5 years or both</p> <p>2 For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include:</p> <p>(a) making improper use of information acquired as a result of the position he or she held or holds; or</p> <p>(b) disclosing information that is confidential information within the meaning of section 77(2); or</p> <p>(c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or</p> <p>(d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or</p> <p>(e) using public funds or resources in a manner that is improper or unauthorised; or</p> <p>(f) failing to disclose a conflict of interest as required under this Division.</p> <p>3 This section:</p> <p>(a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and</p> <p>(b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.</p>
<p><b>Section 95</b></p> <p><i>Provision to be repealed 1 July 2021</i></p>	<p><b>Conduct Principles</b></p> <p>Council staff must in the course of their employment:</p> <p>(a) act impartially;</p> <p>(b) act with integrity including avoiding real or apparent conflicts of interest;</p> <p>(c) accept accountability for results; and</p> <p>(d) provide responsive service.</p>
<p><b>Section 223</b></p>	<p><b>Right to make Submission</b></p> <p>Section 223 is not being repealed and has limited ongoing application.</p>

## Election Period Policy 2024



## SECTION 4 – INFORMATION REPORTS

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

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 16669

#### **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 has approved its 2024/2025 Capital Works Program as a pivotal component of the current budget. With a substantial capital works investment totaling \$15.513 million, the budget primarily targets infrastructure enhancements.

Key initiatives include:

- Mount William Road Stage Two Construction - supported by Federal Government funding.
- Buangor Ben Nevis Road Stage One Construction - beginning from the Western Highway section for approximately 1.5 kilometres
- Urban Gravel to Seal Road Upgrades continuing to upgrade accessibility across urban areas.
- Maintenance of Footpaths, Drainage, and Kerb and Channel

These projects underscore the Council's commitment to improving local infrastructure and fostering community development in the 2024/2025 fiscal year.

#### **DISCUSSION**

Council's 2024/2025 Capital Works Program marks a significant shift from previous years, reintroducing larger road and bridge construction projects post-pandemic. The program's budget has increased by \$6 million, with substantial state and federal funding, alongside smaller targeted works.

The focus for 2024/2025 remains on renewing and updating Council assets, leveraging in-house capabilities, and supporting local employment and contractors.

Key areas include:

- Enhanced road reseal program
- Urban drainage improvements
- Footpath network upgrades
- Major urban road gravel to seal program
- Stage two of Mt William Road Reconstruction
- Three Roads to Recovery funded projects (Churchill Avenue, Webb Street, Buangor Ben Nevis Road bridge)

Budget Status:

As of 22 August, 2024, 8% of the budget is spent, with end-of-month invoices pending. With estimates being sourced for the current annual road resealing program and completion of projects from the previous financial year, including Mt William Road which is close to completion.

Work are have commenced on the Resurfacing of Pomonal Tennis Courts, approval the oval upgrade works at Tatyoon has been received, and Buangor Ben Nevis Road plans are complete, pending cultural heritage and flora and fauna reports before commencement.

	Budget	Committed/ Contracted	Expended	%	Notes
<b>PROPERTY - CAPITAL</b>					
Property Capital	\$270,000	\$103,796	\$1726	39%	Works have been committed for resurfacing of the Pomonal Tennis Courts and replacement of windows at the Town Hall in the Arts & Crafts Room.
Ararat Library Upgrade	\$200,000	\$38,455		19%	Final Quotations are being compiled for the works for the Library Upgrade, with extensive lead times the internal fitout quotes are expected to be complete by mid September, for works to be undertaken in February 2025.
Tatyoan Oval, Drainage, Irrigation & Resurfacing	\$333,500 \$83,500 Council \$250,000 CFNP	\$314,186	\$378	95%	Aqualines Irrigation Pty Ltd are the contractor for this works. Pre-commencement designs and ordering is being undertaken and commencement on site is planned for late September.
<b>TOTAL PROPERTY</b>		<b>\$456,437</b>	<b>\$2,104</b>	<b>57%</b>	T
<b>PLANT &amp; EQUIPMENT</b>					
Book stock - Library Book Replacement	\$40,000	-	-	-	
<b>TOTAL PLANT &amp; EQUIPMENT</b>		-	-	-	
<b>ROADS</b>					
Gravel Road Sheeting & Gravel Road Widening	\$1,800,000	-	\$159,683	9%	Isolated Road Resheeting works have commenced.
Reseal Program	\$1,000,000	-	\$1,443	-	An estimate has been received from Inroads for this years reseal program, once finalised this amount will be committed to the budget for the next Council meeting.  Works are expected to commence in October 2024.
Mt William Road (24/25 – HSVPP Funding)	\$6,250,000	-	\$404	-	These works will commence on completion of the current works on Mt William Road, this is expected for the first week of September 2024.
Buangor Ben Nevis Road	\$2,143,000	-	\$45,442	2%	Plans and technical reporting have been completed. Council is working with Australian Cultural Heritage Services to complete CHMP Due Diligence and plan requirements. This is expected to be undertaken by October for the full section of road.



					Construction in segmented areas should be able to progress once that area has been documented and approved.
Weighbridge Place, Lake Bolac		\$74,900	\$151	-	Asphalting works at Weighbridge Place have been committed to be complete by 31 October 24 before the commencement of grain season.  The intersection with Mortlake Ararat Road is in poor condition and require the upgrade to withstand the heavy vehicle that use the area.
Churchill Avenue, Ararat	\$800,000	\$2,750	\$6,754	1%	Design works have commenced.
Webb Street, Ararat	\$700,000	\$8,750	\$957	1%	Design works have commenced.
Buangor Ben Nevis Road Bridge (1)	\$1,100,000	\$8,580	\$8,299	2%	Level three bridge reporting has been undertaken on the bridge. In conjunction with the Buangor Ben Nevis Road Cultural Heritage Assessment this area will also be prioritised. This project will be tendered as a design and construct project.
Urban Road Gravel to Seal	\$700,00	\$157,114	\$195,918	50%	Works are currently being completed at various urban locations with kerb and channel and drainage being installed including Mulcahy Road and Moyston Township being completed.  Works in Baileys Lane have been contracted with works due to be complete by 31 October 2024.
Major Patching	\$100,000	-	-	-	Works have not commenced.
Bridges	\$80,000	\$12,800	-	16%	This is to be used for bridge replacement planning works and bridge strengthening works.
Footpath Renewal Program	\$400,000	\$180,912	\$17,961	50%	Council's footpath program has commenced with a footpath section in Elizabeth Street being completed in relation to a customer request.  Tenders for Asphalt Path in Barkly Street and Queen Street are currently out and due to close on 1 August 2024.
Urban Drainage Works	\$750,000	\$12,078	\$28,986	5%	Drainage works have commenced with the purchase of pipe and required reporting for specific works. Ararat Cemetery Drainage is expected to commence by the end of August 2024.

Kerb and Channel	\$239,000	\$3,700	\$9,492	6%	Project plans for the replacement of kerb and channel in various locations are being nominated for approval.
<b>TOTAL INFRASTRUCTURE</b>		<b>\$461,584</b>	<b>\$475,490</b>	6%	
<b>TOTAL CAPITAL WORKS</b>		<b>\$918,021</b>	<b>\$477,594</b>	8%	

There are also projects that were funded in the 2023/2024 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:

	Budget	Previously Expended Funds	Committed /Contracted	Expended	%	Notes
Mt William Road	\$1,000,000	\$313,911		\$208,227	52%	Work commenced in late May 2024.  The works have been set out, tree and stabilising works have been completed. There was significant soft spots found within the area and these have been remedied. Stone is currently being installed on site and pavement works commencing.
Buangor Recreation Reserve Kitchen Extension		\$53,849				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 has been received as part of the Tiny Towns Funding Program which will help progress Stage 1 of this project.

## 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 2024/2025 Capital Works Program represents a significant element of Council's 2024/2025 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 2024/2025 Capital Works Program complies with the program funded in the 2024/2025 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 2024/2025 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 2024/2025 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 2024/2025 Capital Works Program has been developed as an element of the 2024/2025 Budget. There was extensive community engagement undertaken prior to adoption.

**RECOMMENDATION**

*That*

1. *Council receive the Capital Works Program – August 2024 report.*

**MOVED CR J ARMSTRONG  
SECONDED CR WATERSTON**

**That**

1. **Council receive the Capital Works Program – August 2024 report.**

**CARRIED 5038/24**

**ATTACHMENTS**

There are no attachments related to this item.

#### 4.2 COMMUNITY SUPPORT GRANTS REPORT JULY 2024

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 16670

#### 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.

#### EXECUTIVE SUMMARY

Council received 6 applications for the July 2024 round of Community Support Grants. An assessment panel comprising of two community members and the Chief Executive Officer assessed the applications and agreed to fund 3 of the applications, 2 of which were for the full requested amount, and the other at half the requested amount. The rejected applications were due to the following reasons:

1. Didn't align with the scope of the Community Support Grants, will need to seek Sponsorship instead
2. The organisation received a grant in the last round of applications
3. The organisation has already received contributions from Council for the same event in the form of Sponsorship

#### DISCUSSION

Community organisations are required to provide matching funding based on cash or in-kind contributions to support their project or event. Infrastructure projects are not included in the new funding guidelines.

Council received 6 applications for the July 2024 round of Community Support Grants. An assessment panel comprising of two community members and the Chief Executive Officer assessed the applications and agreed to fund 3 of the applications, 2 of which were for the full requested amount, and the other at half the requested amount

The successful grants were as follows:

Community Organisation	Purpose	Amount
Ararat Basketball Association	New uniforms to encourage more girls to come and try basketball	\$2435.00
Mt William Polo Club	Mount William Station Polo Tournament event to take place on the 26th and 27th of October 2024	Half - \$2500.00
Pomonal Primary School	Pomonal Primary School Art Show – to raise funds for the school through a community event	\$2000.00
<b>Total Funding</b>		<b>\$6935.00</b>

The unsuccessful grants were as follows:

Community Organisation	Purpose	Reason unsuccessful	Amount
Ararat VRI Bowls Club	Comedy Bowls Night – to bring a fun night of lawn bowls and comedy to community members with the aim of bringing more members to our club	Didn't align with the scope of the Community Support Grants, Sponsorship of \$1000 provided instead	\$3000.00
Golden Gateway Festival	Golden Gateway Festival – Program. The program that is created covers all events across the 10 days showcasing all the festival has to offer. The aim is that the	A meeting to be arranged to work out exactly what they need from Council. Sponsorship for town hall fees	\$3800.00

	program goes to print and is delivered to all residences across Ararat by minimum one week prior to the festival commencing	to be waived for ball already provided. They have requested the Traffic Management Plan to be covered by Council also	
Grampians Soaring Club	2024 GSC Junior Gliding Scholarships - Start Date: 03/07/2024 End Date: 29/06/2025 To provide young people of all genders and backgrounds, aged between 15 and 18, with the opportunity to learn to fly gliders, attend junior training events and learn the art of cross-country soaring.	Received a grant in the March 2024 Community Support Grants	\$3000.00
<b>Total Funding</b>			<b>\$9800.00</b>

**KEY CONSIDERATIONS**

**Alignment to Council Plan Strategic Objectives**

**5 Enhancing Community Life**

We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

**Budget Implications**

The grants were all made within existing budgetary allocations.

**Policy/Legal/Statutory**

Community & Event Support Grants Guidelines

**Risk Assessment**

Risks have been assessed and understood by the grants committee. No unmanaged risks identified at this time.

**Stakeholder Consultation and Communication**

The outcome of each grant was made in conjunction between the two external panel members and the Chief Executive Officer.

**RECOMMENDATION**

That

1. Council receive the Council Community Support Grants report for the July 2024 funding round.

**MOVED CR ALLGOOD**

**SECONDED CR R ARMSTRONG**

That

1. Council receive the Council Community Support Grants report for the July 2024 funding round.

**CARRIED 5039/24**

**ATTACHMENTS**

There are no attachments related to this item.

### 4.3 UPDATE ON FEBRUARY BUSHFIRES

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 16671

#### **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**

On 13 February 2024, a bushfire commenced on the Mt Willaim Range in the Grampians National Park which was ignited by lightning and impacted the Pomonal township and destroying 46 houses, native vegetation, farmland and fencing.

On the 22 February 2024, another bushfire commenced in the Mount Buangor State Park which burnt 14,684ha destroying residential properties, farmland, stock and fencing.

This report is a six-month update on what has occurred since February.

#### **DISCUSSION**

Recovery begins immediately after an emergency and can span from months to several years, depending on the complexities involved. It involves a collaborative effort from various agencies, with the community at the heart of the recovery process.

##### **1. Initial Response and Council Actions**

- **Recovery Hub Transition:** Initially located at the Pomonal Store, the Recovery Hub moved to the Pomonal Hall, integrating with the Relief Centre to become a comprehensive support point.
- **Ongoing Presence:** Council has maintained a continual presence in Pomonal, including the Manager of Development and Regulation, to assist with the rebuilding process.

##### **2. Community Engagement and Workshops**

- **Round Table Workshops:** In collaboration with the Pomonal Resilience team, Council organized two workshops featuring experts in architecture for bushfire-prone areas and planning to discuss future strategies.
- **Landscaping and Garden Expo:** Scheduled for August 31, this event will gather plant and garden experts to address bushfire recovery in landscaping.

##### **3. Parks and Gardens Maintenance**

- **Roadside Cleanup:** The Parks and Gardens team has completed the cleanup of Council roads, including the replacement of signs, culverts, and roadside posts.

##### **4. Coordination and Cleanup Efforts**

- **Emergency Recovery Victoria (ERV):** ERV coordinated the cleanup of destroyed assets in Pomonal, with Hansen Yuncken completing their tasks. ERV also managed the registration of hazardous trees on private property in Pomonal and Bayindeen.
- **Disaster Relief Australia (DRA):** DRA undertook six weeks of intensive cleanup on private properties, removing debris, cutting trees, clearing fence lines, and alleviating the burden on residents.

5. **Blazeaid Contributions**

- **Base at Cobb and Co:** Blazeaid operated from Buangor until the end of July, clearing 114 km of fences and rebuilding 81 km, supported by 198 volunteers. A special thanks to the Coob and Co Committee for hosting them.

6. **Support from Other Agencies**

- **Collaborative Efforts:** Over the past six months, agencies such as the Department of Fairness, Family and Housing (DFFH), Fire Forest Management Victoria (FFMV), Country Fire Authority (CFA), Victoria Police, Department of Health (DH) Grampians Community Health, and Ballarat Community Health have actively supported the communities.

7. **Local Initiatives**

- **Habitat Box Program:** Initiated by local residents in Bayindeen, this program aims to create safe habitats for native wildlife as their natural environment recovers.

8. **Acknowledgements**

- **Business and Volunteer Support:** Numerous businesses and volunteer groups have provided invaluable assistance, whether through hands-on help or donations, in both Bayindeen and Pomonal.

**KEY CONSIDERATIONS**

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

This report links to the following Council Plan objectives:

5. Enhancing Community Life – we will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

***Budget Implications***

No budget implications.

***Policy/Relevant Law:***

Municipal Emergency Management Plan

***Sustainability Implications***

Nil.

***Risk Assessment***

Nil.

***Innovation and Continuous Improvement***

***Stakeholder Collaboration and Community Engagement***

Collaboration has been undertaken with working with local groups including but not limited to the Pomonal Resilience Group, CFA (local and regional) and individual residents.

**RECOMMENDATION**

*That*

1. Council receive the 6-month bushfire report

**MOVED CR ALLGOOD  
SECONDED CR WATERSTON**

**That**

1. Council receive the 6-month bushfire report

**CARRIED 5040/24**

**ATTACHMENTS**

There are no attachments relating to this item



**SECTION 5 – COMMITTEE MINUTES/REPORTS**

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 13 August 2024

#### Issues discussed at the briefing:

- CEO Performance and Remuneration Committee
- Caretaker Period
- Remaining Council meetings for the current term – still work to do
- Local Government Amendment (Governance and Integrity) Act 2024
- Land at View Point Street – Community Consultation outcomes
- Innovation and Economic Development Tactical Plan
- Economic Development update
- Ararat City Tennis Lighting, Access & Facilities Upgrades
- New Covered Sports Arena for the Ararat Pony Club
- Building Blocks - Inclusion Grants for council managed kindergarten facilities
- Country Football Netball Program, Sport and Recreation Victoria
- Lake Bolac childcare development
- External asset revaluation program
- Community Support Grants – Round 2 June/July 2024
- EGHS Memorandum – Health Services Plan

### KEY CONSIDERATIONS

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

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

**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.**

- 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 J ARMSTRONG  
SECONDED CR WATERSTON**

**That**

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

**CARRIED 5041/24**

**ATTACHMENTS**

The Summary of Council Briefings are provided as Attachment 6.1.

## Councillor Briefing

Date: Tuesday 13 August 2024  
Commencement: 5.30 pm  
Location: Council Chamber, Shire Offices

**Present**

**Councillors:** Cr J Armstrong  
Cr R Armstrong  
Cr Gwenda Allgood  
Cr Peter Beales  
Cr Bob Sanders  
Cr Bill Waterston

**Apologies:** Cr Henry Burridge

**Officers:** CEO, Dr Tim Harrison

**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	CEO Performance and Remuneration Committee
3	Caretaker period
4	Remaining Council meetings for the current term – still work to do!
5	Local Government Amendment (Governance and Integrity) Act 2024
6	Land at View Point Street – Community consultation outcomes
7	Innovation and Economic Development Tactical Plan
8	Economic Development update
9	Ararat City Tennis Lighting, Access & Facilities Upgrades
10	New Covered Sports Arena for the Ararat Pony Club
11	Building Blocks - Inclusion Grants for council managed kindergarten facilities
12	Country Football Netball Program, Sport and Recreation Victoria
13	Lake Bolac childcare development
14	External asset revaluation program
15	Community Support Grants – Round 2 June/July 2024
16	EGHS Memorandum – Health Services Plan

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*.

**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*.

## 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 – CEO Employment and Remuneration Committee Update

### 6:28PM 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 J ARMSTRONG  
SECONDED CR BURRIDGE**

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

**CARRIED 5042/24**

### 6:40PM OPEN COUNCIL MEETING RECOMMENCEMENT

#### RECOMMENDATION

*That the Open Council Meeting recommence.*

**MOVED CR WATERSTON  
SECONDED CR BURRIDGE**

**That the Open Council Meeting recommence.**

**CARRIED 5044/24**

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

### LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

#### RECOMMENDATION

*That:*

1. *The confidentiality of the report and decision in relation to Item 9.1 not be lifted on adoption of the motion*

**MOVED CR J ARMSTRONG  
SECONDED CR R ARMSTRONG**

**That the:**

1. **The confidentiality of the report and decision in relation to Item 9.1 not be lifted on adoption of the motion**

**CARRIED 5045/24**

I HEREBY CERTIFY THAT PAGES 9260 - 9385 INCLUDING PAGES 719 - 766 OF THE CLOSED SESSION ARE CONFIRMED AND ARE TRUE AND CORRECT RECORD.

**MAYOR – CR BOB SANDERS**

**Meeting closed at 6:41pm**