



Ararat Rural City

# MINUTES

## COUNCIL MEETING

**Tuesday 25 February 2025**

**Held in the Council Chambers, Shire Offices  
(Livestreamed)**

**Commenced at 6.00pm**

**Council:**

**Cr Jo Armstrong (Mayor)**

**Cr Rob Armstrong**

**Cr Peter Joyce**

**Cr Teli Kaur**

**Cr Luke Preston**

**Cr Bob Sanders**

**Cr Bill Waterston**

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 Jo Armstrong, Cr Rob Armstrong, Cr Peter Joyce, Cr Teli Kaur, Cr Luke Preston, Cr Bill Waterston, Dr Tim Harrison - Chief Executive Officer, Chandra Willmott - Governance & Risk Lead, Rebecca Rodger - Contracts and Procurement Lead, 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 PRESTON***

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 R ARMSTRONG***

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 KAUR***

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 Sanders be accepted.*

**MOVED CR WATERSTON  
SECONDED CR R ARMSTRONG**

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

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5089/25**



#### 1.4 CONFIRMATION OF MINUTES

##### RECOMMENDATION

*That the Minutes of the Council Meeting held on 28 January 2025 be confirmed.*

##### **MOVED CR JOYCE SECONDED CR PRESTON**

**That the Minutes of the Council Meeting held on 28 January 2025 be confirmed.**

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5090/25**

## 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.

### **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.

### 2.1.1 PETITION - KENNEL ROAD, ARARAT

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19598

#### **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 have received a petition from the residents of Kennel Road, Ararat, requesting that the road be sealed. Kennel Road would make up part of future Capital Works Program under the Urban Gravel to Seal program.

#### **DISCUSSION**

Kennel Road, Ararat is zoned as rural residential area with 347 lineal meters of gravel road with a dead end at the eastern end of the site. The gravel road infrastructure and natural drainage is in line with similar locations within the municipality, and council provides regular tree and road maintenance. Kennel Road has eight properties and approximately 25 vehicle movements per day, which is considered low for residential roadways.



Figure 1 - Kennel Road looking west.



Figure 2 - Kennel Road looking east.





Figure 3 - Google Maps View - Kennel Road, Ararat

Following the receipt of the residents petition, council's Civil Engineer and Civil Works Coordinator have undertaken an inspection of the road and advised that it would not be suitable for an OTTA seal and would require proper design and construction works being undertaken.

The works required include:

- Design work
  - There is minimal native vegetation
  - 4 x underground power locations
- New guard rail near waterway
- Full drainage installation - currently non-existing - 8-12 culverts at property entries
- Hot mix at the turning point at the end of the road for garbage trucks etc to turn.
- Mapping has confirmed that there is no cultural heritage for the waterway as it is not an overlaid area.
- The waterway permit may still apply.

To support stronger strategic planning of future gravel to seal works council officers will work to implement a criteria and matrix process to provide a suitable framework for the prioritisation of future gravel to seal projects in line with budget allocations and compliance with the road management plan.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

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

### **Budget implications**

These works should be scheduled as part of the Urban Gravel to Seal program once design and estimation works have been completed.

### **Policy / Relevant Law**

Road Management Plan

### **Sustainability Implications**

Future sealing of Kennel Road will improve the life cycle and maintenance requirements of the road providing economic implications for Council and better road conditions and safety measures for the residents in the area.

### **Risk Assessment**

Low risk - further assessment and mitigation will be undertaken as a part of the project development.

### **Innovation and Continuous Improvements**

Council's gravel to seal program in a driver of continuous improvement of Council's assets and ensuring the most current technology is being used to implement the works.

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

A petition for this work has been presented to Council from residents of Kennel Road, Ararat.

### **RECOMMENDATION**

That:

1. That Council consider Kennel Road, gravel to seal works in future works programs
2. That Council officers create a road matrix and criteria to prioritise future gravel to seal works, this matrix is to be presented to the April 2025 Council Meeting.

### **MOVED CR JOYCE SECONDED CR KAUR**

That:

1. That Council consider Kennel Road, gravel to seal works in future works programs
2. That Council officers create a road matrix and criteria to prioritise future gravel to seal works, this matrix is to be presented to the April 2025 Council Meeting.

Cr Joyce and Cr Kaur spoke for the motion

**CARRIED 6/0  
5091/25**

### **ATTACHMENTS**

A copy of the Petition from the Residents of Kennel Road is provided as Attachment 2.1.1



Residents of Kennel Road

Ararat

20.11.2024

Dr Tim Harrison

CEO

Rural City of Ararat

Petition

Dear Dr Tim

We, the undersigned residents of Kennel Road in Ararat, request Council considers sealing Kennel Road. Kennel Road has eight serviced properties, all with multiple residents and cars. Kennel Road is gravel, and is regularly very dusty and corrugated, requiring regular council maintenance. We note that many other smaller roads within the Rural City have been sealed and we would like ours sealed as well.

Name	Address	Signature
Phil Wright	24 Kennel Rd	<i>Phil Wright</i>
Rick Preston	16 Kennel Rd	<i>Rick Preston</i>
Hayley Young	16 Kennel Rd	<i>Hayley Young</i>
Max Carroll	2 Kennel Rd	<i>Max Carroll</i>
Cheryl Shigners	3 Kennel Rd	<i>Cheryl Shigners</i>
Cheryl Smith	31 Kennel Rd	<i>Cheryl Smith</i>
Lajos Seres	32 Kennel Rd	<i>Lajos Seres</i>
Melissa Rose	32 Kennel Rd	<i>Melissa Rose</i>
AMARA RADFORD	24 KENNEL RD	<i>Amara Radford</i>
Jenny Woods	11 Jengarla Cr	<i>Jenny Woods</i>
Alanna Woods	34 Kennel Rd	<i>Alanna Woods</i>
Jenny Toppa	61 Kbit Farm	<i>Jenny Toppa</i>
Tom McCool	34 Kennel Rd	<i>Tom McCool</i>
Hayley Ridd	24 Kennel Rd	<i>Hayley Ridd</i>
PETER MARX	15 KENNEL R	<i>Peter Marx</i>
GARY WOODS	11 JENGARLA CRT	<i>Gary Woods</i>

## SECTION 3 - REPORTS REQUIRING COUNCIL DECISION

### 3.1 DISABILITY DROP OFF ZONE IN BARKLY STREET, ARARAT

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19599

#### **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**

Ensuring accessibility for all members of the community is a fundamental aspect of an inclusive and functional public space. Establishing a designated disability drop-off area in Barkly Street is crucial for improving safety, convenience, and accessibility for individuals with disabilities and their carers. This report outlines the key reasons for implementing such a space and the benefits it will provide.

#### **DISCUSSION**

A designated area for disability vans and maxi taxis to safely unload their clients is essential for reducing hazards associated with on-street drop-offs. Without a dedicated space, vehicles may be forced to stop in unsafe locations, creating potential risks for passengers, pedestrians, and other road users. A clearly marked drop-off zone will ensure that:

- Passengers can exit vehicles safely with adequate space for mobility aids.
- Transport providers can assist clients without obstructing traffic flow.
- The risk of accidents or injuries due to hurried or improper unloading is minimized.

Strategic Location: Bend Outside Quinn & Co Eyewear. This is currently designated as a motorcycle parking area but this location is ideal as a designated disability drop off zone for several reasons:

- **Visibility and Accessibility:** The bend provides a natural stopping point that is visible to approaching traffic, ensuring drivers remain cautious.
- **Ease of Use:** This location allows for easy access to the footpath, enabling a smooth transition from vehicle to pedestrian pathways.
- **Proximity to Essential Services:** The central location ensures individuals with disabilities can conveniently reach nearby shops, medical facilities, and service providers.

Central Placement in the Main Street

Positioning the drop-off zone centrally in the main street will maximize its effectiveness. A central location means:

- **Improved Community Integration:** People with disabilities will have greater access to local businesses and public facilities, fostering inclusivity and independence.
- **Convenience for Transport Services:** Public and private disability transport services will have a designated and predictable location for drop-offs, streamlining their operations.
- **Reduced Congestion:** A designated area will help prevent impromptu stops that can disrupt traffic flow and create bottlenecks.

Implementing a designated disability drop-off area in Barkly Street, particularly at the bend outside Quinn & Co Eyewear, is a necessary step towards improving accessibility, safety, and community engagement. This initiative will not only enhance the quality of life for individuals with disabilities but also contribute to a more inclusive and well-organized urban environment. Stakeholders, including local government, business

owners, and transport providers, should collaborate to bring this proposal to fruition for the benefit of all community members.

### **KEY CONSIDERATIONS**

Alignment to Council Plan Strategic Objectives

4. Developing and maintaining key enabling infrastructure  
We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.
5. Enhancing Community Life

### **Budget implications**

This work will be budgeted through the capital works program for 2025/2026.

### **Policy / Relevant Law**

Road Management Plan  
Fair Access Policy  
Universal Design processes

### **Sustainability Implications**

This will provide greater accessibility to the CBD for people with accessibility requirements providing safety for all users.

### **Risk Assessment**

Low risk - further assessment and mitigation will be undertaken as a part of the project development.

### **Innovation and Continuous Improvements**

Implementation of new accessible parking spaces is a continuous improvement to the CBD area of Ararat.

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

Engagement will be undertaken as part of the design process with property owners and other stakeholders.

### **RECOMMENDATION**

*That:*

1. *Council proceeds to the design phase for the Disability drop off zone following engagement with Barkly Street retail traders and the community*

### **MOVED CR WATERSTON SECONDED CR PRESTON**

**That:**

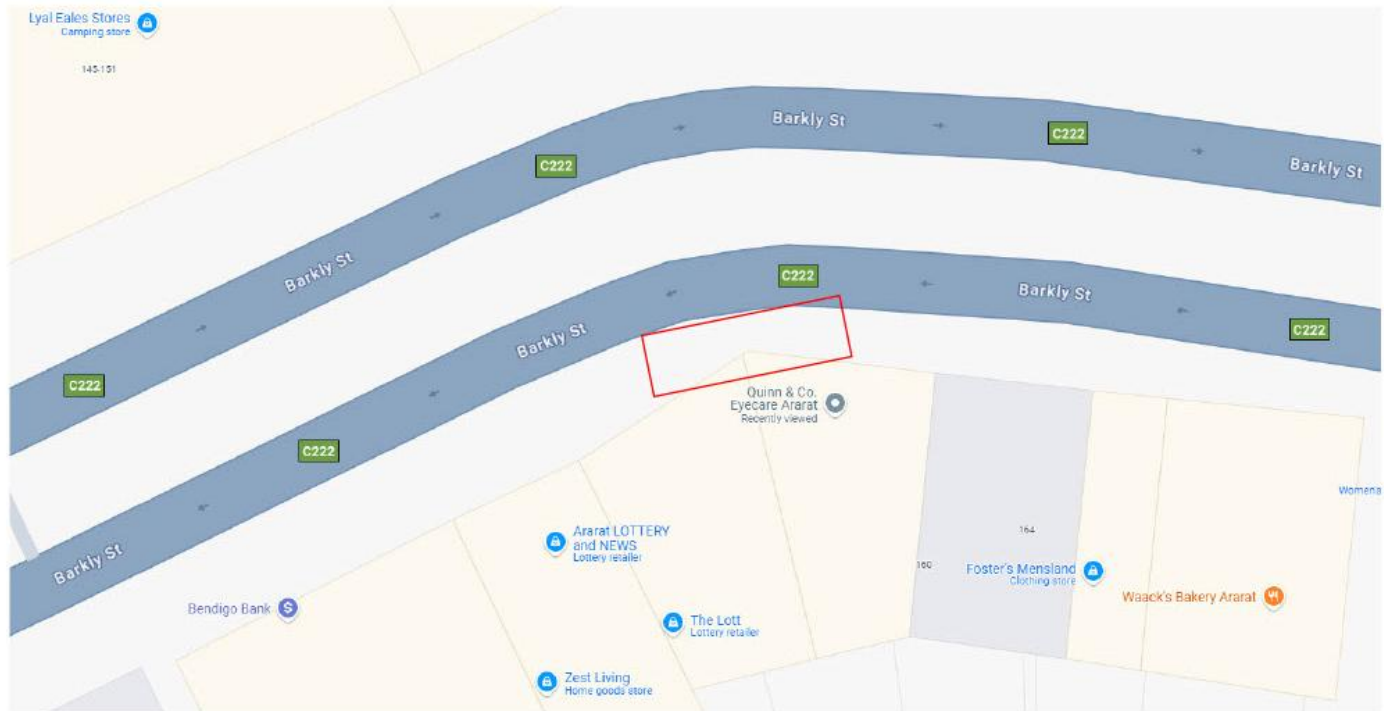
1. **Council proceeds to the design phase for the Disability drop off zone following engagement with Barkly Street retail traders and the community**

**Cr Waterston, Cr Preston and Cr J Armstrong spoke for the motion**

**CARRIED 6/0  
5092/25**

### ATTACHMENTS

A Street View image and map of suggested location in Barkly Street for the Disability drop off zone is provided as Attachment 3.1





**3.2 EMERGENCY SERVICES & VOLUNTEERS FUND MAV STATE COUNCIL MOTION**

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO OFFICE  
**REFERENCE:** 19600

**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**

From 1 July 2025, the Fire Services Property Levy (FSPL) will be replaced by the Emergency Services and Volunteers Fund (ESVF). For most property sector types in the Ararat Rural City, the ESVF is close to double the existing FSPL rate (cents per \$1,000 CIV). For Primary Production properties, the rate is nearly tripled.

While Council acknowledges the importance of adequate funding for emergency services, Council proposes to condemn the ESVF for the following key reasons:

- The disproportionate impact of the ESVF on primary producers
- The obscenely steep increase imposed onto all ratepayers
- The ongoing expectation that local councils act as the collection agency for a state-imposed tax

Council also proposes to submit a Motion to the Municipal Association of Victoria’s (MAV) State Council meeting occurring on 16 May 2025 to condemn the ESVF.

**DISCUSSION**

Ararat Rural City Council fully recognises the need to adequately fund emergency services. We have experienced 3 major bushfires in a 12 month period in Pomonal and Buangor in February 2024 and the more recent Grampians Yarram Gap Road bushfire. Ararat Rural City also experiences severe floods and storms, and in the last 15 years we have experienced 13 declared Australian disasters.

However, the Emergency Services and Volunteer Fund (ESVF) variable rate for Primary Production properties is nearly 3 times the Fire Services Property Levy (FSPL) rate (see table below). The exorbitant impost on primary producers penalises the very people who make the biggest contribution to the emergency relief and response efforts in regional and rural areas.

Sector	Current FSPL Rates (2024-25)			Future ESVF Rates (2025-26)			\$ Increase			% Increase			
	Variable rate (cents per \$1,000 CIV)	Average Variable liability (\$)	Fixed charge (\$)	Variable rate (cents per \$1,000 CIV)	Average Variable liability (\$)	Fixed charge (\$)	Variable rate (cents per \$1,000 CIV)	Average Variable liability (\$)	Fixed charge (\$)	Variable rate (cents per \$1,000 CIV)	Average Variable liability (\$)	Fixed charge (\$)	
Residential	8.7	33	132	17.3	65	136	8.60	32.00	\$4.00	↑	99%	97%	3%
Commercial	66.4	409	267	133	797	276	66.60	388.00	\$9.00		100%	95%	3%
Industrial	81.1	302	267	133	465	276	51.90	163.00	\$9.00		64%	54%	3%
Primary Production	28.7	770	267	83	2229	276	54.30	1459.00	\$9.00		189%	189%	3%
Public Benefit	5.7	222	267	5.7	220	276	0.00	-2.00	\$9.00		0%	-1%	3%
Vacant	29	51	267	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NA	N/A	

In dollar terms, the Ararat Rural City Council collected approx. \$2.7 million of FSPL for the State Government in 2024/25. In 2025/26, the ESVF would be over \$5.5 million from the Ararat Rural City alone, an increase of \$2.8 million. Most of this (88% or approx. \$2.5 million) would be paid for by Primary Production properties.

The ESVF exemption for active emergency services volunteers and life members provides little relief for many of our local farmers. Their primary place of residence is often on a separate title to their farm or they have multiple properties that have been acquired over the years or generations.

For example, a local farmer and active emergency services volunteer paid approx. \$27,000 in total for the FSPL in 2024/25. In 2025/26 under the ESVF, this farmer would be required to pay over \$77,000. The exemption due to being an active volunteer would only save them \$1,300.

For other property sectors in Ararat Rural City, including Residential, Commercial and Industrial, the ESVF is close to double the existing FSPL variable rate.

Our ratepayers in Pomonal have been impacted by two significant bushfires in less than 12 months. First in February 2024 where the 45 homes that were lost have not yet been rebuilt, and again by the recent bushfires in the Grampians. The recent bushfires prevented the local tourism businesses from being able to trade during their busiest time of the year, meaning they lost thousands of dollars worth of stock and they missed out on building up their cash buffer for the quieter times. One of these commercial businesses will be charged over \$4,000 in ESVF charges, nearly double what they paid in FSPL in 2024/25.

The ESVF is a poorly formulated State revenue system with little regard for the financial impact and circumstances of those who will incur the greatest cost due to this change. A doubling or tripling of these charges in one year is an obscene rate of increase.

Local councils are currently tasked with collecting the FSPL and the ESVF, which creates a significant administrative burden on local government as the collection agency. Council staff bear the brunt of disgruntled ratepayers when they see the increased total bill on their rates notice, yet none of the ESVF is guaranteed to be spent in the municipality where it is collected.

## **KEY CONSIDERATIONS**

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

#### **6. STRONG AND EFFECTIVE GOVERNANCE**

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

6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.

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

All of the collected funds collected from the current FSPL and the upcoming ESVF are sent to the State Revenue Office, there are no budget implications to Council arising from this report.

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

On 13 December 2024 as part of the 2024-25 State Budget Update, the Victorian Government announced that the Fire Services Property Levy will be replaced by the Emergency Services and Volunteers Fund from 1 July 2025.

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

The steep increase in the impost on rate payers due to the ESVF, particularly primary producers and businesses, will have a flow on effect into the local economy and community. Cashflow has already been reduced by the recent bushfires and the current severe drought. The ESVF will further reduce spending in local shops, contributions to local community groups and sporting organisations, and private investment into environmental sustainability initiatives.



### **Risk Assessment**

The increase that will appear on the total amount payable on rates notices due to the ESVF may result in an increase in unacceptable behaviour towards Council employees, which increases the risk of workplace injuries and personal leave.

The financial stress and mental health impact on households who are burdened with the greatest increase may also be severe, particularly for people who have been impacted by bushfires in the past year.

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

Council has been contacted by ratepayers who are concerned about how the ESVF will affect them financially. The community are also doubtful that our local emergency services will see a fair share of funding from the ESVF.

### **RECOMMENDATION**

That:

1. While Council acknowledges the importance of adequate funding for emergency services, Council condemns the ESVF for the following key reasons:
  - The disproportionate impact of the ESVF on primary producers
  - The obscenely steep increase imposed onto all ratepayers
  - The ongoing expectation that local councils act as the collection agency for a state-imposed tax
2. Council submits the attached Motion to the Municipal Association of Victoria's (MAV) State Council meeting occurring on 16 May 2025 to condemn the ESVF.
3. Council delegates the Mayor and CEO the ability to work with alike Council's to develop a consolidated motion if required prior to final submission to MAV

### **MOVED CR R ARMSTRONG SECONDED CR JOYCE**

That:

1. **While Council acknowledges the importance of adequate funding for emergency services, Council condemns the ESVF for the following key reasons:**
  - **The disproportionate impact of the ESVF on primary producers**
  - **The obscenely steep increase imposed onto all ratepayers**
  - **The ongoing expectation that local councils act as the collection agency for a state-imposed tax**
2. **Council submits the attached Motion to the Municipal Association of Victoria's (MAV) State Council meeting occurring on 16 May 2025 to condemn the ESVF.**
3. **Council delegates the Mayor and CEO the ability to work with alike Council's to develop a consolidated motion if required prior to final submission to MAV**

**Cr R Armstrong, Cr Joyce and Cr J Armstrong spoke for the motion**

**CARRIED 6/0  
5093/25**

### **ATTACHMENTS**

The draft MAV State Council Motion is provided as Attachment 3.2

DRAFT MAV State Council Motion

1. Name of Motion

Motion to Condemn the Emergency Services and Volunteer Fund

2. Motion (250 words)

That, while MAV acknowledges the importance of adequate funding for emergency services, MAV condemns the Emergency Services and Volunteer Fund (ESVF) for the following key reasons:

- The disproportionate impact of the ESVF on primary producers
- The obscenely steep increase imposed onto all ratepayers
- The ongoing expectation that local councils act as the collection agency for a state-imposed tax

The ESVF variable rate for Primary Production properties is nearly 3 times the Fire Services Property Levy (FSPL) rate. The exorbitant impost on primary producers penalises the very people who make the biggest contribution to the emergency relief and response efforts in regional and rural areas.

3. Submitted by (Council name)

Ararat Rural City Council

4. Other supporting councils (please list, optional)

Mansfield  
Moorabool  
(more to be added)

5. Please attach written confirmation from supporting councils

(Letters to be obtained prior to submitting this motion to MAV)

6. Is this motion supported by resolution of Council? Yes/no

yes

7. If yes, please insert date of resolution

25/02/2025

8. Does the subject matter of this motion have state-wide significance to local government?

Yes

9. If yes, briefly describe how this motion impacts the sector as a whole

Local councils are currently tasked with collecting the FSPL and the ESVF, which creates a significant administrative burden on local government and as the collection agency.

Council staff bear the brunt of disgruntled ratepayers when they see the increased total bill on their rates notice, yet none of the ESVF is guaranteed to be spent in the municipality where it is collected.

12. Please provide the rationale for your proposed motion (up to 350 words)

From 1 July 2025, the Fire Services Property Levy (FSPL) will be replaced by the Emergency Services and Volunteers Fund (ESVF).

For most property sectors in Ararat Rural City, the ESVF is close to double the existing FSPL variable rate (cents per \$1,000 CIV). For the Primary Production properties, the rate is nearly tripled.

In dollar terms, the Ararat Rural City Council collected approx. \$2.7 million of FSPL in 2024/25 for the State Government. In 2025/26, the ESVF would be over \$5.5 million from the Ararat Rural City alone, an increase of \$2.8 million. Most of this (88% or approx. \$2.5 million) would be paid for by Primary Production properties.

The exemption for active emergency services volunteers and life members provides little relief for many of our local farmers. Their primary place of residence is often on a separate title to their farm or they have multiple properties that have been acquired over the years or generations.

For example, an Ararat Rural City farmer and active emergency services volunteer paid approx. \$27,000 in total for the FSPL in 2024/25. In 2025/26 under the ESVF, this farmer

would be required to pay over \$77,000. The exemption due to being an active volunteer would only save them \$1,300.

Our ratepayers in Pomonal have been impacted by two significant bushfires in less than 12 months. First in February 2024 where the 45 homes that were lost have not yet been rebuilt, and again by the recent bushfires in the Grampians. The recent bushfires prevented the local tourism businesses from being able to trade during their busiest time of the year, meaning they lost thousands of dollars worth of stock and they missed out on building up their cash buffer for the quieter times. One of these commercial businesses will be charged over \$4,000 in ESVF charges, nearly double what they paid in FSPL in 2024/25.

The ESVF is a poorly formulated revenue system with little regard for the financial impact and circumstances of those who will incur the greatest cost due to this change. The ESVF should therefore be condemned.

### 3.3 REVIEW OF GOVERNANCE RULES

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19601

#### **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 Local Government Act 2020 (the Act) requires all Councils in Victoria to adopt and maintain documents to give effect to good governance and transparency principles.

In accordance with section 60 of the Act, Council is required to adopt and keep in force Governance Rules.

This report outlines the process for the Governance Rules to be vised in accordance with Council's community engagement policy.

#### **DISCUSSION**

Council adopted its Governance Rules on 27 September 2022.

The Governance Rules set out how Council meetings are conducted and how Council decisions are made. Council bases its Governance Rules on templates provided by Maddocks Lawyers which provide a "Standard" form of Governance Rules that are capable of satisfying the requirements of s60(1) of the Local Government Act 2020.

Amendments made to this version of Governance Rules were around the wording of the rules so they read more clear and concise.

Following endorsement by Council of the revised Governance Rules, a community engagement process will be undertaken in accordance with section 60(4) of the Act.

#### **KEY CONSIDERATIONS**

*Alignment to Council Plan Strategic Objectives*

6. Strong and Effective Governance

We will work hard to build models of governance that place delivering public value at the centre through effective financial management; we measured risk management and implement of effective community engagement practices.

#### ***Budget implications***

There are no budget implications arising in relation to development of the revised Governance Rules

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

Council must develop, adopt and keep in force Governance Rules in accordance with section 60 of the Act

In accordance with section 60 (2) of the Act, the Governance Rules must provide for Council to:

- a) Consider and make decisions on any matter being considered by the Council fairly and on the merits;

- b) Institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to community their views and have their interest considered.

A community engagement process will be undertaken in relation to the revised Governance Rules in accordance with section 60(4) of the Act.

### **Sustainability Implications**

Environmental, social and economic impacts have been considered in the development of the revised Governance Rules.

### **Risk Assessment**

The development of the revised Governance Rules will ensure that Council meets its legislative requirements

### **Innovation and Continuous Improvements**

The revised Governance Rules meet the requirement of the Act

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

The Chief Executive Officer and Councillors discussed the revised Governance Rules at the briefing held on the 19 February 2025

## **RECOMMENDATION**

*That Council:*

- 1. Endorse the revised Governance Rules for public comment;*
- 2. Commence a community engagement process via Engage Ararat for the revised Governance Rules; and*
- 3. Consider the revised Governance Rules at the 25 March 2025 Council Meeting.*

## **MOVED CR R ARMSTRONG SECONDED CR WATERSTON**

**That Council:**

- 1. Endorse the revised Governance Rules for public comment;**
- 2. Commence a community engagement process via Engage Ararat for the revised Governance Rules; and**
- 3. Consider the revised Governance Rules at the 25 March 2025 Council Meeting.**

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5094/25**

## **ATTACHMENTS**

The Revised Governance Rules are provided as Attachment 3.3





# Governance Rules

## DOCUMENT CONTROL

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

Last Review Date: 25 October 2022  
Date Approved: XXXXXXXXXXXX  
Next Review Date: January 2027

Revision No: 2

Stakeholder Engagement:  
Councillors  
Chief Executive Officer  
Community members

## Governance Rules

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## Governance Rules

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### 1 Introduction

Ararat Rural City Council is committed to good governance and ensuring its decision-making processes are fair, transparent and merit based

These Governance Rules have been developed to reflect this commitment and in accordance with section 60 of the Local Government Act 2020.

By adopting and adhering to these Governance Rules, Council can ensure that its commitment to good governance and the overarching governance principles consistently guides its decision-making processes, and those of its delegated committees and officers.

These Governance Rules will be reviewed biannually from the date of adoption or after a Council Election.

### 2 Definitions

In these Governance Rules:

**Act** means the Local Government Act 2020

**Advisory committee** means a committee established by the Council, which provides advice to:

- a) the Council; or
  - b) a member of Council staff who has been delegated a power, duty or function of the Council.
- that is not a Delegated Committee.

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting

**Attend, attending & in attendance** includes attend, attending and attendance in electronic means.

**Audit and Risk Committee** means the Audit and Risk Committee established by Council under section 53.

**Ballot** means a draw of ballots from a ballot box for the purposes of eliminating multiple candidates who have an equal number of the lowest votes in the election of the Mayor or Deputy Mayor.

**Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.

**Chief Executive Officer** includes an Acting Chief Executive Officer

**Committee Meeting** means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a "hybrid" format that mixes in-person and electronic versions.)

**Common Seal** means the common seal of Council

**Community Asset Committee** means a Community Asset Committee established under section 65 of the Act.

**Council** means Ararat Rural City Council



## Governance Rules

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**Council meeting** has the same meaning as in the Act

**Councillor** means a Councillor of Ararat Rural City Council

**Delegate** means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.

**Delegated Committee** means a Delegated Committee established under section 63 of the Act.

**Deputy Mayor** means any person appointed by Council to act as Deputy Mayor

**Disorder** means any disorderly conduct of a member of the Gallery or a Councilor and includes:

- a) interjecting when another person is speaking, except, in the case where a Councillor is raising a Point of Order
- b) making comments that are defamatory, malicious, abusive or offensive.
- c) refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- d) engaging in any other conduct which prevents the orderly conduct of the Meeting.

**Mayor** means Mayor of Council

**Minister** means the Minister responsible for Local Government.

**Minutes** means the official record of the proceedings and decisions of a Meeting.

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.

**Notice of Motion** means a notice setting out the text of a Motion being conducted and a Council decision being made, if the proposal is adopted.

**Point of Order** means a procedural point (about how the Meeting is being conducted) not involving the substance of a matter before a Meeting.

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

**Urgent Business** means a matter that relates to or arising out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred un the next meeting.

**Unscheduled Meeting** means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council.

## Governance Rules

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### 3 Meetings

#### 3.1 Purpose of Council Meetings

- 3.1.1 Council holds scheduled Meetings and, when required unscheduled Meetings to conduct the business of Council
- 3.1.2 Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 3.1.3 Community members may only participate in Council meetings in accordance with these Governance rules that include addressing how the community can participate if the meeting is electronic, or a hybrid style meeting.
- 3.1.4 Meeting will only be closed to members of the public if:
  - a) There are clear reasons for particular matters to remain confidential (specified in the definition of confidential (specified in the definition of confidential information in section 3(10) of the Act) or
  - b) A meeting is required to be closed for security reasons; or
  - c) It is necessary to enable the meeting to proceed in an orderly manner.
- 3.1.5 In a meeting that is closed to the public for the reasons outlined in sub-rule 3.1.4(b) or 3.1.4(c) the meeting can be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

#### 3.2 Meeting Roles and Responsibilities

##### 3.2.1 Chairperson and member responsibilities

The Chairperson, Councillors and members of Delegated Committees will ensure good Council decision-making by endeavoring to ensure

- a) Decision making is transparent to members and observers.
- b) Meeting members have sufficient information to make good decisions.
- c) Every member is supported to contribute to decisions.
- d) Any person whose rights are affected has their interest considered.
- e) Debate and discussion are focused on the issue at hand.
- f) Meetings are conducted in an orderly manner; and
- g) Decisions should be made on the merits of the matter

##### 3.2.2 Mayor to take the Chair

3.2.2.1 The Mayor must take the Chair at all Council Meetings at which the Mayor is present.

3.2.2.2 If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.

3.2.2.3 If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair.

3.2.2.4 The Chief Executive Officer will invite nominations for a temporary Chairperson for the period the Mayor is to be absent.



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- 3.2.2.5 If there is more than (1) nomination, the Councillors present at the meeting must vote for one (1) of the candidates by a show of hands and the candidate receiving a majority of the votes will be declared to have been duly elected.
- 3.2.3 Delegated Committee Chairperson
- 3.2.3.1 At a Meeting at which Council established a delegated committee it must also appoint Chairperson.
- 3.2.3.2 The Chair of a delegated committee must be a Councillor
- 3.2.3.3 For the avoidance of doubt, rule 3.2.3.2 does not intend to limit the powers of the Mayor provided in the Act
- 3.2.4 The Chairperson's Duties and Discretions  
In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:
- 3.2.4.1 Must not accept any Motion, question or statement which is:
- Vague or ambiguous
  - Defamatory, malicious, abusive or objectionable in language or substance; or
  - Outside the powers of Council
- 3.2.4.2 Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting.
- 3.2.4.3 Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.
- 3.2.4.4 May direct that a vote be recounted to be satisfied of the result; and
- 3.2.4.5 Must decide on all points of order
- 3.2.4.6 Where these Governance Rules does not provide a procedure for the Meeting, the Chairperson shall decide the procedure to be followed.
- 3.2.5 Chief Executive Officer
- 3.2.5.1 The Chief Executive Officer is responsible for the preparation of the Council meeting agenda in accordance with Schedule 1
- 3.2.5.2 The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson
- 3.2.5.3 The Chief Executive Officer should:
- Immediately advise, to the best of their knowledge, if a proposed motion or action is contrary to the law.
  - Advise if there are operational, financial or risk implications arising from a

## Governance Rules

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- proposed motion.
- c) Help clarify the intent of any unclear motion or resolution to facilitate implementation.
- d) On request, assist with procedural issues that may arise.

### 3.2.6 Councillors and members of delegated committees

Councillors and members of Delegated Committees contribute to good governance and decision making by:

- 3.2.6.1 Seeking views of community members and reading agenda prior to the meeting.
- 3.2.6.2 Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers.
- 3.2.6.3 Attending meetings and participating in debate and discussion.
- 3.2.6.4 Demonstrating respect for the role of the Chairperson and the rights of others  
Councillors or members of Delegated Committees to contribute to the decision-making.
- 3.2.6.5 Be courteous and orderly.

### 3.3 Attending Meetings via Electronic Means

- 3.3.1 Councillors and members of Delegated Committees who wish to attend a meeting via electronic means for any reason may notify the Chief Executive Officer
  - a) The notification can be made verbally or in writing
  - b) The notification should be received no later than 1 hour prior to a meeting
- 3.3.2 The Councillor or member attending electronically is responsible for ensuring they have the required equipment, access and environment suitable for electronic communications.
  - a) Equipment must include a functioning video camera / webcam and microphone
  - b) Camera must be switched on for the entire duration of the meeting unless they are excused from the meeting for any reason.
  - c) Camera must be positioned appropriately so the Councillor or member's vote by show of hands is clearly visible
  - d) Microphone must be switched on when the Councillor or member is speaking and muted when not speaking.

### 3.4 Community

- 3.4.1 Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings
- 3.4.2 Community members may only participate in meetings in accordance with requirements contained in these Governance Rules that include addressing how the community can participate if the meeting is electronic or "hybrid" style meetings.
- 3.4.3 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of meetings.

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3.4.4 Persons registered to speak to an item on the agenda or ask a public question in accordance with rules 3.4.2, 3.19.1, 3.4.3 and 3.21.1 may also attend a meeting via electronic means for any reason by notifying Council Officers upon registration in accordance with those rules.

### 3.5 Notice of Meetings and Availability of Agenda

#### 3.5.1 Date, Time and Place of Council Meetings

3.5.1.1 Council will fix the dates, times and places of all Meetings for a twelve-month period at the Statutory Meeting which is held in November each year.

3.5.1.2 Council by resolution, or by the Chief Executive Officer, May change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.

3.5.1.3 A schedule of Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website and in at least one newspaper generally circulated in the municipality district at least once each year and with greater frequency, if the Chief Executive Officer determined necessary.

#### 3.5.2 Notice of Council Meetings

3.5.2.1 A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 48 hours before the Meeting.

3.5.2.2 An agenda for each Council Meeting, that is not an unscheduled Meeting will be made available on Council's website no less than 48 hours before the Council Meeting.

#### 3.5.3 Postponement

3.5.3.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council Meeting, cancel or postpone a Council Meeting

3.5.3.2 The Chief Executive Officer must present to the immediately following Council Meeting a written report on any exercise of the power conferred by sub-rule 3.5.7

#### 3.5.4 Unscheduled Meetings

3.5.4.1 Council may by resolution call an unscheduled Meeting of the Council

3.5.4.2 Any resolution of Council to call an unscheduled Meeting must specify the date and time of the unscheduled Meeting and the business to be transacted.

3.5.4.3 The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.



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3.5.4.4 The CEO, following consultation with the Mayor, call an unscheduled meeting.

3.5.4.5 The Mayor, or three Councillors, may by written notice call an unscheduled Meeting of the Council. A written notice to call an unscheduled Meeting must:

- Specify the business to be transacted.
- Be delivered to the Chief Executive Officer or Delegate in sufficient time to enable the required period of notice to be given.

3.5.4.6 The Chief Executive Officer must determine the time and date for the meeting, considering:

- The urgency of the business to be transacted
- The availability of Councillors
- A reasonable notice period for person whose rights or interest may be impacted by the business to be transacted.

3.5.4.7 The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor, following a Council election declaration, in accordance with the Act

3.5.4.8 The unscheduled Meeting for the election of a Mayor following an election, may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer

3.5.4.9 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution, determine to admit another matter.

### 3.5.5 Notice of Unscheduled meetings

3.5.5.1 Notice of an unscheduled meeting must be published on Council's website and social media platforms as soon as practicable after the time and date of the meeting has been determined.

3.5.5.2 An Agenda for an unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.

3.5.5.3 An Agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council Meeting.

### 3.6 Conduct at meetings

#### 3.6.1 Quorum

3.6.1.1 The quorum for a meeting is greater than half the total number of the Councillors, or in the case of a Committee, more than half the total number

## Governance Rules

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- 3.6.1.2 Section 61(6A) of the Act specifies a member's attendance can only be recorded where the members can confirm that they meet all three of the following:
- He / she can hear proceedings;
  - They can see other members in attendance and can be seen by other members.
  - They can be heard (to speak)
- 3.6.1.3 A quorum or members of council is breached where a member forming a quorum cannot meet the above requirements
- 3.6.1.4 A meeting cannot commence, resume or continue without a quorum
- 3.6.1.5 Should a quorum be unachievable or maintainable due to the disclosure of conflicts of interest by one (1) or more Councillors, the Chairperson may:
- Defer the item of business to a future meeting; or
  - Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
  - Determined to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at the meeting for which quorum can be maintained.
- 3.6.1.6 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts of prior decisions made, Council will delegate the decision to be made
- By the Chief Executive Officers; or
  - By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considered suitable
- 3.6.1.7 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.
- 3.6.2 Business Meetings
- 3.6.2.1 No business can be dealt with at a Meeting unless.
- It is included in the agenda, or
  - Councillors who vote by unanimous vote in favour of a matter being dealt with as urgent business
- 3.6.2.2 Unless the Chairperson otherwise determines –
- The order of business at a Meeting must be as it is set out in the agenda; and
  - The meeting shall conclude the business set out on the agenda has been dealt with.
- 3.6.3 Adjourning meetings
- 3.6.3.1 Should a quorum be unachievable 30 minutes after the commencement of the scheduled starting time or cannot be maintained during the meeting, those Councillors present may adjourn the meeting, by resolution to a date/or time to be determined. In the event there are no Councillors present, the CEWO (or Delegate) may adjourn the meeting for a period not exceeding seven (7) days.



## Governance Rules

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### 3.6.4 Technical Difficulties

3.6.4.1 Where the council experiences technical difficulties in being able to broadcast  
a meeting to the public, the meeting may be adjourned until the issue is resolved or postponed to another time and date in accordance with Council's meeting procedures, local laws or governance rules.

3.6.4.2 The Chair may indicate at the commencement of a meeting that if technical problems are encountered by the council then the meeting will be adjourned until resolution or postponed.

3.6.4.3 The Council is not responsible for any data usage charges or technical difficulties a member of the public may have experience in accessing the live stream or recordings of meetings.

### 3.7 Motions

3.7.1 A "Motion" may be in the form of an Officer's recommendation (as contained in a Council report) or a motion as proposed by a Councillor.

#### 3.7.2 Amendments

3.7.2.1 An "Amendment" is a motion which has been moved and seconded by formally amended to include / exclude words

3.7.2.2 An amendment must not be the negative of or substantially contrary to the motion and must be relevant to the subject of the motion.

3.7.2.3 An amendment may be proposed or seconded by any Councillor, except to the mover or seconder of the original motion.

3.7.2.4 Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment

3.7.2.5 Only one (1) amendment can be before the Meeting at a time and until it is put to the vote, no further amendment can be proposed, but with the leave of the Chairperson, another amendment of a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.

3.7.2.6 A Councillor cannot move more than two (2) amendments in succession.

3.7.2.7 When any amendment is put to the vote, and is declared carried by the Chairperson it thereupon becomes the substantive motion before the meeting and can be debated and further amended.

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### 3.7.3 Foreshadowed Motion

- 3.7.3.1 A "Foreshadowed Motion" is a new motion, prefaced by a Councillor with a statement that in the event of a motion before the Chair being lost, a Councillor intends to move an alternative motion.
- 3.7.3.2 At any time during debate a Councillor may foreshadow a motion, but this does not extend any special right to the foreshadowed motion. A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Council meeting
- 3.7.3.3 Foreshadowed motions are not recorded in the Minutes until the foreshadowed motion is formally moved.

### 3.7.4 Notices of Motion

- 3.7.4.1 A "Notice of Motion" is a notice setting out the text of a motion that a Councillor proposed to move at a meeting
- 3.7.4.2 A Notice of Motion must:
- Be received by the Chief Executive Officer at least seven (7) days prior to a Meeting and
  - Be included in order of receipt on the agenda for that Meeting.
- 3.7.4.3 Should a Councillor who has given a Notice of Motion be absent from the meeting, any other Councillor may move the motion.
- 3.7.4.4 A Notice of Motion must call for Council report if the Notice of Motion proposed any action that:
- Impacts levels of Council service.
  - Commits Council to expenditure greater than (insert councils upper limit) that is not included in the adopted Council Budget
  - Proposes to establish, amend or extend Council policy
  - Proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - Commits Council to any contractual arrangements; or
  - Concerns any litigation in respect of which Council is a party.
- 3.7.4.5 The Chief Executive Officer must reject any Notice of Motion which
- Is too vague.
  - Is defamatory
  - May be prejudicial to any person or Council
  - Is objectionable in language or nature
  - Is outside the powers of Council
  - Relates to a matter that is the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with
  - Is submitted during Election Period.
- 3.7.4.6 The Chief Executive Officer may reject a proposed Notice of Motion that
- Relates to a matter that can be addressed through the operational service request process; or

## Governance Rules

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b) Relates to a matter that has been previously resolved by Council or is acted upon

3.7.4.7 If Notice of Motion is lost or lapse for want of a mover / seconder, it cannot be relisted for three (3) months.

### 3.7.5 Procedures for Motions

3.7.5.1 A motion which is proposed by a Councillor at a Meeting must be:

- a) Clearly expressed and unambiguous
- b) Not defamatory or objectionable in nature
- c) Related to the powers or functions of Council; and
- d) Relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting as urgent business)

3.7.5.2 If a motion is to be moved or debated by the Chairperson, the Chairperson must vacate the Chair and appoint the Deputy Mayor or another Councillor as Temporary Chair of the duration of the motion.

3.7.5.3 Any motion that differs in wording from an Officer's recommendation, be written out by the proposer.

3.7.5.4 The Chairperson may request that a motion be read to the meeting before the vote is taken

3.7.5.5 The Chairperson may reject any motion that does not conform to rule 3.7.4.4 and 3.7.4.5 and 3.7.5.1

3.7.5.6 A Councillor who is proposing a motion must first state briefly the nature of the motion and then move it, without speaking to it

3.7.5.7 The Chairperson must then call for the motion to be seconded and after it is seconded (by any Councillor other than the mover); the mover may then speak to it or may with the consent of the Chairperson defer speaking on it until later in the debate.

3.7.5.8 Any motion that his not seconded lapses.

3.7.5.9 The Chairperson may ask after a motion is moved and seconded whether it is opposed and if no opposition is indicated, he or she may then put it to the vote, without debate. Similarly, the Chairperson may ask at any time during the debate whether the motion before the Meeting is opposed or is further opposed and if no opposition or no further opposition is indicated, he or she may put it to the vote, without further debate.

3.7.5.10 The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is take, but that right is lost if an Amendment to the motion is carried.



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- 3.7.5.11 If an amendment to a motion is carried, the mover of the Amendment has no right of reply.
- 3.7.5.12 Apart from the mover's right of reply referred to in rule 3.7.5.10, a Councillor may only speak once on the motion and once on any amendment of a motion, A Councilor may request at any time before a vote is taken on a motion that it is in two or more parts, that each part be put to a vote separately. The Chairperson must then out the motion to the vote without making or allowing any further comment on it
- 3.7.5.13 When the mover of a motion has a right of reply under rule 3.5.7.10 and has exercised that right, the Chairperson must then put the motion to the vote without making or allowing any further comment on it.
- 3.7.5.14 A motion must otherwise be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
- 3.7.5.15 A Councillor calling a point of order or foreshadowing a new motion or further amendment is not deemed to be speaking on the motion before a Meeting
- 3.7.5.16 A motion of amendment cannot be withdrawn without Council consenting to the withdrawal by resolution.
- 3.7.5.17 If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.
- 3.7.5.18 If a Councillor proposes to alter a motion and the original mover and seconder of the Motion both indicate their agreement with the alteration, the altered Motion becomes the substantive Motion without the need to move an amendment.
- 3.7.5.19 Council may defer an item until another Meeting if further consideration or clarification is required prior to a decision being made. The motion to defer an item is a substantive motion and may be debated.
- 3.7.5.20 The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc)
- 3.7.6 Procedural Motions
- 3.7.6.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 3.7.6.2 The mover/seconder of a procedural motion must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.

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3.7.6.3 A procedural motion cannot be moved by the Chairperson

3.7.6.4 Notwithstanding any other provision in the Meeting Procedure, procedural motions must be dealt with in accordance with the procedures set out in Schedule 2 of the Meeting Procedure.

### 3.8 Debates

#### 3.8.1 Rules for Debate

3.8.1.1 Debate must always be relevant to the question before the Chair, and if not, the Chairperson will request the speaker to confine debate to the subject matter.

3.8.1.2 If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may disallow the speaker any further comment in respect to the matter before the Chair.

3.8.1.3 A speaker to whom a direction has been given under rules 3.8.1.1 and 3.8.1.2 must comply with that direction.

3.8.1.4 A Councillor must not speak on any one motion or other matter before a Meeting for a time longer than that stated below unless granted an extension by the Chair immediately prior to the speaker speaking.

#### 3.8.2 Order, Time Limit of Debate

3.8.2.1 Once seconded, the Chairperson will call for any Councillor wishing to speak to the motion;

3.8.2.2 If any Councillor indicates they wish to speak to the motion, the Chairperson must:

- a) Invite the mover to address Council (five (5) minutes)
- b) Invite any Councillor opposing the motion to address council (three (3) minutes)
- c) Invite the Secunder to address Council (three (3) Minutes)
- d) Invite any Councillor abstaining from the vote to address Council (two (2) minutes)
- e) Invite speakers for, against and abstaining in alternate sequence until all Councillors wishing to speak to the motion have had an opportunity (two (2) minutes)
- f) Invite the mover to close debate with right of reply (two (2) minutes)

3.8.2.3 In cases where there is competition for the right to speak at a meeting then the Chairperson must decide the order in which Councillors may speak.

3.8.2.4 A Councillor must not be interrupted except by the Chairperson, or upon a point of order being taken



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3.8.2.5 The Chairperson may remain seated when speaking at any meeting and he or she may speak on any matter under discussion.

3.8.2.6 When exercising a right of reply, a Councillor must not introduce fresh matter.

3.8.2.7 No resolution may be discussed after it is dealt with, unless the Chairperson allows it.

3.8.2.8 Except that the mover of an unamended motion has the right of reply and that any Councillor may take a Point of Order or offer a personal explanation; a Councillor must not speak more than once to the same motion or amendment.

### 3.9 Points of Order

3.9.1 A Councillor who is addressing the meeting must not be interrupted unless a Point of Order is called, at which time he or she must remain silent until the Councillor raising the Point of Order has been heard and the question disposed of.

3.9.2 A Councillor raising a Point of Order must

- State the Point of Order; and
- State any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat

3.9.3 A Point of Order may be raised in relation to

- A motion or a public question which, under this Procedure should not be accepted by the Chairperson.
- A question of procedure; or
- Any act of disorder

3.9.4 The Chairperson shall decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order, without entering into any discussion or comment.

3.9.5 The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise, he or she must rule on it as soon as it is raised.

3.9.6 All other matters before Council are suspended until the Point of Order is decided.

3.9.7 A Point of Order cannot be taken for the sole purpose of:

- Expressing a mere difference of opinion; or
- Contradicting a speaker; or
- Disrupting the meeting.

### 3.10 Right to ask questions

3.10.1 A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair

### 3.11 Voting

3.11.1 To determine a motion that is put to a meeting, the Chairperson will first ask for those in favour of the motion, then those opposed to the motion, then those abstaining from the vote and will then declare the results to the meeting

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3.11.2 Unless the Council resolves otherwise, voting on any matter will be by the show of hands

3.11.3 Motion to be read again:

- a) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again
- b) The Chairperson, without being so requested, may direct the Chief Executive Officer (or other person authorized by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.

3.11.4 The Motion is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.

3.11.5 If a Councillor present at the meeting does not vote (abstains), it must be taken that they have voted against the question.

3.11.6 If the number of votes in favour of the question, motion or amendment is half the number of Councillors present at the meeting at the time the vote is taken, the Chairperson as a second / casting vote.

3.11.7 Any Councillor, before the next item of business is considered, may ask that his or her opposition or abstention regarding a motion adopted by the meeting be recorded in the minutes of the meeting.

3.11.8 A Councillor may call for a division immediately after any motion is put to a meeting and before the next item of business has commenced.

3.11.9 The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken, but cannot be requested after the next item of business has commenced.

### 3.12 Procedure for a division

3.12.1 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

3.12.2 When a division is called for, the Chairperson will;

- a) First ask each Councillor wishing to vote in the affirmative to raise their hand. The Chairperson must then state the names of those Councillors voting in the affirmative; and
- b) Then ask each Councillor wishing to vote in the negative to raise their hand. The Chairperson must then state the names of those Councillors voting in the negative; and
- c) Then ask any Councillor wishing to abstain from the vote to raise their hand. The Chairperson must then state the names of those Councillors abstaining from the vote.
- d) The Chief Executive Officer (or any person authorized by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes the vote of each Councillor.

3.12.3 No Councillor is prevented from changing his or her original vote when voting on the division.

3.12.4 Councillors must remain seated in silence while a vote is being taken.

3.12.5 The Chairperson may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.



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3.12.6 The Chairperson must declare the result of the vote or division as soon as it is taken.

### 3.13 Urgent Business

3.13.1 If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

- a) It related to or arises out of a matter which has arisen since distribution of the Agenda; and
- b) Deferring that item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c) The item involves a matter of urgency as determined by the Chief Executive Officer; and
- d) It cannot be addressed through an operational service request process

3.13.2 Provided the matter does not:

- a) Substantially affect the levels of Council service;
- b) Commit Council to significant expenditure not included in the adopted budget
- c) Establish or amend Council Policy; or
- d) Commit Council to any contractual arrangement.

### 3.14 Dissent from Chairperson ruling

3.14.1 The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the meeting move a motion of dissent.

3.14.2 A motion of dissent required no seconder, and the Chairperson must immediately stand down.

3.14.3 A Temporary Chairperson takes the chair for discussion on the motion of dissent following the process outlined in rule number 3.2.2, 3.2.3, 3.2.4 and 3.2.5, 3.7.20

3.14.4 The Chairperson is given the opportunity to explain their decision and the mover also puts forward their reason for dissent.

3.14.5 The meeting then votes on the motion; if the motion is upheld, the Chairperson must reverse their decision. If the motion is lost, the meeting continues as before.

### 3.15 Time Limits for Meetings

3.15.1 Unless Council resolved to the contrary a Council Meeting or Committee Meeting shall not continue beyond four (4) consecutive hours.

3.15.2 Any business not reached or dealt with the time the meeting closes shall be held over until the next Council or Committee Meeting.

3.15.3 Council may resolve to extend the meeting by one (1) forty-five (45) minutes interval only if deemed necessary.

3.15.4 Any business not dealt with that is adjourned until the next Council or Committee Meeting shall be recorded in the minutes of the meeting.

### 3.16 Minutes of a Meeting

3.16.1 The Chief Executive Officer or delegate is responsible for the keeping of Minutes on behalf of Council, those Minutes must record;

- a) The date, place, time, and nature of the Council Meeting
- b) The names of Councillors and whether they are present, an apology for leave of

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- c) The titles of the members of Council staff present who are not part of the gallery.
- d) The disclosures of a conflict of interest made by a Councillor in accordance with the Act.
- e) The arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals).
- f) Every Motion and Amendment moved (including procedural Motions),
- g) The outcome of every Motions moved.
- h) Where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
- i) When requested by a Councillor, a record of their support, opposition to, or abstention from voting on any Motion.
- j) Details of any failure to achieve or maintain a quorum;
- k) A summary of any questions asked (including the name and suburb of the person), and the response provided as part of public question time.
- l) Details of any petitions made to Council.
- m) Details of any speakers to an agenda item or deputation.
- n) The time and reason for any adjournment of the Meeting or suspension of standing orders.
- o) Any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- p) The time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

### 3.17 Confirmation of the Minutes of a Meeting

3.17.1 When confirming the minutes of a Meeting, the Chairperson must ask if any times in the minutes is opposed.

3.17.2 Opposition can only be expressed regarding items in the minutes on the basis that the record is incomplete or inaccurate.

3.17.3 The Chairperson must not allow discussion or motions on any other issues than the alleged omission from or inaccuracy of the minutes.

3.17.4 If no Councillor indicates opposition, a resolution of Council must confirm the minutes.

3.17.5 If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions, to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

### 3.18 Rescission Notification

3.18.1 A notice of motion to rescind or alter a previous resolution of Council.

- a) Must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give ninety-six (96) hours' notice to all Councillors.
- b) Is deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- c) Cannot be considered at a meeting unless the number of Councillors in attendance at the meeting is at least equal to the number of Councillors in attendance when the resolution of Council was adopted.

3.18.2 A Councillor may propose a motion to amend or rescind a decision of the Council provided.

- a) The decision has not been acted upon; and
- b) A notice is delivered to the Chief Executive Officer by the close of business on the day following the meeting at which the decision of Council was made stating;
  - i. The decision proposed to be amended or rescinded; and



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ii. The meeting and date when the decision was made.

- 3.18.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which;
- Has not been acted on; and
  - Is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with rule number 3.18.1.

### 3.19 Public Question Time

3.19.1 At each meeting there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid format, then the general public will follow the set procedures to submit a question or petition.

3.19.2 Question time will take place during the Council Meeting as provided for in the agenda

3.19.3 Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.

3.19.4 A person must not submit more than two (2) individual questions at a meeting inclusive of all parts and variants as interpreted by the Chairperson or other person authorized for this purpose by the Chairperson.

3.19.5 A question will only be read to the meeting if the Chairperson or other person authorized for this purpose by the Chairperson has determined that the:

- Person directing the question is present in the gallery or provided a link to join them meeting virtually;
- Question does not relate to a confidential matter;
- Question does not relate to a matter of which Council has no power to act.
- Question is not defamatory, indecent, abusive or objectionable in language or substance.
- Question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
- Question is not asked to embarrass a Councillor, member of Council staff or member of the public.

3.19.6 Persons submitting questions should either be available through the virtual meeting platform or be present in the public Gallery. If they are not present in the Gallery or through virtual attendance, the Chairperson shall decide if the question will be read in their absence or held over to the next meeting.

- If the Chairperson decides that the question will be held over, it shall be held over to the next meeting only.

3.19.7 The Chairperson shall decide and nominate who will read out each question and who will answer each question.

### 3.20 Petition & Joint Letters

3.20.1 Petitions and joint letters presented to Council must be in writing and contain the "prayer" or request of the petitioners or signatories.



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- 3.20.2 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to received the same) may be made on any petition, joint letter, memorial or other like application until the next fixed Council meeting after that at which it has been presented.
- 3.20.3 It is the incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards Council.
- 3.20.4 Petitions and joint letters should include the name and contact information of a Head Petitioner or representative of the petition or joint letter.
- 3.20.5 Petitions and joint letters must be signed by the persons whose names are appended to it and include their address.
- 3.20.6 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.
- 3.20.7 Electronic petitions or joint letters must comply with the rules as stated about and include the name and email address of each petition (these functions as the "signature" of a petitioner.)
- 3.20.8 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
- 3.21 Speaker to an item on the agenda**
- 3.21.1 Council has made provision in the conduct of its Meetings for speakers to address Council in relation to matters included on the agenda for consideration.
- 3.21.2 Persons wishing to address Council on a matter included in the agenda shall inform Council prior to 3.00pm on the day of the meeting by contacting Councilor's Customer Service or Governance Officers and registering their name and agenda item being spoken to.
- 3.21.3 At the meeting the Chair will invite the persons wishing to speak to an item to address the Council on the agenda item.
- 3.21.4 The person may elect to sit or stand to address Council and state their name and address before commencing. No debate on the item is permitted between the person addressing Council and the Council.
- 3.21.5 A maximum of three (3) minutes per person will be allocated. An extension of time may be granted at the discretion of the Chair.

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3.21.6 Councillors, through the Chair, may ask the person address Council for clarification of matters presented.

3.21.7 The Chair may direct that a member of the gallery ceases speaking if the above procedure is not followed.

### 3.22 Deputation

3.22.1 A deputation wishing to be heard by Council may make a request to the Chief Executive Officer who must refer the request to the Mayor.

3.22.2 The Mayor may direct the Chief Executive Officer as to the meeting at which the deputation will be heard or, alternatively, ask the Chief Executive Officer to place a request before Council.

3.22.3 If the Mayor asks for a deputation to be heard, the Chief Executive Officer must notify all Councillors of that direction, and also notify a member of the deputation of the date, time, and place at which the deputation will be heard.

3.22.4 A deputation may lodge with the Chief Executive Officer, a written submission detailing the subject matter of the deputation prior to the deputation addressing Council.

3.22.5 Council will not hear more than two (2) speakers on behalf of any deputation and may set time limits on the length and address of each speaker.

3.22.6 Councillors and members of Council staff may question the deputation on matters raised by it for purpose of clarification, but no discussion will be allowed.

3.22.7 No motion will be allowed on any deputation until the next Ordinary meeting after the deputation has been heard unless Council, by resolution, decides otherwise.

### 3.23 Livestreaming and recording proceedings

3.23.1 The Chief Executive Officer (or other person authorized by the Chief Executive Officer) may conduct a livestream of the proceedings of the Council Meeting.

3.23.2 The Chief Executive Officer (or other person authorized by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Delegated Committee Meeting using a suitable electronic recording device.

3.23.3 Media representatives may, with the consent of Council or the Delegated Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Delegated Committee Meeting. The consent of Council or the Delegated Committee must not be unreasonably withheld by may be revoked at any time during the course of the relevant meeting.

3.23.4 Members of the public must not operate recording equipment at any Council or Delegated Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the meeting be revoked by Council or the Delegated Committee as the case may be.



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### 3.24 Other General Conduct and Modes of Address

- 3.24.1 A Councillor or any other person who addresses a Meeting must do so in a courteous manner,
- 3.24.2 Any Councillor or person who addresses the meeting must direct all remarks through the Chairperson
- 3.24.3 A Councillor or any other person must not at a Meeting make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 3.24.4 If such a statement or comment is made, the Chairperson may require the Councillor to withdraw it, and the Councillor concerned must immediately and unreservedly do so.
- 3.24.5 If a Councillor continues to engage in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
- 3.24.6 Where Council suspends a Councillor or the Mayor directs a Councillor to leave the meeting, the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 3.24.7 Visitors at a meeting must not interject or take part in the debate.
- 3.24.8 The gallery must always preserve silence during a Meeting
- 3.24.9 In any visitor is called to order by the Chairperson for any improper or disorderly conduct on more than one occasion during the Meeting, the Chairperson may order him or her to leave the Meeting room or building.
- 3.24.10 The Chairperson may adjourn a disorderly Meeting.

### 3.25 Suspension of Standing Orders

- 3.25.1 Any provision of this Procedure except that relating to a quorum may by resolution be suspended for any part of a Meeting.
- 3.25.2 The suspension of Standing Orders will be used to enable full discussion of any issues without the constraints of formal meeting procedures.
- 3.25.3 An appropriate motion would be "That Standing Orders be suspended to enable discussion on \_\_\_\_\_".
- 3.25.4 No motion, except one that proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

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### 4 Election of Mayor and Deputy Mayor

#### 4.1 Overview

The role and function of the Mayor and Deputy Mayor are provided in the Local Government Act. For the purpose of process, the following will occur:

- 4.1.1 A Mayor is to be elected no later than one (1) month after the date of a general election at a Council meeting open to the public;
- 4.1.2 Before the election of the Mayor and Deputy Mayor, a Council must determine by resolution whether each of these roles is to be elected for a one (1) year or a two (2) year term respectively.
- 4.1.3 If the Mayor / Deputy Mayor is elected for a one (1) year term, the next election of the Mayor must be held on a day determined by the Council that is as close to the end of the one (1) year term as is reasonably practicable.
- 4.1.4 If the Mayor / Deputy Mayor is to be elected for a two (2) year term, the next election of the Mayor must be held on a day to be determined by the Council that his as close to the end of the two (2) year term as is reasonably practicable.
- 4.1.5 A Mayor is to be elected within one (1) month after any vacancy in the office of Mayor occurs.
- 4.1.6 The election of a Mayor after the period specified in this section does not invalidate the election.
- 4.1.7 A Councillor elected to fill a vacancy in the office of Mayor cause other than by the expiration on a one (1) year or two (2) year term serves the remaining period of the previous Mayor's term.

#### 4.2 Nominations

- 4.2.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 4.2.2 A Councillor may only nominate one Councillor as a candidate for the role of the Mayor.
- 4.2.3 A Councillor may nominate themselves as a candidate for the role of Mayor.
- 4.2.4 Except where a Councillor has nominated themselves, a nominated Councillor must advise the Chair whether they accept or decline the nomination as a candidate for the role of Mayor.
- 4.2.5 Nominations need not be seconded.
- 4.2.6 If Council resolves to have the office of Deputy Mayor, rules 4.3.3 to 4.3.11 will also apply to the nomination of candidates for the role of Deputy Mayor.

#### 4.3 Determining the Election of Mayor

- 4.3.1 The Chief Executive Officer will chair the election of the Mayor
- 4.3.2 The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.



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- 4.3.3 The Mayor must be elected by an absolute majority of the Councillors.
- 4.3.4 Where in an election for the Mayor one (1) candidate has been nominated, that candidate must be declared elected.
- 4.3.5 Where two (2) or more candidates have been nominated, a vote must be taken and the candidate who received the number of votes greater than half the Councillors of the Council must be declared elected.
- 4.3.6 Where three (3) or more candidates have been nominated and no candidate received a number of votes greater than half the Councillors of the Council:
- The candidate with the fewest number of votes must be eliminated.
  - The names of the remaining candidates must be put to the vote as outlined in rule 4.3.5
- 4.3.7 Where two (2) or more candidates have an equal number of the fewest number of votes, one (1) candidate is to be declared an eliminated candidate under rule 4.3.6 as required. The Chief Executive Officer or delegated will conduct a ballot to eliminate one (1) candidate with the lowest number of votes.
- 4.3.8 The ballot is to be conducted subject to the following provisions;
- Each candidate with the equal number of lowest votes will draw one (1) ballot
  - The order of drawing the ballot will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of the lowest votes.
  - As many identical ballots as there are Councillors who received an equal number of votes must be placed in the ballot box.
  - The word "defeated" shall be written on the number of ballots that is required to eliminate the number of candidates whereby there is only one (1) remaining candidate standing with the equal fewest number of votes.
  - The Councillor/s who draws a ballot with the word "defeated" written on it must be declared defeated.
- 4.3.9 A further vote must be taken on the remaining candidates in accordance with rule 4.3.5 and 4.3.6
- 4.3.10 If the further vote taken in accordance with rule 4.3.9 again results in more than one (1) candidate having an equal number of lowest votes, a second ballot may be conducted to eliminate another candidate.
- 4.3.11 If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

Refer to Schedule 4 – Election Scenarios.

### 4.4 Deputy Mayor

- 4.4.1 If Council resolves to have the office of Deputy Mayor, the provisions as outline in rules 4.2 – 4.3 will apply.
- 4.4.2 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 4.4.3 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.



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### 4.5 Method of Voting

- 4.5.1 The election of the Mayor must be carried out by a show of hands or an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

## Governance Rules

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### 5 Council Committees

#### 5.1 Delegated Committees

- 5.1.1 Council may establish Delegated Committees as part of its Governance Framework. Delegated Committees will comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific s, duties and functions to Committees, their meetings procedures need to be formal.
- 5.1.2 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee Meetings with any necessary modifications, therefore in such circumstances:
- a) A Council meeting is to be read as a reference to a Delegated Committee Meeting;
  - b) A Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - c) A reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- 5.1.3 If Council established a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

#### 5.2 Community Asset Committees

- 5.2.1 The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the Committee and delegate to its powers, duties of functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegations.
- 5.2.2 The Governance Rules may apply to any Community Asset Committee established by Council.
- 5.2.3 Council may determine, in establishing a Community Asset Committee which parts of the Governance Rules apply but as a minimum must include rules 3.2.1, 3.3.1, 3.5, 3.6 and 3.16
- 5.2.4 A Community Asset Committee must report the minutes of all Committee meetings to the next practicable Council Meeting.
- 5.2.5 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.
- 5.2.6 A Community Asset Committee must adhere to any policy, guideline or protocol introduced by Council, which relates to the operational or governance requirements of the Committee.
- 5.2.7 A Community Asset Committee must provide Council with an Annual Report each year, in a format determined by the Chief Executive Officer.

#### 5.3 Audit and Risk Committee

- 5.3.1 The Act provides for Council to establish an Audit and Risk committee to provide oversight.
- 5.3.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Committee Charter.
- 5.3.3 Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply

## Governance Rules

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5.3.4 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.

5.3.5 An Audit and Risk Committee must act in accordance with its Charter adopted by Council.

### 5.4 Advisory Committees

5.4.1 The Establishment of non-legislated Advisory Committees is often essential to ensure that the input from subject matter experts, community groups and other stakeholders is considered when Council is developing major strategies, plans, and/or policy that impact the greater Ararat Rural City community.

5.4.2 Advisory Committees cannot make decisions on behalf of Council

5.4.3 Advisory Committees will be established with their own individual Terms of Reference to guide the operations and functionality of those committees are in place to meet Council's expectations.

5.4.4 The Terms of Reference will outline how the Advisory committee is to be structured, what its functions are, how it will operate and report/make recommendations to Council.



## Governance Rules

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### 6 Conflict of Interest

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interest in common with a substantial proportion of ratepayers along with other specific circumstances.

The disclosure of Conflicts of interest apply to Council meetings and meetings conducted under the auspices of Council that are not Council meeting. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Governance Rules provided the following procedures for disclosures of conflicts of interest.

#### 6.1 Obligations with regard to conflict of interest

6.1.1 Councillors, members of Delegated Committees and Council staff are required to:

- a) Avoid – all situations which may give rise to conflicts of interest.
- b) Identify – any conflicts of interest; and
- c) Disclose – or declare all conflicts of interest

#### 6.2 Councillors and members of delegated committees

6.2.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

6.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter

6.2.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

6.2.4 Council will maintain a Conflict of Interest Register which will be made available on Councils website.

#### 6.3 Procedures at a Council or Delegated Committee Meeting

6.3.1 At the time indicated in the Agneda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- a) The item for which they have a conflict of interest; and
- b) Whether their conflict of interest in general or material; and
- c) The circumstances that give rise to the conflict of interest.

6.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

6.3.3 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

#### 6.4 Procedure at other meetings organized, hosted or supported by Council

6.4.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

## Governance Rules

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- 6.4.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 6.4.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 6.4.4 At the time of discussion of that item, the Councillor will leave the discussion and not communicate with any member of the meeting for the duration of the discussion.
- 6.4.5 The existence of a conflict of interest will be recorded in the register of Conflicts of Interest.
- 6.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provide to the governance team for recording in the register of Conflicts of interest.
- 6.4.7 Th meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 6.4.8 Meeting records and reports will be presented to Council for noting and inclusion of the public record.
- 6.5 Council Staff**
- 6.5.1 Must Act in accordance with the Staff Code of Conduct.
- 6.5.2 Must not exercise a delegation or make a decision on any matter where they have conflict of interest.
- 6.5.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and discloser provisions at section 6.6 of and the Staff Code of Conduct.
- 6.6 Procedure for Disclosures of Conflicts of Interest by Council Staff**
- 6.6.1 Council staff must disclose the existence of all conflicts on interest in writing and in the form determined by the Chief Executive Officer.
- 6.6.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- 6.6.3 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
- The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - The Staff member's Leader determines that the conflict of Interest has not influenced the advice provided; and
  - The existence of the conflict is documented in all advice provided by that staff member, and in the case of verbal advice, it is documented by the decision maker.



## Governance Rules

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### 7 Use of Council Seal

Under section 14(1)(b) of the Local Government Act 2020, Council is required to have a common seal which acts like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. However, not all documents created to implement decisions of Council require the affixing of a seal.

These rules outline the situation in which a seal is required and how the seal is to be used.

#### 7.1 Custodian of Common Seal

7.1.1 The Chief Executive Officer is responsible for keeping the Common Seal in safe custody.

#### 7.2 Requesting the signing and sealing of a document

7.2.1 Prior to submitting a document to the Chief Executive's Office for signing and sealing, a Document for Sealing Request form must be completed and approved by the relevant department Manager / Leader.

7.2.2 A copy of the Council resolution approving the use of the Council seal must be attached to the form. The form and the Council resolution must accompany the document being submitted to the Officer of the CEO for signing and sealing.

7.2.3 If the form has not been signed by the relevant Manager / Leader or the Council resolution is not attached, the documents must not be accepted for signing and sealing.

7.2.4 A contract or agreement must only be submitted for signing and sealing, once the document has been fully executed by the party / parties (unless the other party to the contract or agreement is either the State Government of Victoria, the Federal Government or another Local Government entity.)

#### 7.3 Affixing the Common Seal

7.3.1 The seal of a Council must not be affixed to any document without the Council's approval granted either generally or specifically by resolution that the seal be so affixed.

Example

*That Council affix the Common Seal to the [description of document]*

Or

*The [document], shall come into force immediately upon the common seal of the Council is affixed to the [document]*

7.3.2 The affixing of the Seal to a document must be witnessed by signatures of a Councillor and the Chief Executive, except in the instance where the Seal is to be appended to the contract of employment for the Chief Executive. In this instance, a second Councillor will sign alongside the Mayor.



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7.3.3 Council's preferred sealing clause is as follows:

The COMMON SEAL of the )  
ARARAT RURAL CITY COUNCIL )  
Was affixed by authority of the )  
Council in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

.....  
Date

7.3.4 The Seal may be affixed to any of the following documents

- a) A contract of employment for the Chief Executive
- b) Council to staff delegations
- c) Agreements or contracts from state or federal government departments.
- d) Planning agreements (s. 173 & 174 of Planning & Environment Act 1987).
- e) Contract for sale or purchase of land.
- f) Contracts and tenders that have been endorsed by Council.
- g) Funding body/agreement.
- h) Any document that changes Council's legal position (e.g. significant contract variations).
- i) Significant financial agreement (e.g. borrowings, changes to overdraft facilities).
- j) Any other legal document Council is requested to affix the Seal to from time to time or where required by legislation or other legislative authorities.

### 7.4 Sealing Register

7.4.1 The Chief Executive Officer will ensure that a register of all users of the Common Seal is kept by Council. The register will contain a description of the document, the date the Seal was affixed and the date Council resolved to affix the Seal.

## Governance Rules

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### 8 Election Period Policy

#### 8.1 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.

#### 8.2 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.

##### 8.2.1 Election Period

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

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

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

##### 8.2.2 Decision Making

8.2.2.1 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.

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

8.2.2.3 Council will not hold a scheduled Council Meetings during the election caretaker period.

8.2.2.4 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.

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### 8.2.3 Prohibited Decisions

8.2.3.1 Council is prohibited from making any Council decision:

- a) During the election period for a general election that:
  - i. 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
  - ii. 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
  - iii. the Council considers could be reasonably deferred until the next Council is in place; or
  - iv. the Council considers should not be made during an election period; or
- b. 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.

8.2.4 What is a Council Decision?

8.2.4.1 A Council decision means the following

- a) A resolution made at a Council meeting
- b) Resolution made at a meeting of a delegated committee; or
- c) 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.

8.2.5 Misuse of Position

8.2.5.1 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.

8.2.5.2 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.

### 8.3 Public Consultation

8.3.1 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.

8.3.2 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*.

8.3.3 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.

8.3.4 Consultations will avoid any express or implied links to the election.

8.3.5 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.



## Governance Rules

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### 8.4 Council Resources

- 8.4.1 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.
- 8.4.2 Council will ensure that due propriety is observed in the use of all Council resources, and 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.
- 8.4.3 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.
- 8.4.4 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.
- 8.4.5 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.
- 8.4.6 The Chief Executive Officer or any employee should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 8.4.7 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.
- 8.4.8 No election material or active campaigning is to be conducted at any Council sponsored events or be displayed in any Council building.
- 8.4.9 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.
- 8.4.10 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:
- 8.4.10.1 Council employees will not undertake an activity that may affect voting in the election;
- 8.4.10.2 Council employees will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and
- 8.4.10.3 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.
- 8.4.11 Prior to the election period the Chief Executive Officer will ensure that all Council employees are advised regarding the application of the caretaker procedures.

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## Governance Rules

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8.4.12 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.

8.4.13 In applying these principles, the Council understands that the following will be normal practice during election periods:

8.4.13.1 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;

8.4.13.2 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;

8.4.13.3 Media services, including media releases, will not be provided for Councillors during the election period;

8.4.13.4 Media releases will not mention or quote any Councillor(s) during the caretaker period;

8.4.13.5 Councillor Newsletters will not be printed by Council during the election period; and

8.4.13.6 Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.

8.4.14 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.

8.4.15 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.

8.4.16 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.

### 8.5 Information

8.5.1 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.



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- 8.5.2 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.
- 8.5.3 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.
- 8.5.4 Responses to candidates' requests will be provided by the Chief Executive Officer. Only information that can be reasonably accessed will be released.
- 8.5.5 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.
- 8.5.6 Any Freedom of Information (Fol) 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 Fol Act specifies a 30-day period in providing a response to a Fol application).
- 8.6 Communication**
- 8.6.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 8.6.2 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 role.
- 8.6.3 Any requests for media advice or assistance from Councillors during the election period will be channeled through the Chief Executive Officer.
- 8.6.4 In response to media inquiries the Chief Executive Officer will only provide information that relates to current services and operations.
- 8.6.5 In the election period no media releases will be issued quoting or featuring the Mayor or Councillor(s).
- 8.6.6 During the election caretaker period, Council initiated communications shall be restricted to the communication of normal Council activities.
- 8.6.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 8.6.8 No publicity will be provided that involves specific Councillors.
- 8.6.9 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.
- 8.6.10 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.



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8.6.11 Publicity of Council events (if any during the election period) will be restricted to the communication of normal Council activities.

8.6.12 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.

### 8.7 Council Publication

8.7.1 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.

8.7.2 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.

8.7.3 The Chief Executive Officer must not authorise a publication that contains electoral matter.

8.7.4 Electoral matter is any matter that is intended or likely to affect voting in an election.

8.7.5 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"*

8.7.6 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
- 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.**

8.7.7 This Policy also applies to the publication of material specified in this Policy published on Council's website.

8.7.8 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.

8.7.9 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.

8.7.10 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.

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8.7.11 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.

8.7.12 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.

8.7.13 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.

8.7.14 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.

8.7.15 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" 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.
- Keep Twitter updates to a minimum – normal day-to-day business only.

### 8.8 Assistance to Candidates

8.8.1 The Council affirms that all candidates for the Council election will be treated equally.

8.8.2 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.

8.8.3 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.

### 8.9 Caretaker Statement – Special Council Meeting Reports

8.9.1 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.



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8.9.2 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

### 8.10 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.

### 8.11 Administration 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.

### 8.12 Terms / Definitions

Term	Definition
Act	Local Government Act 2020
Foi	Freedom of Information

### 8.13 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.

Section 76D	Misuse of Position
<i>Provision to be repealed on 24 October 2020</i>	<ol style="list-style-type: none"> <li>1. A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position:                             <ol style="list-style-type: none"> <li>a. to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</li> <li>b. to cause, or attempt to cause, detriment to the Council or another person.</li> </ol> </li> </ol> <p>Penalty: 600 penalty units or imprisonment for 5 years or both</p> <ol style="list-style-type: none"> <li>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:                             <ol style="list-style-type: none"> <li>a. making improper use of information acquired as a result of the position he or she held or holds; or</li> <li>b. disclosing information that is confidential information within the meaning of section 77(2); or</li> </ol> </li> </ol>



## Governance Rules

	<ul style="list-style-type: none"> <li>c. directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or</li> <li>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</li> <li>e. using public funds or resources in a manner that is improper or unauthorised; or</li> <li>f. failing to disclose a conflict of interest as required under this Division.</li> </ul> <p>3. This section:</p> <ul style="list-style-type: none"> <li>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</li> <li>b. does not prevent the institution of any criminal or civil proceedings in respect of that liability.</li> </ul>
<p><b>Section 95</b> <i>Provision to be repealed 1 July 2021</i></p>	<p><b>Conduct Principles</b> Council staff must in the course of their employment:</p> <ul style="list-style-type: none"> <li>a. act impartially.</li> <li>b. act with integrity including avoiding real or apparent conflicts of interest.</li> <li>c. accept accountability for results; and</li> <li>d. provide responsive service.</li> </ul>
<p><b>Section 223</b></p>	<p><b>Right to make Submission</b> Section 223 is not being repealed and has limited ongoing application.</p>

## Governance Rules

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### Schedule 1: Content, Format and Order of Items

The content, format and order of items on:

#### Council Meeting agendas will include:

1. Opening of Meeting and Prayer
2. Acknowledgement of Country
3. Present
4. Apologies
5. Confirmation of Minutes
6. Disclosure of Conflict of Interest
7. Public Question Time
8. Petitions
9. Deputations
10. Officers Reports
11. Notices of Motion
12. Urgent Business
13. Confidential Reports
14. Meeting Closure

#### Unscheduled Meeting agendas will include:

1. Opening
2. Prayer
3. Acknowledge of Country
4. Present
5. Apologies
6. Declaration of Conflict of Interest
7. Council Report (as advertised)
8. Closure

#### Delegated Committee Meeting agenda

Will include matter that are in accordance with and directly relevant to the Committees Instrument of Delegation.



Ararat Rural City

# Governance Rules

## Schedule 2: Procedural Motions

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour/or date	That this matter be adjourned to *am / pm	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) When another Councillor is speaking</li> </ul>	Motion and amendment if it postponed to the started time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) When another Councillor is speaking</li> <li>c) When the matter is one in respect of which a call of the Council has been made for that section 85 of the Act; or</li> <li>d) When motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda.	Debate continues unaffected	Yes
3. The Closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a) During nominations for Chairperson</li> </ul>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councilor exercising his or her right to ask any question concerning or airing out of the motion	Debate continues unaffected	No





Ararat Rural City

## Governance Rules

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or</li> <li>c) When the motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>	<p>Motion and amendment is not further discussed or voted on until</p> <ul style="list-style-type: none"> <li>a) Council resolves to take the question from the table at the same meeting; or</li> <li>b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table</li> </ul>	Debate continues unaffected	No
5. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<ul style="list-style-type: none"> <li>a) During the election of a Chairperson</li> <li>b) When another Councillor is speaking</li> <li>c) When the matter is one in respect of which a call of the Council has been made for the meeting in accordance with section 85 of the Act</li> <li>d) When an amendment is before Council; or</li> <li>e) When a motion would have the effect of causing Council to be in breach of a legislative requirement</li> </ul>	<ul style="list-style-type: none"> <li>a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting; and</li> <li>b) Proceed to next business</li> </ul>	Motion (as amended up to that time) put immediately without further amendment or debate	Yes



Ararat Rural City

## Governance Rules

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This motion: a) may not be amended; b) may not be debated; and c) must be put to the vote as soon as seconded	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	a) During the election of a Chairperson; b) When another Councillor is speaking c) When the matter is one in respect of which a call of the Council has been made in accordance with section 88 of the Act; or d) When a motion would have the effect of causing Council to be in breach of a legislative requirement	If carried in respect of: a) An amendment Council considers the motion without reference to the amendment; b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continue unaffected	No



## Governance Rules

### Schedule 3 – Appendix to Mayor and Deputy Mayor Election Procedure

<p>If 1 Nomination received</p> <p>Cr # nominates Cr # Cr # do you accept the nomination With an absolute majority and no other candidates, I declare Cr # as elected Mayor for the XXXXX year.</p>	<p>If 2 Nominations received</p> <p>Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Councilors, I will put each nomination to the vote Cr 1; Cr 2; With an absolute majority, I declare Cr # as elected Mayor for the XXXXX year.</p>	<p>If 3 Nominations received</p> <p>Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Councilors, I will put each nomination to the vote Cr 1; Cr 2; Cr 3; With an absolute majority, I declare Cr # as elected Mayor for the XXXXX year.</p> <p>If no Clear Majority exists</p> <ul style="list-style-type: none"> <li>The Councilor with the fewest number of Votes will be eliminated for the next Vote</li> <li>Or</li> <li>We have a 2 candidates each with 2 votes, a defeated candidate will be decided via a ballot conducted by the CEO</li> </ul> <p>Now only 2 candidates: Cr 1 &amp; Cr 2 Councilors, I will put each nomination to the vote Cr 1; Cr 2; With an absolute majority, I declare Cr # as elected Mayor for the XXXXX year.</p> <p>In no Clear Majority exists We have 2 candidates with 3 votes. Councilors as an absolute majority cannot be obtained, I will seek the meeting to resolve to conduct a new election at a meeting to be held at 6pm with the date resolved at the Statutory meeting.</p>	<p>If 4 Nominations received:</p> <p>Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Cr # nominates Cr # Cr # do you accept the nomination Councilors, I will put each nomination to the vote Cr 1; Cr 2; Cr 3; Cr 4; With an absolute majority, I declare Cr # as elected Mayor for the XXXXX year.</p> <p>If no Clear Majority exist</p> <ul style="list-style-type: none"> <li>The Councilor with the fewest number of Votes will be eliminated from the next Vote.</li> <li>We have 2 candidates each with 1 votes, a defeated candidate will be decided via a lot conducted by the CEO</li> <li>Then back to 3 nominations.</li> </ul> <p>With an absolute majority, I declare Cr # as elected Mayor for the XXXXX year.</p> <p>In no Clear Majority exists We have 2 candidates with 3 votes. Councilors as an absolute majority cannot be obtained, I will seek the meeting to resolve to conduct a new election at a meeting to be held at 6pm with the date resolved at the Statutory meeting.</p>
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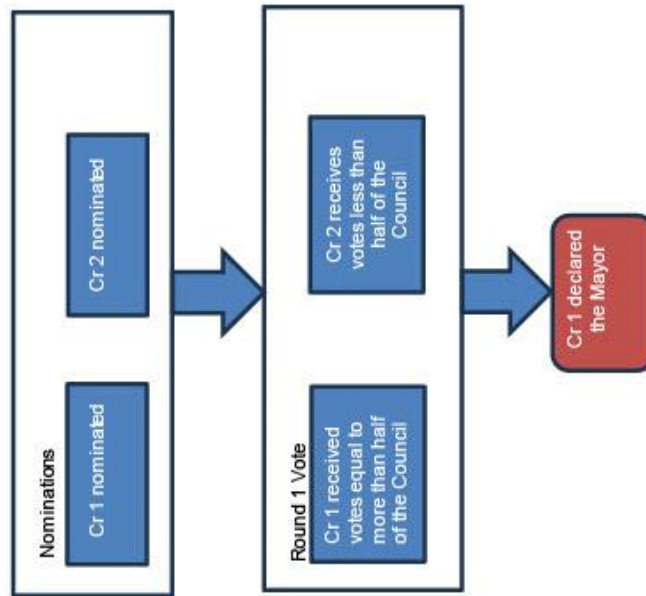
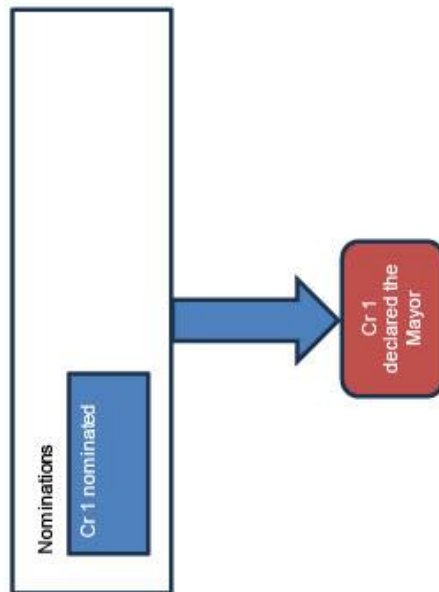




# Governance Rules

Scenario 1 – Single Candidate

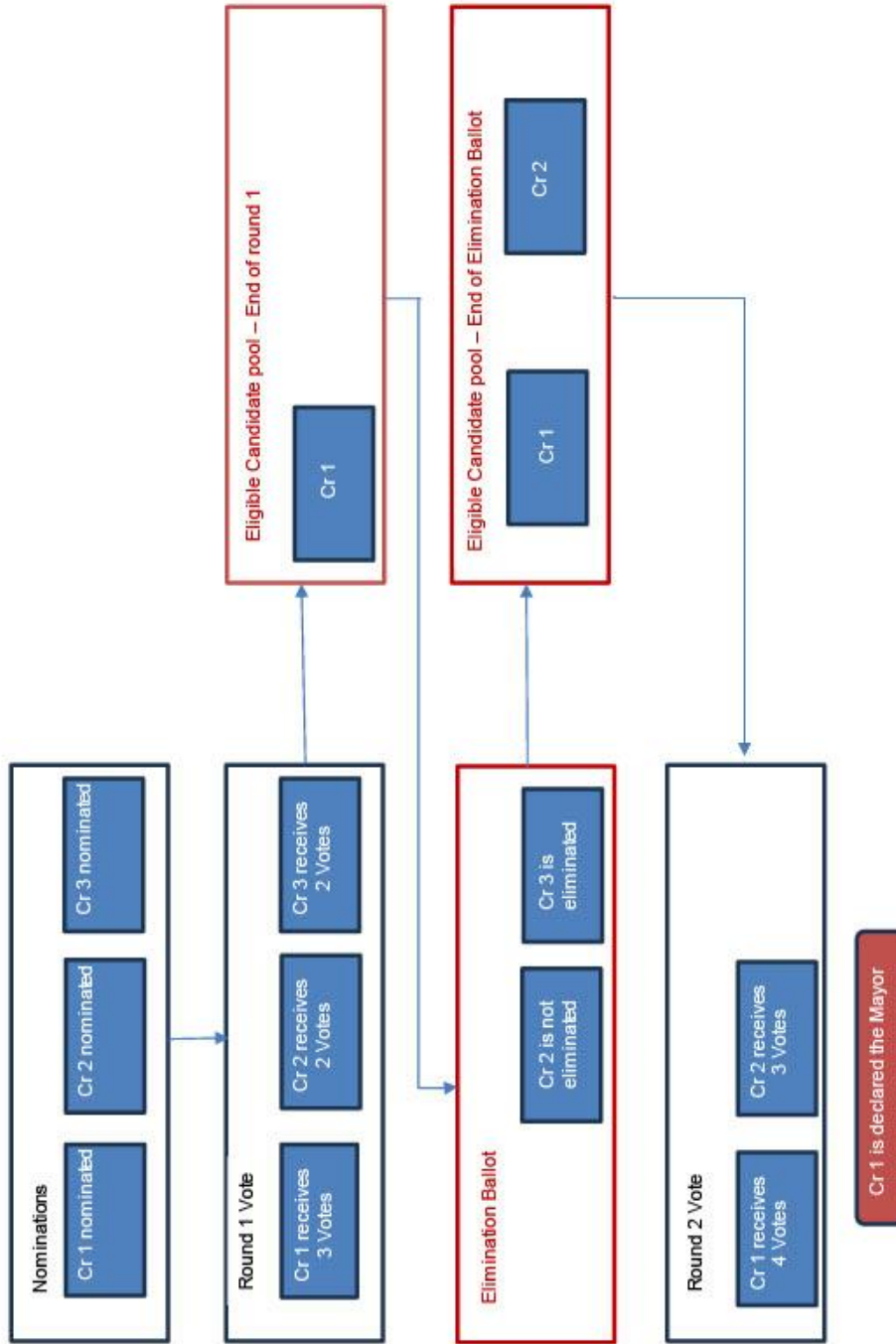
Scenario 2 – Two Candidates





## Governance Rules

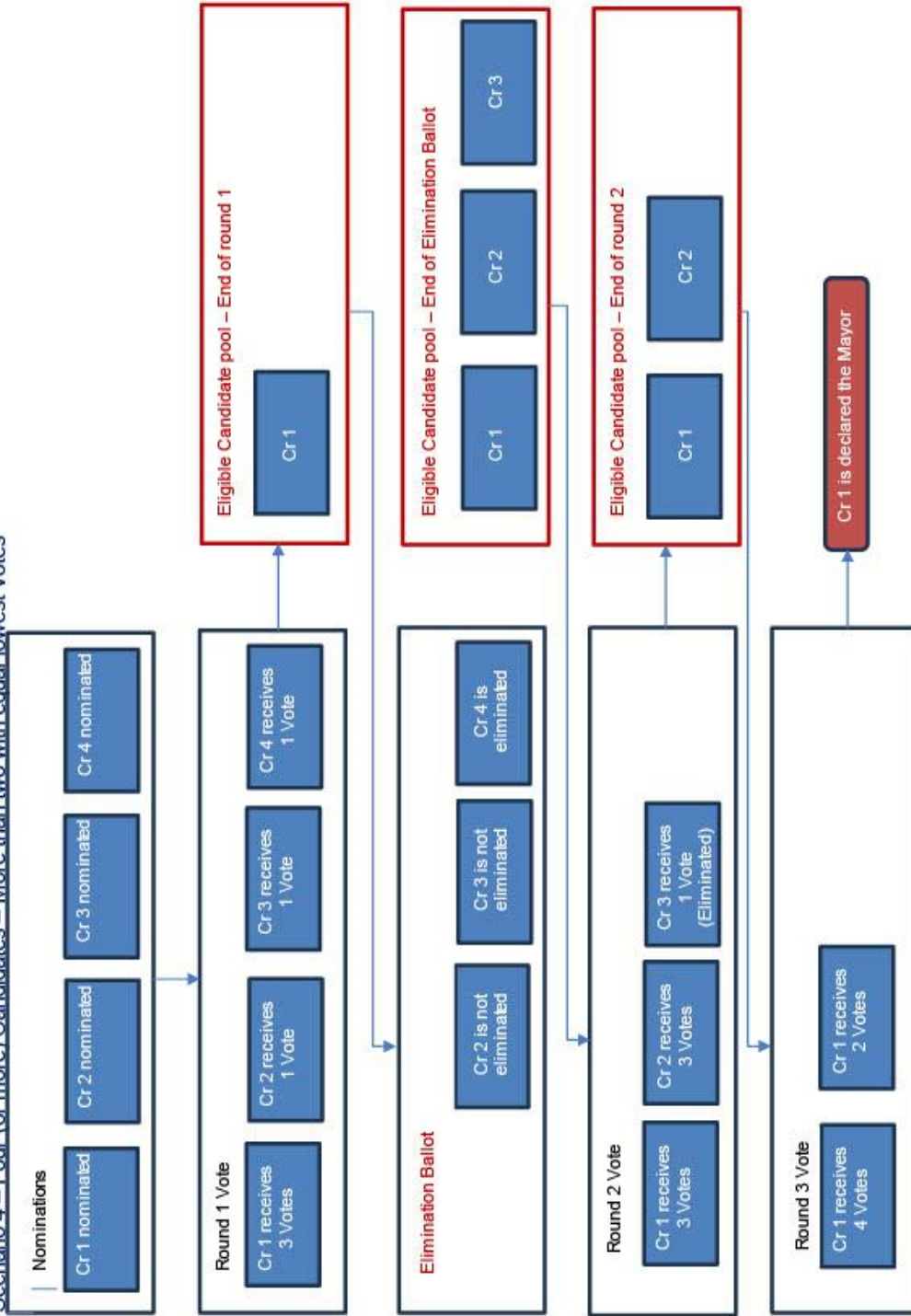
Scenario 3 – Three (or more) Candidates – Two with equal lowest Votes





## Governance Rules

Scenario 4 – Four (or more) Candidates – More than two with equal lowest votes





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

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19602

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

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

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

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#### **EXECUTIVE SUMMARY**

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

#### **DISCUSSION**

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

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

The instrument of Delegation has recently been updated to reflect the following changes:

- Inserted section 12(2)(b) of the *Road Management Act 2004* to provide for Council to provide consent to the Head, Transport for Victoria to discontinue a road or part of a road.
- Removed the limitation for the powers in section 19FA(1) and 19FA(3)(a)-(c) of the *Food Act 1984* being delegated "only in relation to temporary food premises or mobile food premises"; and
- Amended a typographical error in s12(1) of the *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2024*.

#### **KEY CONSIDERATIONS**

*Alignment to Council Plan Strategic Objectives*

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

##### 6. Strong and effective Governance

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

#### ***Budget implications***

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

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

The Council is required to keep a register of delegations, and it must be made available for public inspection. This report is presented to reflect the changes in legislation and staff. The Council can amend or revoke any delegated power at any time. Council must review all delegations within a period of 12 months after a general election.

### **Sustainability Implications**

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

### **Risk Assessment**

The amendment of the Instrument of delegation from Council to Members of Council Staff ensures ongoing legislative compliance for Ararat Rural City Council. It is essential that the Instrument of Delegation 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 from Council to Members of Council staff that have been updated using Maddocks Lawyers Delegation Service and RelianSys software.

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

Chief Executive Officer and relevant officers have reviewed this document.

### **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*
- 2. 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.*

**MOVED CR WATERSTON  
SECONDED CR JOYCE**

**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**
- 2. 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.**

**Cr Waterston and Cr Joyce spoke for the motion**

**CARRIED 6/0  
5095/25**

**ATTACHMENTS**

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.4





ARARAT RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF  
STAFF

25 February 2025

#### 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 25 February 2025 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  
25 February 2025

Mayor \_\_\_\_\_

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

Date:



### Delegation Sources

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- 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
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

**S6 Instrument of Delegation - Members of Staff**

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 7	Power to enter into a written agreement with a caravan park owner	MDR	
r 10	Function of receiving application for registration	MDR	
r 11	Function of receiving application for renewal of registration	MDR	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MDR	
r 12(1)	Power to refuse to grant the registration if not satisfied that the caravan park complies with these regulations	MDR	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MDR	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MDR	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MDR	
r 12(4) & (5)	Duty to issue certificate of registration	MDR	
r 14(1)	Function of receiving notice of transfer of ownership.	MDR	
r 14(3)	Power to determine where notice of transfer is displayed	MDR	
r 15(1)	Duty to transfer registration to new caravan park owner	MDR	
r 15(2)	Duty to issue a certificate of transfer of registration	MDR	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MDR	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MDR	
r 17	Duty to keep register of caravan parks	MDR	
r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MDR	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 21(2)	Duty to consult with relevant emergency services agencies	MDR	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	MDR	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	MDR	
r 24(2)	Power to consult with relevant floodplain management authority	MDR	
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	MDR	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MDR	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MDR	
r 39(3)	Function of receiving installation certificate	MDR	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	MDR	
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	MDR	

<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	N/A	Where Council is a Class B cemetery trust



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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	N/A	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust
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

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	N/A	
s 20(1)	Duty to set aside areas for the interment of human remains	N/A	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A	
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	



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A	
s 60(2)	Power to charge fees for providing information	N/A	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A	
s 64B(d)	Power to permit interments at a reopened cemetery	N/A	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	N/A	
s 70(2)	Duty to make plans of existing place of interment available to the public	N/A	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A	
s 71(2)	Power to dispose of any memorial or other structure removed	N/A	
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.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location		veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	N/A	
s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A	
s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	N/A	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	N/A	



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	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	
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	N/A	

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	memorial or place of interment if notice under s 106(1) is not complied with		
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	N/A	
s 108	Power to recover costs and expenses	N/A	
s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	N/A	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable 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	

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



Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii)	CEO, EHOs	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	inform the public by notice in a published newspaper, on the Internet site or otherwise		
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 Only in relation to temporary food premises or mobile food premises
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 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	MDR	Where Council is the registration authority Subject to s 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	MDR	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))

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(3)(b)	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 s 19FA(1)	MDR	Where Council is the registration authority
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	MDR	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 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



Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	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
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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	CEO, EHOs	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, EHOs	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, EHOs	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, EHOs	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, EHOs	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, PDO3, EHOs	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, EHOs	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, EHOs	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, EHOs	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CEO, EHOs	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, PDO3, EHOs	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any 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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, EHOs	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, EHOs	
s 40F	Power to cancel registration of food premises	CEO, EHOs	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEO, PDO3, EHOs	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	CEO, EHOs	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, EHOs	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	CEO, EHOs	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, EHOs	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, MDR	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation



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

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12B(1)	Duty to review planning scheme	CEO, MDR	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, MDR	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO, MDR	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, MDR	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, MDR, PDOs	
s 17(2)	Duty of giving copy s 173 agreement	CEO, MDR, PDOs	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, MDR	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, MDR, POs, PDOs	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, MDR	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, MDR, POs	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, MDR, POs	Where Council is a planning authority

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



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, PDO1, MDR	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, PDO1, MDR	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, MDR	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, MDR, POs	
s 32(2)	Duty to give more notice if required	CEO, MDR, POs	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, MDR, POs	
s 36(2)	Duty to give notice of approval of amendment	CEO, MDR, POs	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, MDR, POs	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, MDR, POs	
s 40(1)	Function of lodging copy of approved amendment	CEO, MDR, POs	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, MDR, POs, PDOs	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set	CEO, MDR, POs, PDOs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	out in s 197B of the Act after the inspection period ends		
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, MDR, POs	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	CEO, MDR, POs	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, MDR, POs	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, MDR, POs	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, MDR, POs	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, MDR, POs	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
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	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, FSC, CSAM, MDR, POs	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, FSC, CSAM, MDR, POs	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, FSC, CSAM, MDR, POs	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, FSC, CSAM, MDR, POs	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, FSC, CSAM, MDR, POs	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, FSC, CSAM,	Where Council is the development agency



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MDR, POs	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, FSC, CSAM, MDR, POs	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, MDR, POs	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency
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,	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
		MDR, POs	This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, FSC, CSAM, MDR, POs	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, FSC, CSAM, 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	CEO, FSC, CSAM,	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
	amount to which the person is entitled under s 46GW	MDR, POs	
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, MDR, POs	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, MDR, POs	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, FSC, CSAM, MDR, POs	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, MDR, POs	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, FSC, CSAM, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, MDR, POs	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, FSC, CSAM, MDR, POs	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
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 year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, FSC, CSAM, MDR, POs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, MDR	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, MDR	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, MDR	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, MDR, POs	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	N/A	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	N/A	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	N/A	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	N/A	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, MDR	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, MDR	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, MDR, POs, PDOs	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	CEO, MDR, POs, PDOs	
s 50(5)	Power to refuse to amend application	CEO, MDR	
s 50(6)	Duty to make note of amendment to application in register	CEO, MDR, POs	
s 50A(1)	Power to make amendment to application	CEO, MDR	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, MDR, POs	
s 50A(4)	Duty to note amendment to application in register	CEO, MDR, POs, PDOs	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless 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	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, MDR, POs	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, MDR, POs	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, MDR, POs	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, MDR, POs	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, MDR, POs	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, MDR, POs	
s 54(1)	Power to require the applicant to provide more information	CEO, MDR, POs	
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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, MDR, POs	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, MDR, POs, PDOs	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, MDR, POs	
s 57A(5)	Power to refuse to amend application	CEO, MDR	
s 57A(6)	Duty to note amendments to application in register	CEO, MDR, POs	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, MDR, POs	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, MDR, POs	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, MDR, POs	
s 58	Duty to consider every application for a permit	CEO, MDR, POs	
s 58A	Power to request advice from the Planning Application Committee	N/A	
s 60	Duty to consider certain matters	CEO, MDR, POs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1A)	Duty to consider certain matters	CEO, MDR, POs	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, MDR, POs	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, MDR, POs	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, MDR, POs	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, MDR	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	N/A	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, MDR, POs	
s 62(2)	Power to include other conditions	CEO, MDR, POs	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, MDR, POs	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, MDR, POs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, MDR, POs	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, MDR, POs	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, MDR, POs	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, MDR, POs	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, MDR, POs	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, MDR, POs	This provision applies also to a decision to grant an amendment to a permit - see s 75
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,	



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	
s 71(1)	Power to correct certain mistakes	CEO, MDR, POs	
s 71(2)	Duty to note corrections in register	CEO, MDR, POs, PDOs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 73	Power to decide to grant amendment subject to conditions	CEO, MDR, POs	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, MDR, POs	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, MDR, POs, PDOs	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, MDR, POs, PDOs	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, MDR, POs	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, MDR, POs	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, MDR, POs	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, MDR, POs	
s 83	Function of being respondent to an appeal	CEO, MDR, POs	

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		POs, PDOs	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, MDR, POs	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, MDR, POs	
s 95(3)	Function of referring certain applications to the Minister	CEO, MDR, POs	
s 95(4)	Duty to comply with an order or direction	CEO, MDR, POs	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, MDR, POs	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, MDR	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, MDR	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, MDR	
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	



Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96J	Duty to issue permit as directed by the Minister	CEO, MDR, POs	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, MDR, POs	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, MDR	
s 97C	Power to request Minister to decide the application	CEO, MDR	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, MDR	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, MDR, POs	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CEO, MDR, POs, PDOs	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, MDR, POs, PDOs	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	N/A	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	N/A	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, MDR, POs	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, MDR, POs	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, MDR, POs	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, MDR, POs	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, MDR, POs, PDOs	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, MDR	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, MDR	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, MDR	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, MDR	
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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, MDR	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	NOT	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 129	Function of recovering penalties	CEO, MDR	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, MDR, POs	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, MDR, POs	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, MDR, POs	
s 149B	Power to apply to the Tribunal for a declaration.	NOT	
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, FSC, CSAM, MDR	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, FSC, CSAM, MDR	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, MDR	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, MDR	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, MDR, POs	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, MDR, POs	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, MDR	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, MDR	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, MDR, POs	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, MDR	



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
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	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	
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	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, MDR	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, MDR	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, MDR	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, MDR	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, MDR	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, MDR	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, MDR	
s 198(1)	Function to receive application for planning certificate	CEO, MDR, POs, PDOs	
s 199(1)	Duty to give planning certificate to applicant	CEO, MDR, POs, PDOs	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, MDR, POs	
s 201(3)	Duty to make declaration	CEO, MDR	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, MDR, POs	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, MDR, POs	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, MDR, POs	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, MDR, POs	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, MDR	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, MDR	

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	



Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 526A(3)	Function of receiving report of inspection	CEO, EHOs	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, EHOs	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, CSAM	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, CSAM	
s 11(9)(b)	Duty to advise Registrar	CEO, CSAM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, CSAM	Subject to s 11(10A)
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	CEO, CSAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	authority to the other road authority, utility or provider of public transport		
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, CSAM	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, CSAM	
s 16(7)	Power to enter into an arrangement under s 15	CEO, CSAM	
s 16(8)	Duty to enter details of determination in public roads register	CEO, CSAM	
s 17(2)	Duty to register public road in public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, CSAM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, CSAM	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, CSAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, CSAM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, CSAM, TOAs	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, CSAM, TOAs	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, CSAM, TOAs	
s 21	Function of replying to request for information or advice	CEO, CSAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, CSAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, CSAM	
s 22(5)	Duty to give effect to a direction under s 22	CEO, CSAM	
s 40(1)	Duty to inspect, maintain and repair a public road.	CE2, CEO, CE1, CSAM, CE3, TOAs	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CE2, CEO, CE1, CSAM, CE3	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CE2, CEO, CE1, CSAM, CE3, TOAs	
s 42(1)	Power to declare a public road as a controlled access road	CEO, CSAM	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, CSAM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, CSAM	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, CSAM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, CSAM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, CSAM	
s 49	Power to develop and publish a road management plan	CEO, CSAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, CSAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, CSAM	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, CSAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, CSAM	
s 54(6)	Power to amend road management plan	CEO, CSAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, CSAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, CSAM	
s 63(1)	Power to consent to conduct of works on road	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, CE1, EMC, CSAM, TOAs	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, CSAM	Where Council is the infrastructure manager or works manager



Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 67(3)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 68(2)	Power to request information	CEO, CSAM, TOAs	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	NOT, CEO	
s 72	Duty to issue an identity card to each authorised officer	HRBP, CEO, PAYO	
s 85	Function of receiving report from authorised officer	CEO, MDR	
s 86	Duty to keep register re s 85 matters	CEO, CSAM	
s 87(1)	Function of receiving complaints	CEO, RGL, CSAM	
s 87(2)	Duty to investigate complaint and provide report	CEO, CE1	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, CSAM	
s 112(2)	Power to recover damages in court	CEO, CSAM	
s 116	Power to cause or carry out inspection	CEO, CE1, CSAM, TOAs	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, CSAM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CE2, CEO, CE1, CE3	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CE2, CEO, CE1, CE3	
s 121(1)	Power to enter into an agreement in respect of works	CEO, CSAM	
s 122(1)	Power to charge and recover fees	CEO, CSAM, TOAs	
s 123(1)	Power to charge for any service	CEO, CSAM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, CSAM	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, CSAM	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, CSAM	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, CSAM	
sch 2 cl 5	Duty to publish notice of declaration	CEO, CSAM	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, CSAM, TOAs	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the infrastructure manager or works manager
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	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	location of any non-road infrastructure and technical advice or assistance in conduct of works		
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CE2, CEO, CE1, CE3	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CE2, CEO, CE1, CSAM, CE3, TOAs	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, CSAM, TOAs	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	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 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, CSAM, TOAs	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, CSAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, CSAM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	NOT, CEO	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, CSAM, TOAs	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, CSAM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, CSAM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, CSAM, TOAs	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, CSAM	Where Council is the responsible road authority



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

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	N/A	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	N/A	
r 40	Power to approve a person to play sport within a public cemetery	N/A	
r 41(1)	Power to approve fishing and bathing within a public cemetery	N/A	
r 42(1)	Power to approve hunting within a public cemetery	N/A	
r 43	Power to approve camping within a public cemetery	N/A	
r 45(1)	Power to approve the removal of plants within a public cemetery	N/A	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A	
r 47(3)	Power to approve the use of fire in a public cemetery	N/A	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	N/A	
	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

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	N/A	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	N/A	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, MDR, POs	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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	



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

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, CSAM, TOAs	Where Council is the coordinating road authority

### 3.5 INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT) S11A

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19603

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

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

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

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#### **EXECUTIVE SUMMARY**

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

#### **DISCUSSION**

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

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

This report identifies changes since the S11A Instrument of Appointment and Authorisation was adopted on the 26 March 2024.

A review of current appointments to this Instrument of Appointment and Authorisation has been carried out and the wording has been amended of the S11 instrument to more closely align with the wording of section 147(4) of the *Planning and Environment Act 1987*.

#### **KEY CONSIDERATIONS**

*Alignment to Council Plan Strategic Objectives*

6. Strong and Effective Governance

We will work have 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 Appointment of Authorised Officers.

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

Section 244 of the Local Government Act 1989 is a provision that remains in force and continues to be authorising provision for the S11A Instrument of Appointment and Authorisation.

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

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

There are no economic, social or environmental implications in relation to the appointment of Authorised Officers.

### **Risk Assessment**

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

### **Innovation and Continuous Improvements**

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

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

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

## RECOMMENDATION

That:

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

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

## **MOVED CR WATERSON SECONDED CR R ARMSTRONG**

That:

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

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

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5096/25**

## **ATTACHMENTS**

The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) S11A is provided as Attachment 3.5



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



**Ararat Rural City Council**

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

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

In this instrument "officer" means -

Robert Fillisch	Manager Development and Regulation
Simon Glenister	Planning Officer
Lorna Munoz	Planning Officer
Lyndon Turner	Community Safety Officer
Michelle Freeman	Community Safety Officer
Dot Jerram	Planning and Development Officer
Mandy Tucker	Planning and Development Officer
Ainsley Cameron	Planning and Development Officer
Joape Nainoca	Environmental Health Officer
Roy Russell	Environmental Health Officer
Mary Galea	Environmental Health Officer
Sean La Fontaine	Environmental Health Officer

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

1. under s 147(4) of the *Planning and Environment Act 1987* – authorises the officers to carry out the duties or functions and to exercise the powers on an authorised officer under the *Planning and Environment Act 1987* and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Ararat Rural City Council on 25 February 2025

The COMMON SEAL of the  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
25 February 2025

Mayor \_\_\_\_\_

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

### 3.6 REVIEW OF ROAD MANAGEMENT PLAN

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19604

#### **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 Road Management Plan defines how Ararat Rural City Council (Council) intends to manage roads and road related assets for which it is responsible.

The Plan sets inspection intervals and response times for defects that exceed the stated intervention levels in relation to roads and road related assets to ensure that Council's responsibilities under the Road Management Act 2004 (the Act) are met.

In order that Council's duty of care has been satisfactorily exercised, it is required to be able to demonstrate that it has a systematic approach to inspecting roads and road related assets and has an appropriate regime for planning and undertaking repairs where defects exceeding the stated intervention levels have been identified.

Council is required to review its Road Management Plan in the period following the election of Council. An amended Road Management Plan has been made available for public review and comment.

#### **DISCUSSION**

The Road Management Plan may be amended in accordance with section 54 Road Management Act.

Any proposed amendment to the Road Management Plan that relates to the determination of the standard of construction, inspection, maintenance or repair of the road or associated infrastructure shall provide notice of the proposed amendment in the Government Gazette and a local newspaper, and shall allow submissions in relation to the proposed amendments to be received.

Amendments to the current Road Management Plan include:

- 1 amendments to the structure of the document;
- 2 changes to the defect classifications; and
- 3 changes to standards for inspection, maintenance and repair, including inspection frequencies, compulsory intervention levels and response times.

Once Council adopts the Road Management Plan, notice of it having been adopted will be published in the Victorian Government Gazette and in a local newspaper.

#### **KEY CONSIDERATIONS**

*Alignment to Council Plan Strategic Objectives*

4.0 *Developing and Maintaining Key Enabling Infrastructure*

#### **Budget implications**

There are no budget implications arising

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

The Road Management Plan is amended in accordance with section 54 of the Road Management Act 2004.

***Sustainability Implications***

There are no economic, social or environmental implications in relation to the item

***Risk Assessment***

The Road Management Plan is one of the principle risk management measures in relation to the management of roads and pathways. There is no significant risk in amending the Road Management Plan. Council officers will ensure that the Plan is implemented across the organisation.

***Innovation and Continuous Improvements***

Council is committed to innovation to effectively manage its assets implementing new technologies and strategies to ensure long term sustainability and renewal of the asset portfolio

***Stakeholder Collaboration and Community Engagement***

This policy was presented to key staff involved in the implementation of the Road Management Plan

**RECOMMENDATION**

*That:*

1. *Council adopt the Road Management Plan 2025*

**MOVED CR JOYCE  
SECONDED CR PRESTON**

**That:**

1. **Council adopt the Road Management Plan 2025**

**Cr Joyce, Cr Preston and Cr J Armstrong spoke for the motion**

**CARRIED 6/0  
5097/25**

**ATTACHMENTS**

The Road Management Plan 2025 Draft is provided as Attachment 3.6





# Road Management Plan

## DOCUMENT CONTROL

Category Type: Plan  
Type: Council  
Responsible Officer: Chief Executive Officer

Last Review Date:  
Date Approved:  
Next Review Date:

Revision No:

Stakeholder Engagement:  
Councillors  
Chief Executive Officer  
Internal Staff  
Community

# Road Management Plan 2025



## 1 INTRODUCTION

### 1.1 BACKGROUND

This Road Management Plan (Plan) defines how Ararat Rural City Council (Council) intends to manage roads and road related assets for which it is responsible.

The Plan sets inspection intervals and response times to ensure that Council's responsibilities under the *Road Management Act 2004* (the Act) are met.

In order that Council's duty of care has been satisfactorily exercised, it is required to be able to demonstrate that it has a systematic approach to inspecting roads and road related assets and has an appropriate regime for planning and undertaking repairs where defects exceeding the stated intervention levels have been identified.

Implementation and management of this plan needs to be in accordance with Council's corporate plans, strategies and policies.

### 1.2 PURPOSE

The *Road Management Act 2004* (the Act) has as its purpose the establishment of a coordinated management system that promotes the road network at the State and local level to provide an integrated and sustainable transport system.

Ararat Rural City Council is a coordinating road authority under the provisions of section 36(c) of the Act and the responsible road authority, for specific roads, under the provisions of section 37 of the Act.

Under Division 5 of the Act, a road authority may produce a road management plan with purposes as defined in section 50:

- a) to establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- b) to set the relevant standard in relation to the discharge of duties in the performance of those road management functions.

## 2 DEFINITIONS

Terms used have the same meanings as the specified definitions used in the *Road Management Act 2004*.

For the purposes of this Road Management Plan the following terms are defined as:

<i>Act</i>	Road Management Act 2004.
<i>ancillary area</i>	An area designated as ancillary to a road includes carparks, local widening that do not form part of the road carriageway, rest stops etc.
<i>Council</i>	Ararat Rural City Council.
<i>arterial roads</i>	Major roads for which VicRoads is the coordinating road authority.
<i>bicycle lane</i>	That part of the carriageway designated for use by cyclists.
<i>carriageway</i>	The full trafficable area including the roadway and the shoulders.
<i>coordinating road authority</i>	The road authority that has overall management functions for the whole of the road reserve.
<i>Council</i>	Ararat Rural City Council.
<i>day</i>	A day on which ARCC is open for business. Where a timeframe is expressed in days it means the rest of the current day plus the number of days stated in the timeframe up to midnight on the last day.

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<i>defect</i>	A localised failure within the asset which diminishes the asset's performance such as a pothole in a road, a joint displacement in a pathway, or a material failure.
<i>defect intervention level</i>	The extent of a defect that provides the trigger for maintenance repairs.
<i>hour</i>	Means one hour from the time that Council is notified regardless of whether within working hours or a day that council is open for business.
<i>intervention level level of service</i>	The scale of the defect at which repair or remediation shall be undertaken.
<i>make safe</i>	Is a defined condition or performance standard associated with a particular asset and its classification within an asset hierarchy.
<i>month</i>	Temporary treatment of a defect to reduce risks associated with the defect until permanent repairs can be undertaken.
<i>municipal road</i>	One calendar month.
<i>NA</i>	A road other than an arterial road or freeway for which Council is the coordinating road authority.
<i>nature strip</i>	Not applicable.
<i>pathway</i>	The land, generally vegetated, between the carriageway and a property boundary or between carriageways.
<i>Plan</i>	A constructed paved, sealed or gravel path intended for use by pedestrians and / or cycles rather than motorised vehicles.
<i>road reserve</i>	Road Management Plan.
<i>Regulations</i>	Crown land dedicated to the purpose of being a public highway.
<i>response time</i>	<i>Road Management (General) Regulations 2005.</i>
<i>Responsible road authority</i>	The time for remedial works to be undertaken, following identification that the defect intervention level has been reached through routine or responsive inspections and / or following a customer request.
<i>roadside</i>	The road authority who has maintenance responsibility for all or part of the road or road assets in a road reserve.
<i>roadway</i>	The area of land within a road reserve that is neither roadway nor pathway.
<i>shoulder</i>	The area of the carriageway intended for the passage of vehicles excluding the shoulder.
<i>temporary treatment</i>	The area between the edge of the roadway and the extent of the carriageway.
<i>verge</i>	Action taken to a defect to reduce risks associated with the defect until permanent repairs can be undertaken.
	The area of land between a property boundary and the outer edge of a kerb or a table drain.

### 3 SERVICE USERS AND STAKEHOLDERS

#### 3.1 COUNCIL AS ROAD AUTHORITY

Council is the coordinating road authority for municipal roads within its boundaries with the exception of arterial roads and some roads within State and National Parks.  
Ararat Rural City Council is responsible for over 2400kms of sealed, unsealed and natural surface roads

Municipal roads for which Council is the coordinating road authority are public roads available for the use by members of the public.

Within the municipality there are some roads which are managed by other road authorities.



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### 3.1.1 VicRoads

VicRoads is the coordinating authority for arterial roads. Arterial roads within the municipality are:

- Western Highway
- Glenelg Highway
- Mortlake-Ararat Road
- Ararat-Halls Gap Road
- Maroona-Glenhompson Road
- Rossbridge-Streatham Road
- Ararat-St Arnaud Road
- Pomonal Road
- Grampians Road
- Pyrenees Highway

### 3.1.2 Department of Transport and Planning / Parks Victoria

The Department of Transport and Planning is the coordinating authority for specific roads within State and National Parks. Some roads which are within, or pass through, Parks Victoria managed land come under the jurisdiction of Ararat Rural City Council. These are recorded in Council's Register of Public Roads. All other roads within State and National Parks are the responsibility of the Department of Environment, Land, Water and Planning or delegated entity.

### 3.1.3 Private road owners

Roads built on private land that are available for use by the general public are the responsibility of the landowner. The demarcation of responsibility shall be the property boundary, and where a private road enters a sealed municipal road, from the edge of the seal of the municipal road and, in the case of an unsealed road, from the outer edge of the carriageway.

### 3.2 INFRASTRUCTURE MANAGERS AND OTHERS

Assets belonging to other public infrastructure managers may be located below, on or above the road reserve. These can include culverts, driveways, pipelines, conduits, signs, post boxes, gates and fences, street furniture, pertaining to water supply, stormwater, sewerage, telecommunications, gas, and electricity, etc

The management responsibilities of infrastructure assets are generally detailed in the Road Management Act 2004 Code of Practice Management of Infrastructure in Road Reserves (Victoria Government Gazette 28 April 2016).

Council is not responsible for assets belonging to other managers or owners.

## 4 RESPONSIBILITIES OF ROAD USERS

Under the *Road Management Act 2004* all road users have a duty of care to use the road in a safe manner having regard for the existing conditions and the rights of other road users. A member of the public has the right of passage along a public road, subject to any restrictions, limitations or conditions which may be specified under any Act or law.

Posted speed limits and speed advisory signs do not designate safe driving speeds. Safe driving speeds are dependent on the existent driving conditions (rain, fog, visibility, presence of animals or stock, etc.) and existent road conditions (road surface, road alignment, road width, presence of moisture or water, pavement roughness, etc.). It is the responsibility of road users to travel at speeds that are safe with regard to existing and impending conditions. For road users such as pedestrians and cyclists, this includes



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maintaining an adequate awareness of surface conditions and exercising reasonable care for their own safety.

Specified roads within the municipality are pre-approved for use by higher mass limit trucks, performance based specification trucks, B-Double trucks, oversize and over mass vehicles and special purpose vehicles. It is the responsibility of drivers and operators of these classes of vehicles to obtain authorities and permits as issued by the National Heavy Vehicle Regulator, or other applicable agency, for travel on these and other restricted access roads.

### 5 APPLICATION OF THIS PLAN

#### 5.1 ROAD ASSETS TO WHICH THIS PLAN APPLIES

This plan applies to all municipal roads and associated road infrastructure within the Ararat Rural City Council local government boundary and identified in the Ararat Rural City Council Register of Public Roads. This plan applies to roads added to Council's Register of Public Roads on the day following publication of notice in the Government Gazette.

#### 5.2 OTHER COUNCIL ASSETS TO WHICH THIS PLAN APPLIES

This plan applies to other assets located within road reserves. This information is provided in summary form below. More detailed definitions of the demarcation between municipal and arterial roads can be found in the Road Management Act 2004 Code of Practice Operational Responsibility for Public Roads (Victoria Government Gazette 30 May 2017).

This plan applies to

- kerb and channel on municipal roads, and those sections of arterial roads that have parking lanes or bays for which Council is the responsible authority.
- constructed pathways on municipal and arterial roads excluding those sections of pathway that cross a central median or traffic island of an arterial road or intersection of an arterial and municipal road.
- pathways under rail-over structures.
- designated bicycle lanes within the carriageway of municipal roads.
- bridges and culverts associated with municipal roads excluding railway bridges. Refer to applicable Safety Interface Agreements with rail managers.
- traffic management devices including but not limited to roundabouts, speed humps, traffic islands, and pedestrian crossings on municipal roads.
- street signs on municipal and arterial roads excluding route information and traffic control signs on arterial roads and advance direction signs located on municipal roads that are associated with entries and exists to freeways and intersections with arterial roads.
- parking lanes and bays on municipal roads including those on arterial roads that are less than 200 metres in length and are located between kerb outstands or trees on the roadway and not intended for through traffic.
- road markings on urban and rural municipal roads. It applies to parking bay road markings on arterial roads. It includes line marking and pavement markings on roadways approaching rail level crossings including other warning markings such as rumble strips.
- stormwater drains and entry pits on municipal roads. It applies to stormwater pits on those parts of arterial roads that do not allow through traffic. It does not apply to drainage pits and underground drainage that collects run-off from through carriageways and associated junction pits in medians

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on arterial roads. It applies to underground drainage that connects entry pits on arterial roads to a municipal drainage scheme.

- ancillary areas including off road public car parks managed by Council, roadside car parks managed by Council, road side rest-stops managed by Council, and other road side areas associated with tourist, historical or cultural features managed by Council.

### 5.3 ASSETS TO WHICH THIS PLAN DOES NOT APPLY

This plan does not apply to

- unconstructed roads or informal access tracks that are located within a government road reserve, reserved Crown land or Council owned land.
- Notwithstanding clause 5.1 above, this plan does not apply to discontinued roads from the day following publication of notice of discontinuance in the Government Gazette.
- that have been declared unused roads under section 400 of the *Land Act 1958*.
- to constructed roads, unconstructed roads or informal access tracks, including associated culverts, bridges or floodways, that are located within a government road reserve, reserved Crown land or Council owned land that provide access or entrance to a property or dwelling.
- kerb and channel on through sections of arterial roads in urban areas.
- rail bridge structures over roads.
- the structural elements of bridges over rail including guard railing attached to the bridge. It does, however, apply to the pavement and wearing surface of a pathway or road surface on a bridge over rail.
- to the structure and wearing surfaces of pedestrian crossings under rail located at railway stations. It does not apply to the structure of pedestrian crossings under rail located between stations. It does, however, apply to the pavement and wearing surface of the pedestrian crossings between stations. Refer to Safety Interface Agreements with rail managers.
- intersections with arterial roads.
- passive and active traffic management devices located within 3 metres of a rail track at a rail level crossing.
- road markings associated with traffic control of an intersection of a municipal and arterial road within and approaching the intersection.
- line marking and pavement marking within 3 metres of a rail track at a rail level crossing.
- street and intersection lighting of arterial roads. This plan does not apply to lighting of rail level crossings and pedestrian underpasses where connected to railway electricity supply.
- bus shelters and stops on municipal and arterial roads.
- all other non-road related infrastructure.

## 6 DEMARCATION OF RESPONSIBILITIES

### 6.1 GENERAL

The demarcation of responsibilities under this Plan are as defined in the *Road Management Act 2004 Code of Practice: Operational Responsibility for Public Roads* published in the Victoria Government Gazette S174 on 30 May 2017, unless specifically identified otherwise.

### 6.2 FREEWAYS AND ARTERIAL ROADS

VicRoads is the coordinating road authority for freeways and arterial roads and the responsible road authority for those elements of the road as defined in the *Code of Practice for Operational Responsibility*



## Road Management Plan 2025



Ararat Rural City

*for Public Roads.* This is partially summarised below. There are currently no freeways within the municipality.

For urban arterial roads, VicRoads is the responsible road authority for the road pavement, kerb and channel, traffic signals, and medians. On these roads Council is responsible for the verge and footpath from the back of kerb, or the back edge of the table drain, to the property boundary. Where there are parking lanes on arterial roads that do not allow through traffic, Council is the responsible authority for the area of pavement associated with the parking lane with the demarcation being the interface of the carriageway and the parking lane. Where Council is responsible for the parking lane it is also responsible for the kerb and channel.

For rural arterial roads, VicRoads is the responsible road authority for the full width of the road reserve excluding pathways for pedestrian, cycle or shared use.

### 6.3 CROWN LAND

The State Government department responsible for Crown Land is the responsible road authority for specific roads, or sections of road, within Crown land including State or National Parks. In some instances these roads may be managed directly by Parks Victoria. For information about the demarcation of responsibility between the responsible department and Parks Victoria, contact the responsible department.

### 6.4 RAIL INFRASTRUCTURE

This plan does not apply to those sections of road, and associated traffic control devices and infrastructure, at rail interfaces that are identified in Safety Interface Agreements as being the responsibility of a rail authority. This plan does not apply to road pavement within 3 metres of the nearest rail.

### 6.5 UTILITIES AND OTHER INFRASTRUCTURE MANAGERS

This plan does not apply to utilities, services and associated infrastructure that are the responsibility of other road authorities or infrastructure managers.

#### 6.5.1 Infrastructure Manager Responsibilities

The plan does not apply to infrastructure assets belonging to other infrastructure managers such as telecommunications, water and sewerage, gas, electricity, and rail (and other) transport infrastructure.

#### 6.5.2 Private Owner Responsibilities

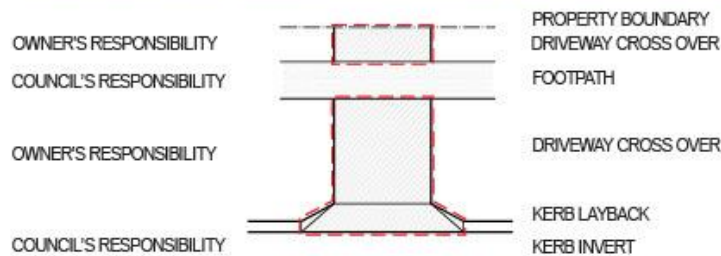
This plan does not apply to private roads, driveways or pathways providing access from private property to a public road.

This plan does not apply to vehicle crossings or driveways between the kerb or carriageway edge and the property boundary. These are the responsibility of the property owner to construct and maintain. This plan, does however, include the section of the crossing that forms the extension of the footpath. Council accepts responsibility for the maintenance of the footpath section of the crossing to the service levels for paths for the applicable hierarchy specified in this plan.

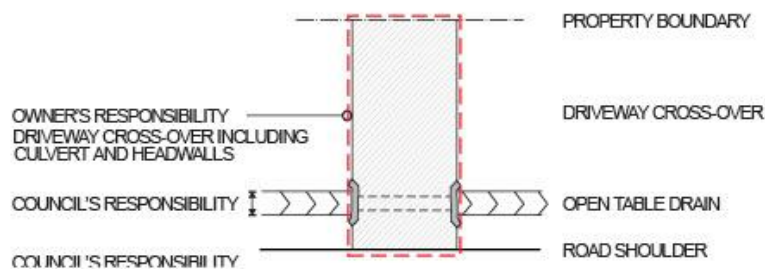
## Road Management Plan 2025



This plan does not apply to culverts or pipes connecting open table drains beneath driveway cross-overs.



This plan does not apply to property stormwater drains constructed within the road reserve that discharge into the kerb and channel, table drain, or other stormwater collection point.



### 6.5.3 Footpaths and Overhanging Vegetation

The adjacent landowner has responsibility for keeping pathways clear of vegetation growing from their property. Responsibility for overhanging vegetation may be managed through Council's local laws.

### 6.5.4 Advertising Signage and Commercial Displays

This plan does not apply to advertising (or other) signage, shop displays or products installed or temporarily located within the road reserve, with or without permit issued under legislation or Council's local laws.

### 6.5.5 Outdoor Eating Facilities

This plan does not apply to outdoor eating facilities and associated furniture and hardware located or operating within the road reserve, with or without permit issued under legislation or Council's local laws.

### 6.6 ADJOINING MUNICIPALITIES

The *Road Management Act 2004 Code of Practice – Operational Responsibility for Public Roads* defines the basis for demarcation of boundary roads for municipal Councils.

Where the boundary of local government municipalities are defined by the centreline of a road reserve, these roads are managed under shared responsibility agreements. Generally these roads are divided into



## Road Management Plan 2025



roughly equal segments which are managed and maintained by one or other municipality on the basis of negotiated agreement.

Where a municipality is defined by the property boundaries on one side of the road, the Council with the road within its boundary has operational responsibility.

Councils can agree to transfer operational responsibility for a road or a part of a road regardless of the line of demarcation.

Those road segments for which Council has responsibility are identified in the Register of Public Roads and are managed through this plan.

Those segments for which other municipalities have responsibility fall under their jurisdiction.

### 7 ASSET HIERARCHIES

#### 7.1 ROAD FUNCTIONAL HIERARCHY

Urban and rural roads are assigned following hierarchies, these are summarised in the table below. Freeways and arterial roads are the responsibility of Regional Roads Victoria, with no municipal roads are assigned to this category.

CODE	HIERARCHY	DESCRIPTION
3	Sub-Arterial	Connect to or between townships. Connect townships to arterial roads. Connect to major tourist destinations. Connect to major industrial centers.
4	Collector Roads	Connect between link roads. Connect to minor tourist destinations. Connect to minor industrial centers. Connect access roads to link roads or arterial roads.
5	Local – Access Major	Provide access to one or more dwellings. Provides secondary access to urban commercial properties
6	Access Minor	Provide access to one or more properties
7	Major Track	Provide access to low use visitor sites and parks Primarily single lane and natural surface
8	Minor Track	Provide access primarily for four wheel-drive vehicles May be seasonally closed Predominantly single lane and natural surface
9	Trail	Not designed for vehicular traffic
??	Ancillary Areas	Carparks Rest areas Parking lanes

#### 7.2 OTHER ROAD CLASSIFICATIONS

##### 7.2.1 Urban and Rural Roads

Urban roads (U) are those roads, or parts of roads, that are within township boundaries defined by the

## Road Management Plan 2025



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commencement of urban speed restrictions of 60km/h or less. Urban roads may include all road types in the functional hierarchy.

Rural roads (R) are all roads, or parts of roads, that are outside of urban boundaries. Rural roads may include all road types in the functional hierarchy.

### 7.2.2 Sealed and Unsealed Roads

Roads may be sealed or unsealed. Within the road functional hierarchy, any road type may be sealed. Within the municipality, all link roads are currently sealed.

Sealed roads are those roads with an asphalt, bitumen and aggregate, concrete or other waterproof wearing surface.

Unsealed roads are those roads, or parts of roads, that do not have a sealed wearing surface. Unsealed roads may be formed (crowned formation with associated shoulder and table drain) with gravel pavement or natural surface, or un-formed with natural surface. Within the road hierarchy, collector roads, access major, access minor roads may be unsealed roads.

### 7.2.3 Right of Ways

For the purpose of this plan, right of ways on Council's Register of Public Roads are public roads. Right of ways include lanes. Right of ways generally provide secondary access (generally rear access) to dwellings and properties. Right of ways may be height and width restricted. A right of way is classified as a property access road even where providing secondary access to a dwelling. Where a right of way provides the only road access to a dwelling, it is classified as a dwelling access road.

### 7.2.4 Service Lanes

A service lane or road may provide dwelling or property access. These are generally roads that run parallel with an arterial road separated by a nature strip.

### 7.2.5 Access Tracks

Access tracks are unformed, informal routes within road reserves formed by incidental movement of vehicles. Access tracks may provide primary or secondary access to dwellings or properties.

### 7.2.6 Paper Roads

Paper Roads are road reserves without a physical road.

### 7.3 PATHWAY FUNCTIONAL HIERARCHY

PATH CATEGORY	DESCRIPTION
High Use Footpath	Paths located in or near central civic or commercial areas, or adjacent to significant community facilities such as hospitals, libraries, schools or similar.
Medium Use Footpath	Paths located in residential zones or near outer urban commercial areas or community facilities, and all paths in public parks and gardens, and recreational paths.
Low Use Footpath	Paths located in low density residential or rural living zones. Paths on roads without kerb and channel. All other footpaths.



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Cycle Paths	Paths designed exclusively for cycle use. (Note distinction between bike lane which is located within the carriageway.)
Shared use paths	Paths designed to be used by both cyclists and pedestrians.

### 8 EXCEPTIONAL CIRCUMSTANCES – FORCE MAJEURE

While Council will make all reasonable endeavours to meet the performance standards set out in this plan, there are circumstances beyond the control of Council officers that may prevent these standards being met. Examples of these circumstances include: natural disasters such as flooding, bushfire, and wind events; breakdown of major equipment; or shortage of materials and / or labour.

In such events, the Chief Executive Officer, having considered the impacts and consequences of such events, may suspend some or all of the requirements of this plan for a period that allows for assessment and quantification of required work, for appropriate planning, for prioritisation of responses, for the allocation of resources, and for remedial work to be undertaken.

### 9 PLAN GOVERNANCE

#### 9.1 PUBLICATION

This document is available to the public from the Council's website: [www.ararat.vic.gov.au](http://www.ararat.vic.gov.au).  
This document can be viewed at the Council's office during business hours.

#### 9.2 PLAN REVIEW

This Road Management Plan shall be reviewed in accordance with sections 8 and 9 of the *Road Management (General) Regulations 2016*. The review will be conducted so as to conclude within 6 months, following a Council election (or greater period if applicable under section 90 of the *Local Government Act 2020*) to enable coordination with the preparation of the Council Plan.

A report summarising the findings and conclusion of the review will be available at the Council office and on the Council's website in accordance with section 9(2) of the Regulations.

This Road Management Plan may be amended at any period between general elections of Council in accordance with sections 10 and 11 of the Regulations.

#### 9.3 PLAN AMENDMENT

This Road Management Plan may be amended in accordance with sections 10 and 11 of the Regulations. Any proposed amendment to the Road Management Plan that relates to the determination of the standard of construction, inspection, maintenance or repair of the road or associated infrastructure shall provide notice of the proposed amendment in the Government Gazette and a local newspaper, identifying where a copy of the plan may be inspected, and shall allow submissions in relation to the proposed amendments to be received.

#### 9.4 ROLES ASSOCIATED WITH PLAN GOVERNANCE

##### 9.4.1 Manager Responsible for this Plan

The Coordinator Strategic Asset Management, or other manager as delegated by the Chief Executive Officer, shall be the manager responsible for this plan.

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The responsible manager shall conduct the review of this plan. The review shall address:

- Compliance with legislation, Council Plan and other applicable Council policies
- Appropriateness of levels of service
- Errors, omissions and redundancy

The responsible manager shall consult with internal stakeholders as to proposed amendments to this plan. Where the proposed amendments relate to the determination of a standard of construction, inspection, maintenance or repair under section 41 of the *Road Management Act 2004*, the responsible manager shall issue notice of the public consultation period associated with any amendment to this plan in accordance with section 223 of the *Local Government Act 1989* and shall summarise any submissions received from this consultation.

Where a committee responsible for asset management has been appointed, the responsible manager shall present the review of the Road Management Plan, and any proposed amendments, to the committee, for its consideration. If no committee has been appointed, the review of the Road Management Plan, and any proposed amendments shall be submitted to the Chief Executive Officer.

### 9.4.2 Council Committee Responsible for Asset Management

Where appointed, the committee responsible for asset management shall consider the procedures undertaken in the review of the plan and any proposed amendments to the plan. The committee responsible for asset management shall make recommendation(s) to the Chief Executive Officer in relation to the review and any proposed amendments to the Road Management Plan.

### 9.4.3 Chief Executive Officer

The Chief Executive Officer shall review the recommendations of the Council committee responsible for asset management, or the recommendation of the responsible manager (as the case may be), and present the recommendations, as proposed or as further amended, for consideration by Council.

### 9.4.4 Council

Council shall consider the review of the Road Management Plan including any proposed amendments and shall, through resolution at a meeting of Council, either; a) retain the existing Road Management Plan; or b) adopt proposed amendments to the Road Management Plan; or c) seek further amendments to the Road Management Plan.

The Road Management Plan shall remain in force until amended or revoked by resolution at a meeting of Council.

### 9.5 DELEGATIONS

The Chief Executive Officer has delegated the various functions under the Road Management Act and Regulations to nominated officers of Council through Council's Instrument of Sub-Delegation.

This enables Council staff to provide prompt and efficient technical and administrative response to matters under this plan.

The responsibilities and delegations identified in the Ararat Rural City Council Instrument of Sub-Delegation by CEO (as amended from time to time) take precedence over details provided in this plan.

### 9.6 AMENDMENT REGISTER



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Issue	Date	Details
Draft	February 2025	Draft
1.0		
2.0		
3.0		
4.0		
5.0		

### 10 ASSET REGISTERS

Council maintains asset registers of roads, roadways, pathways, road infrastructure or road related infrastructure for which Council is the responsible road authority.

#### 10.1 REGISTER OF PUBLIC ROADS

The purpose of the Register is to list those road assets which will be maintained by Council in accordance with this plan include information such as:

- Road name,
- Date the road became a public road (if after 1 July 2004),
- Date the road ceases to be a public road,
- Classification, if any,
- Reference to any plan or instrument that fixes or varies the boundaries of the public road (if made after 1 July 2004),
- Any ancillary areas,
- Reference to any arrangement under which management functions is transferred to or from another road authority,
- Any matter required to be included by the relevant road minister under section 22 of the Act,

A copy of Council's Register of Public Roads is available on request and for public viewing at the Municipal Offices, during normal business hours.

#### 10.2 BRIDGES & MAJOR CULVERTS ASSET REGISTER

The register lists all bridges and major culverts for which Council is the responsible road authority. The register is held within a database and includes the following information:

- Location;
- Road hierarchy;
- Description of type.

#### 10.3 PATHWAYS ASSET REGISTER

The register lists footpaths for which Council is the responsible road authority. The register is held within a database and includes the following information:

- Hierarchy;
- Location;
- Description of type.

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## APPENDIX A - INSPECTION, MAINTENANCE & REPAIR

Council endeavours to identify defects that exceed the stated intervention thresholds. Where intervention thresholds are exceeded, treatment will be undertaken in accordance with the timeframes identified in the tables below for asset classes and hierarchies subject to available resources.

### 1 INSPECTION SCHEDULES

#### 1.1 Roads Defect Inspection and Night Inspection

Day - Inspect for defects including potholes, seal damage or failure, pavement damage or failure, local pavement deformation, shoulder or edge damage, drainage issues, line marking, and signage.

Night - Inspect signs, reflectors and line marking for effectiveness in times of low light and poor visibility.

Responsibility - Operations & Infrastructure.

	URBAN				RURAL			
	Sub-Arterial	Collector	Local - Access Major	Access Minor	Sub-Arterial	Collector	Local - Access Major	Access Minor
Day	1 years	1 years	1 years	2 years	1 years	1 years	1 years	2 years
Night	3 years	3 years	3years	Nil	3 years	3 years	Nil	Nil

#### 1.2 Roads Storm or Other Event Inspection from Notification

Inspect impairment associated with storm or other event.

Responsibility - Operations & Infrastructure.

#### 1.3 Rail Crossing Inspection

Inspect for defects associated with Council responsibilities under the Safety Interface Agreement including advance advisory signs, line marking and traffic control signage.

Responsibility - Asset Management.

#### 1.4 Bridges and Major Culverts Level 1 Inspection

Inspect for defects associated with the approaches, signage, barrier rails; super structure; sub-structure; abutments; and water way (if applicable).

Responsibility of Asset Management.

	Sub-Arterial	Collector	Local – Access Major	Access Minor	Ancillary Areas
Storm or Other Event	12 hours	24 hours	48 hours	72 hours	72 hours
Rail Crossing	2 years	2 years	2 years	2 years	N/A
Bridges and Major Culverts (Defect)	2 years	2 years	2 years	2 years	N/A
Bridges and Major Culverts (Customer request)	5 days	5 days	10 days	15 days	N/A

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### 1.5 Pathway Inspection

Inspect for defects associated with the pathway surface, obstructions, signage, hand and barrier rails (if applicable).

Responsibility - Operations & Infrastructure.

PATHS	DEFECT INSPECTION INTERVAL	CUSTOMER REQUEST INSPECTION
High Use Footpath	12 months	5 days
Medium Use Footpath	12 months	5 days
Low Use Footpath	24 months	10 days
Bike path	12 months	5 days
Shared Path	12 months	5 days

## 2 MAINTENANCE RESPONSE TIME

### 2.1 Prioritisation of Interventions

The following intervention response times apply from the time of identification by council of a defect that exceeds the stated intervention level. Identification by Council may be through proactive inspection, reactive inspection following a customer request, or other responsive notification. Where an interim response has been made, the intervention response time shall apply from the time the interim response has been completed.

Where multiple defects exceeding intervention levels are identified, intervention shall be prioritised in asset hierarchy order. Where resources are constrained (availability of funds, materials, specialist contractors or specialist equipment), the intervention response times may be extended subject to risks being reasonably managed through temporary treatment provisions.

For access major and access minor roads that are of natural surface or without formation, the intervention standard for natural surface road or track shall apply regardless of the road's hierarchy. The identification of a defect that exceeds the stated intervention level does not oblige Council to upgrade the asset or maintain the asset to a standard higher than that to which it was constructed.

RESPONSE CODE	RESPONSE MECHANISM	RESPONSE TIME
A	Inspect and rectify if possible, or provide appropriate warning, or place on maintenance program.	Within 1 business day of inspection or notification.
B		Within 2 business days of inspection or notification.
C		Within 10 business days of inspection or notification.
D		Within 20 business days of inspection or notification.
E		Within 60 business days of inspection or notification.
F		Within 6 months of inspection or notification.
G		Within 1 year of inspection or notification.



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DESCRIPTION OF HAZARD	CATEGORY 4	CATEGORY 3	CATEGORY 2	CATEGORY 1
Footpath lips or trip hazards greater than 30 millimetres in height difference. Mounds or depressions greater than 100 millimetres under a straight edge. Cross falls steeper than 1 in 20.	D	D	E	N/A
Asphalt footpath affected by tree roots, lifted or depressed greater than 30 millimetres in height difference and cracked or potholed more than 20 millimetres in width and 200 millimetres in diameter respectively.				
Concrete bay is cracked or broken more than 20 millimetres in width.	E	E	F	N/A
Gravel Path potholed greater than 200 millimetres in diameter and 50 millimetres in depth and depressed by 25 millimetres.	N/A	N/A	F	N/A



ASSET TYPE	DESCRIPTION OF HAZARD	URBAN				RURAL			
		SUB-ARTERIAL	COLLECTOR	LOCAL - ACCESS MAJOR	ACCESS MINOR	SUB-ARTERIAL	COLLECTOR	LOCAL - ACCESS MAJOR	ACCESS MINOR
<b>Road Surface and Pavements</b>									
	Size of potholes are greater than 300 millimetre in diameter and 100 millimetres in depth	C	C	D	F	C	D	F	N/A
	Edge of sealed pavement breaks or loses material and reduces the pavement width more than 200 millimetres or has a > 100 mm drop off over 20 metres of length.	E	E	F	G	D	E	F	N/A
Road	Shoving / Depressions or Rutting on road surface greater than 75 millimetres in depth.	F	F	F	G	F	F	G	N/A
	Corrugations should be more than 75 millimetres in depth and more than 20 metres in length	N/A	N/A	F	F	N/A	D	E	F
	Accumulation of loose materials on sealed traffic lanes	N/A	C	D	F	C	D	E	E
	Oil spill or water over road	A	A	A	B	A	A	B	C
Kerb & Channel	Vertical or Horizontal displacement is more than 100 millimetres or asset broken / displaced	F	F	G	G	G	G	N/A	N/A
Signs	Regulatory, warning and hazard signs missing, illegible at 100 metres distance or damaged, making them substantially ineffective.	E	E	E	F	E	E	F	G

Bollards and Guideposts	Bent, loose, damaged, non-functional, missing or causing injury to the general public:	E	E	F	G	E	F	G	F	G	G		
Vegetation	Greater than 30 degrees off the vertical or, All tree defects including intrusion into pedestrian and/or vehicle clearance zone and sight distance issues that limit clear vision	E	E	F	G	G	F	G	E	D	F	G	G
Line marking	(1)-Missing or damaged RRPM's (Reflective Raised Pavement Markers) and / or (2)- Delineation or line marking not visible or ineffective	E	F	G	G	G	F	G	E		F	G	G
<b>Bridges &amp; Major Culverts</b>													
Bridges	In Bridges and drainage cleaning and clearing of debris from surfaces	E	F	F	F	F	F	F	G		F	F	F
Bridges	Any damaged or defective guardrail making it substantially ineffective								D		E	F	F

### 3.7 MONTHLY PERFORMANCE REPORT

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19605

#### **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 financial statements and performance indicators have been prepared for the period ended 31 January 2025.

Based on the information provided by responsible officers and managers Council's overall financial performance is in line with budget.

#### **DISCUSSION**

Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.

#### **Key Financial information:**

##### **Income Statement (Attachment 1)**

The Income Statement measures how well Council has performed from an operating nature. It reports revenues and expenditure from the activities and functions undertaken, with the net effect being a surplus or deficit. Capital expenditure is excluded from this statement, as it is reflected in the Balance Sheet.

Attachment 1 shows that Council generated \$28.193 million in revenue and \$19.879 million in expenses to 31 January 2025. This has resulted in an operating surplus of \$8.314 million for the seven months ended 31 January 2025.

##### **Income**

**Rates and charges** account for 50% of the total budgeted income for 2024/25. Rates and charges are recognised when the rates have been raised, not when the income has been received. An amount of \$17.847 million has been recognised as income for the seven months ended 31 January 2025.

**User fees** account for 4% of the total budgeted income for 2024/25 and \$1.049 million has been received to 31 January 2025. The majority of this relates to transfer station fees, fitness centre income and commercial waste management charges.

**Recurrent Operating Grants** total \$7.967 million to 31 January 2025, including \$4.402 million from the Victorian Local Government Grants Commission for general purpose grants and \$2.856 million for the local roads grants.

**Non-recurrent Operating Grants** total \$0.282 million to 31 January 2025. Council has been successful in obtaining several grants that had not been budgeted for, as detailed in the table below. The amounts shown as unearned income will be treated as income in future accounting periods once the performance obligations of the grant have been met.

<b>Non-Recurrent Operating Grants</b>	<b>Budget 2024/25 \$'000</b>	<b>Income 2024/25 \$'000</b>	<b>Unearned Income \$'000</b>
Ararat Housing Transition	-	-	300
Digital Twin Victoria	-	-	954
Free Public WiFi Services	-	47	1,196
Supported Playgroups	65	40	-
Ararat Rural City Sport, Active Recreation & Open Space Strategy	-	-	36
Tiny Towns Fund - Pomonal Community Hub	-	-	200
Tiny Towns Fund - Buangor Recreation Reserve Pavillion Redevelopment	-	-	25
Natural Disaster Relief	-	128	-
Other Minor Grants (under \$30,000)	-	67	-
	<b>65</b>	<b>282</b>	<b>2711</b>

**Non-recurrent Capital Grants** total \$0.212 million to 31 January 2025, as detailed in the table below. The amounts shown as unearned income will be treated as income in future accounting periods once the performance obligations of the grant have been met.

<b>Non-Recurrent Capital Grants</b>	<b>Budget 2024/25 \$'000</b>	<b>Income 2024/25 \$'000</b>	<b>Unearned Income \$'000</b>
Mt William Road reconstruction	5,000	-	-
Buangor-Ben Nevis Road reconstruction	843	-	-
Pedestrian Infrastructure Program	-	-	70
Tatyoan Oval Upgrade Grant	-	212	13
	<b>5,843</b>	<b>212</b>	<b>83</b>

#### Note

It is important to note the following:

1. Unearned revenue received in prior years has been adjusted between the Original Budget and Current Budget with an additional \$2.936 million for Grants Operating (non-recurrent), \$0.366 million for Grants Capital (recurrent) and \$0.070 million for Grants Capital (non-recurrent) included in the Current Budget on the assumption that each of the grant projects will be completed during the 2024/25 financial year.
2. These changes in the budget, plus the note reported under expenses, create a change in the reported surplus position from a projected surplus of \$8.163 million to a surplus of \$9.205 million for 2024/25. The year-end variance is a deficit of \$1.322 million when the actual year to date expenses are compared to the year to date budget.

#### Expenses

**Employee Costs** account for approximately 40% of the total budgeted expenditure for 2024/25. For the seven months ended 31 January 2025 Council has incurred \$7.116 million in employee costs, which includes additional wages for emergency management relief and recovery and organisation restructure costs. Workcover premiums have increased by \$0.104 million compared to 2023/24.

**Materials and Services** account for approximately 29% of the total budgeted expenditure for 2024/25. For the seven months ended 31 January 2025, Council has incurred \$6.691 million in materials and



services costs. There are a number of projects, including those carried forward from 2023/24 that are expected to be completed before the end of the financial year.

**Depreciation** totals \$5.683 million to 31 January 2025. The higher than budgeted depreciation has resulted from increased asset valuations being received as at 30 June 2024 after the budget was finalised.

#### Note

It is important to note the following:

There has been an increase in expenditure on materials and services from \$8.259 million in the Original Budget to \$10.589 million in the Current Budget for 2024/25. This has resulted from a carry forward amount of \$2.330 million from the 2023/24 financial year surplus and unspent grant funds which will be used for additional activity in 2024/25.

#### Balance Sheet (Attachment 2)

The Balance Sheet is one of the main financial statements and reports Council's assets, liabilities and equity at a given date, in this case 31 January 2025. Comparative figures have been provided as at 30 June 2024.

Council's current assets have increased by \$6.821 million from \$11.732 million as at 30 June 2024 to \$18.553 million as at 31 January 2025. Cash and cash equivalents have increased by \$0.653 million from \$3.049 million to \$3.702 million. Trade and other receivables have increased by \$9.540 million from \$5.212 million as at 30 June 2024 to \$14.752 million as at 31 January 2025.

Total liabilities have decreased from \$8.777 million in 2023/24 to \$7.145 million in 2024/25. Trade and other payables have decreased by \$0.810 million and trust funds and deposits have decreased by \$0.029 million. Unearned income/revenue decreased by \$0.537 million, which includes grants received by Council, where in accordance with accounting standards, they are held as a liability until grant-related performance obligations have been met.

#### Statement of Cash Flows (Attachment 3)

The Statement of Cash Flows shows how changes in the Statement of Financial Position and Income Statement affect Cash and Cash Equivalents, and breaks down the analysis to operating activities, investing activities and financing activities.

The Cash and Cash Equivalents at the beginning of the financial year of \$3.049 million have increased by \$0.653 million to \$3.702 million as at 31 January 2025.

Net cash of \$3.463 million was provided by operating activities, \$2.486 million was used in investing activities, and \$0.324 million was used in financing activities.

Investing activities includes payments for property, plant and equipment, and infrastructure.

#### Financial Performance Indicators (Attachment 4)

The Local Government Performance Reporting Framework requires Councils to report various performance indicators at the end of each financial year.

A full list of financial performance indicators is included in Attachment 4.

Indicator	30/6/2024	31/01/2025
<b>Working capital</b>	162%	333%
<i>Measure - Current assets compared to current liabilities.</i>		
Expected values in accordance with the Local Government Performance Reporting Framework 100% to 400%		

Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity		
<p><b>Loans and borrowings</b>  <i>Measure - Loans and borrowings compared to rates.</i>                      Expected values in accordance with the Local Government Performance Reporting Framework - 0% to 70%                      Indicator of the broad objective that the level of interest-bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations</p>	1.71%	1.08%
<p><b>Indebtedness</b>  <i>Measure - Non-current liabilities compared to own source revenue</i>                      Expected values in accordance with the Local Government Performance Reporting Framework - 2% to 70%                      Indicator of the broad objective that the level of long-term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long-term liabilities suggests an improvement in the capacity to meet long term obligations</p>	7.49%	8.17%
<p><b>Rates concentration</b>  <i>Measure - Rates compared to adjusted underlying revenue</i>                      Expected values in accordance with the Local Government Performance Reporting Framework - 30% to 80%                      Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability</p>	73.82%	63.84%
<p><b>Expenditure level</b>  <i>Measure - Expenses per property assessment</i>                      Expected values in accordance with the Local Government Performance Reporting Framework \$2,000 to \$10,000                      Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency</p>	\$4,592	\$2,669
<p><b>Indicator - Revenue level</b>  <i>Measure - Average residential rate per residential property assessment</i>                      Expected values in accordance with the Local Government Performance Reporting Framework - \$700 to \$2,000                      Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency</p>	\$1,993	\$1,999
<p><b>Indicator - Percentage of total rates collected</b>                      The internal audit conducted in 2019 on Rates Revenue and Rate Debtor Management found no routine or regular reporting of large and long outstanding rates debtors.                      The outstanding Rates Debtors is reported in the Annual Financial report.                      As at 31 January 2025 the outstanding Rates Debtors totalled \$12.692 million compared to \$2.320 million as at 30 June 2024, an increase of \$10.372 million. In percentage terms 37.0% of the rates raised have been collected at 31 January 2025 compared to 31.9% up to 31 December 2024.                      Outstanding rates are currently charged 10% interest.</p>	88.1%	37.0%

Council issues approximately 7,900 rate notices. In 2024/25 there are 2,158 assessments paying by instalments compared with 2,640 assessments in 2023/24.		
<p><b>Indicator - Asset Renewal &amp; Upgrade</b>  <i>Measure - Asset renewal &amp; Upgrade compared to depreciation</i>                      Expected range in accordance with the Local Government Performance Reporting Framework - 40% to 130%                      Assessment of whether council assets are being renewed or upgraded as planned. It compares the rate of spending on existing assets through renewing, restoring, replacing or upgrading existing assets with depreciation. Ratios higher than 1.0 indicate there is a lesser risk of insufficient spending on Council's asset base.</p>	124.63%	95.86%

The Local Government Performance Reporting Framework provides "Expected ranges" for each indicator. The framework has been developed to consider results at the end of the financial year so some results during the year are outside the expected range due to the timing of receipts and payments.

Explanations are provided in Attachment 4 for those indicators that are outside the "expected ranges".

## KEY CONSIDERATIONS

*Alignment to Council Plan Strategic Objectives*

### 6 Strong and Effective Governance

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

6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation, and rating fairness

#### **Budget implications**

Council's financial performance is in line with expectations. Council's cash position was expected to reduce in the first quarter to pay for the outstanding accounts at year end. Lump sum payment of rates are due on 15 February 2025.

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

Section 97 - Quarterly Budget Report of the Local Government Act 2020 states:

1. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.
2. A quarterly budget report must include—
  - a. a comparison of the actual and budgeted results to date; and
  - b. an explanation of any material variations; and
  - c. any other matters prescribed by the regulations.
3. In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

#### **Sustainability Implications**

This report does not raise any sustainability implications.

#### **Risk Assessment**

Council is required to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound management and this report assists Council in meeting that requirement.

#### **Innovation and Continuous Improvements**

The content of the Quarterly report is continually reviewed to ensure meaningful data is provided.

**Stakeholder Collaboration and Community Engagement**

Council's financial performance reports will now be published monthly.

RECOMMENDATION

That the:

1. *Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 January 2025 be received and adopted.*

**MOVED CR WATERSTON  
SECONDED CR R ARMSTRONG**

**That the:**

1. **Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 January 2025 be received and adopted.**

**Cr Waterston and Cr R Armstrong spoke for the motion**

**CARRIED 6/0  
5098/25**

**ATTACHMENTS**

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators are provided as Attachment 3.7



Attachment 1  
Comprehensive Income Statement for the seven months ended 31 January 2025

	Original Budget \$'000	Current Budget \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Variance
<b>Income</b>						
Rates and charges	17,950	17,950	17,775	17,847	72	0%
Statutory fees and fines	272	272	159	142	(17)	-11%
User fees	1,515	1,515	981	1,049	68	7%
Contributions - cash capital	-	-	-	22	22	0%
Contributions - cash operating	100	100	53	29	(24)	-45%
Grants - operating (recurrent)	8,258	8,258	7,660	7,967	307	4%
Grants - operating (non-recurrent)	65	3,001	45	282	237	527%
Grants - capital (recurrent)	1,461	1,827	366	366	-	0%
Grants - capital (non-recurrent)	5,843	5,913	225	212	(13)	-6%
Net gain/(loss) on disposal of property, plant and equipment	-	-	-	(5)	(5)	0%
Other income	722	722	421	282	(139)	-33%
Fair value adjustments for investment property	-	-	-	-	-	0%
Share of net profits/(losses) of associates and joint ventures accounted for by the equity method	-	-	-	-	-	0%
<b>Total income</b>	<b>36,186</b>	<b>39,558</b>	<b>27,685</b>	<b>28,193</b>	<b>508</b>	
<b>Expenses</b>						
Employee costs	11,333	11,333	6,681	7,116	435	7%
Materials and services	8,259	10,589	6,341	6,691	350	6%
Bad and doubtful debts	-	-	-	1	1	0%
Depreciation	7,681	7,681	4,481	5,683	1,202	27%
Amortisation - right of use assets	302	302	176	178	2	1%
Borrowing costs	6	6	4	6	2	50%
Finance costs - leases	74	74	43	45	2	5%
Other expenses	368	368	180	159	(21)	-12%
<b>Total expenses</b>	<b>28,023</b>	<b>30,353</b>	<b>17,906</b>	<b>19,879</b>	<b>1,973</b>	11%
<b>Surplus for the year</b>	<b>8,163</b>	<b>9,205</b>	<b>9,779</b>	<b>8,314</b>	<b>(1,465)</b>	-15%
<b>Other comprehensive income</b>						
Net asset revaluation increment	-	-	-	-	-	
<b>Total comprehensive result</b>	<b>8,163</b>	<b>9,205</b>	<b>9,779</b>	<b>8,314</b>	<b>(1,465)</b>	

Attachment 2  
Balance Sheet as at 31 January 2025

	31/12/2024 \$'000	30/06/2024 \$'000
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	3,702	3,049
Trade and other receivables	14,752	5,212
Financial assets	-	3,040
Inventories	99	71
Prepayments	-	360
<b>Total current assets</b>	<u>18,553</u>	<u>11,732</u>
<b>Non-current assets</b>		
Trade and other receivables	5	5
Investments in joint venture	498	498
Property, plant and equipment, infrastructure	308,102	308,261
Right of use assets	1,214	1,359
Investment property	1,535	1,535
<b>Total non-current assets</b>	<u>311,354</u>	<u>311,658</u>
<b>Total assets</b>	<u>329,907</u>	<u>323,390</u>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Trade and other payables	214	1,024
Trust funds and deposits	274	303
Unearned Income	2,835	3,372
Provisions	2,088	2,104
Interest-bearing loans and borrowings	37	150
Lease liabilities	119	275
<b>Total current liabilities</b>	<u>5,567</u>	<u>7,228</u>
<b>Non-current liabilities</b>		
Provisions	293	293
Interest-bearing loans and borrowings	156	156
Lease liabilities	1,129	1,100
<b>Total non-current liabilities</b>	<u>1,578</u>	<u>1,549</u>
<b>Total liabilities</b>	<u>7,145</u>	<u>8,777</u>
<b>Net Assets</b>	<u>322,762</u>	<u>314,613</u>
<b>Equity</b>		
Accumulated surplus	106,441	98,126
Reserves	216,323	216,487
<b>Total Equity</b>	<u>322,764</u>	<u>314,613</u>

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Attachment 3  
Statement of Cash Flows for the seven months ended 31  
January 2025

	Seven months to 31/01/2025	Forecast Year End to 30/06/2025
	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000
<b>Cash flows from operating activities</b>		
Rates and charges	7,485	17,943
Statutory fees and fines	145	272
User fees	1,080	1,515
Grants - operating	8,621	10,270
Grants - capital	196	7,304
Contributions - monetary	35	100
Interest received	189	500
Trust funds and deposits taken	220	-
Other receipts	108	222
Net GST refund/payment	1,391	-
Employee costs	(7,935)	(11,527)
Materials and services	(7,624)	(10,666)
Trust funds and deposits repaid	(280)	-
Other payments	(168)	(368)
<b>Net cash provided by (used in) operating activities</b>	<b>3,463</b>	<b>15,565</b>
<b>Cash flows from investing activities</b>		
Payments for property, plant and equipment, infrastructure	(5,554)	(15,513)
Proceeds from sale of property, plant and equipment, infrastructure	28	28
Proceeds from investments	3,040	3,040
<b>Net cash provided by (used in) investing activities</b>	<b>(2,486)</b>	<b>(12,445)</b>
<b>Cash flows from financing activities</b>		
Finance costs	(6)	(6)
Repayment of borrowings	(113)	(150)
Proceeds from borrowings	-	-
Interest paid - lease liability	(45)	(74)
Repayment of lease liabilities	(160)	(283)
<b>Net cash provided by (used in) financing activities</b>	<b>(324)</b>	<b>(513)</b>
Net increase (decrease) in cash and cash equivalents	653	2,607
Cash and cash equivalents at the beginning of the financial year	3,049	3,049
<b>Cash and cash equivalents at the end of the period</b>	<b>3,702</b>	<b>5,656</b>

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Attachment 4

Financial Performance Indicators for the seven months ended 31 January 2025

Result

Material Variations

**LIQUIDITY**

Dimension - Operating position

**Indicator - Adjusted underlying result**

*Measure - Adjusted underlying surplus (or deficit)*

[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100

28.90%

**Outside Expected Range** The adjusted underlying result of 28.9% is high because the total amount of rates & charges has been recognised as income and the expenses are only for part of the financial year.

Expected range in accordance with the Local Government Performance Reporting Framework -20% to 20%

Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position

Dimension - Liquidity

**Indicator - Working capital**

*Measure - Current assets compared to current liabilities*

[Current assets / Current liabilities] x100

Expected range in accordance with the Local Government Performance Reporting Framework 100% to 400%

333% No material variation

Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity

**Indicator - Unrestricted cash**

*Measure - Unrestricted cash compared to current liabilities*

[Unrestricted cash / Current liabilities] x100

9.82%

**Outside Expected Range** The unrestricted cash indicator is slightly below the expected range due to Council awaiting payment of several large grants.

Expected range in accordance with the Local Government Performance Reporting Framework 10% to 300%

Indicator of the broad objective that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of unrestricted cash suggests an improvement in liquidity



Financial Performance Indicators for the seven months ended 31 January 2025

Result Material Variations

**OBLIGATIONS**

**Dimension - Obligations**

**Indicator - Loans and borrowings**

*Measure - Loans and borrowings compared to rates*

1.08% No material variation

[Interest bearing loans and borrowings / Rate revenue] x100

Expected range in accordance with the Local Government Performance Reporting Framework

0% to 70%

Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations

*Loans and borrowings repayments compared to rates*

0.67% No material variation

[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100

Expected range in accordance with the Local Government Performance Reporting Framework

0% to 20%

**Indicator - Indebtedness**

*Measure - Non-current liabilities compared to own source revenue*

8.17% No material variation

[Non-current liabilities / Own source revenue] x100

Expected range in accordance with the Local Government Performance Reporting Framework

2% to 70%

Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations

**Indicator - Asset renewal (& Asset Upgrade included now also)**

*Measure - Asset renewal & Upgrade compared to depreciation*

95.86% No material variation

[Asset renewal expenses / Asset depreciation] x100

Expected range in accordance with the Local Government Performance Reporting Framework

40% to 130%

Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations

**STABILITY**

**Dimension - Stability**

**Indicator - Rates concentration**

*Measure - Rates compared to adjusted underlying revenue*

63.84% No material variation

[Rate revenue / Adjusted underlying revenue] x100

Expected range in accordance with the Local Government Performance Reporting Framework

30% to 80%

Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability

**Indicator - Rates effort**

*Measure - Rates compared to property values*

0.26% No material variation

[Rate revenue / Capital improved value of rateable properties in the municipality] x100

Expected range in accordance with the Local Government Performance Reporting Framework

0.15 to 0.75%

Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden

Financial Performance Indicators for the seven months ended 31 January 2025	Result	Material Variations
<b>EFFICIENCY</b>		
<b>Dimension - Efficiency</b>		
<b>Indicator - Expenditure level</b>		
<i>Measure - Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$2,669.26	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	\$2,000 to \$5,000	
Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency		
<b>Indicator - Revenue level</b>		
<i>Measure - Average rate per property assessment</i> [Total rate revenue (general rates and municipal charges) / Number of property assessments]	\$1,999.60	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	\$700 to \$2,000	
Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency		

### 3.8 SOCIAL MEDIA POLICY

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19606

#### **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 are updated as part of an ongoing policy and procedure review process.

The Social Media Policy was presented to the 16 March 2021 Council Meeting, where Council adopted the Policy.

#### **DISCUSSION**

This Social Media Policy applies to all Councillors, employees, volunteers and contractors.

This policy will also apply to agencies and individuals who provide services to Council and will be included in all relevant external supplier contracts.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business.

An annual review of the policy content has been undertaken, resulting in the following proposed changes:

#### **Additional wording to the section "Policy" on page 2 -**

These changes better reflect current digital platforms and channels that Council engages with.

Current wording with proposed changes highlighted below:

*The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including but not limited to:*

- Social networking sites (e.g. Facebook, **X/Twitter**, Instagram, SnapChat, MySpace, Google+, Bebo, Friendster, LinkedIn, TikTok, Reddit, **BeReal, RedNote**);
- Video and photo sharing sites (e.g. Flickr, YouTube, **Pinterest**);
- Blogs;
- Bulletin boards;
- Citizen journalism and news sites which facilitate public comment;
- Forums and discussion boards;
- Instant messaging facilities; (**e.g. WhatsApp, Telegram, Facebook Messenger, WeChat, Discord**)
- Online encyclopaedias (e.g. Wikipedia);
- Podcasts;
- Video podcasts;
- Wikis;

#### **Updated wording to the section "2.4.23 Be responsive" on page 8 -**

Current wording with proposed changes highlighted below:

#### **2.4.23 Be Responsive**

Councillors, Council staff, volunteers or **and** contractors should specify the type of comments and feedback that will receive a response and clearly communicate a target response time. **are only to engage with social media commentary where appropriate and in a timely manner.** It should be easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, **Instagram** Skype and Twitter **LinkedIn** accounts **should be made readily available to facilitate communication between the community and Council.**

Except for minor administrative and editorial corrections, no other substantive changes have been proposed.

### **KEY CONSIDERATIONS**

*Alignment to Council Plan Strategic Objectives*

5.1 Good governance through leadership

#### **Budget implications**

There are no budget implications in relation to the adoption of the Social Media Policy.

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

The Social Media Policy has been reviewed referencing the Councillor Code of Conduct, Staff Code of Conduct, media and communication procedures, social media procedures and relevant legislation.

#### **Sustainability Implications**

There are no economic, social or environmental implications in relation to the item.

#### **Risk Assessment**

There are no significant risks involved in adopting or implementing the Social Media Policy.

The Policy will be accessible to Councillors, employees, contractors and volunteers via Council's website.

#### **Innovation and Continuous Improvements**

The Social Media Policy provides opportunities for interactive two-way communications with the community, which can complement existing communication and further improve information, access and delivery of key services.

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

Members of Council's Audit and Risk Committee have reviewed and endorsed the Social Media Policy. The Media Team have reviewed the Social Media Policy

### **RECOMMENDATION**

*That:*

1. *Council adopt the Social Media Policy*

### **MOVED CR JOYCE SECONDED CR KAUR**

**That:**

1. **Council adopt the Social Media Policy**

**Cr Joyce and Cr Kaur spoke for the motion**

**CARRIED  
5099/25**



## ATTACHMENTS

The Social Media Policy is Provided as Attachment 3.8



# Social Media Policy

## DOCUMENT CONTROL

Category Type: Policy  
Type: Council  
Responsible Officer: Chief Executive Officer

Last Review Date: February 2025  
Date Approved:  
Next Review Date:

Revision No: 5

Stakeholder Engagement:  
Chief Executive Officer  
Governance and Risk Lead Media and Communications Leads  
Media Team

# Social Media Policy



## 1 INTENT

Ararat Rural City Council (Council) recognises that social media provides opportunities for dynamic and interactive two-way communications with the community which can complement existing communication and further improve information, access and delivery of key services.

Council also recognises the value of social media in supporting the Organisational Vision.

The intent of this policy is to outline the appropriate use of social media platforms and tools by Councillors, Council staff, volunteers, contractors and for the purpose of conducting Council business.

## 2 POLICY

This policy applies to all Councillors, Council staff, volunteers and contractors who purport to use social media on behalf of Council. This policy will also apply to agencies and individuals who provide services to Council and will be included in all relevant external supplier contracts. The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business.

It aims to:

- Inform appropriate use of social media tools for Council;
- Promote effective and productive community engagement through social media;
- Minimise miscommunication or mischievous communications;
- Help Council manage the inherent challenges of speed and immediacy.

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including but not limited to:

- Social networking sites (e.g. Facebook, X/Twitter, Instagram, SnapChat, MySpace, Google+, Bebo, Friendster, LinkedIn, TikTok, Reddit, BeReal, RedNote);
- Video and photo sharing sites (e.g. Flickr, YouTube, Pinterest); blogs;
- Bulletin boards;
- Citizen journalism and news sites which facilitate public comment;
- Forums and discussion boards;
- Instant messaging facilities; (e.g. WhatsApp, Telegram, Facebook Messenger, WeChat, Discord)
- Online encyclopaedias (e.g. Wikipedia);
- Podcasts;
- Video podcasts;
- Wikis;
- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As it is not possible to expressly refer to or list the specific sites or kinds of social media outlets either extant or emerging, the absence of a reference to a particular site or kind of social media activity **does not limit the application of this policy.**

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with Council; and
- no reference is made to Council, its Councillors, Council staff, policies and services, suppliers or other stakeholders or Council related issues.

Personal use of social media during work hours is prohibited unless authorised by a manager.

## Social Media Policy



### 2.1 Legislative and policy framework

Councillors and Council staff, volunteers and contractors are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

Council policies and guideline provisions which must be adhered to in relation to the use of social media include the following:

- Councillor Code of Conduct;
- Staff Code of Conduct;
- Employment contracts;
- Information Technology Policy
- Information Technology Usage Policy and Procedure;
- Media and Communications Procedure; and
- Privacy Policy.

When using social media in relation to Council matters on either a private account or a Council page, Councillors, Council staff, volunteers and Contractors are expected to:

- Adhere to Council codes of conduct, policies and procedures;
- Behave with caution, courtesy, honesty and respect;
- Comply with relevant laws and regulations;
- Reinforce the integrity, reputation and values of Council.

The following content is not permitted under any circumstances by Councillors, Council staff, volunteers and contractors:

- Abusive, profane or sexual language;
- Content which is false or misleading;
- Confidential information about Council or third parties;
- Copyright or trademark protected materials;
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation;
- Illegal material or materials designed to encourage law breaking;
- Sexually explicit letters, emails or SMS messages;
- Materials that could compromise Council, Council staff, volunteers or system safety;
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks);
- Material which would bring Council into disrepute;
- Personal details or references to Councillors, Council staff or third parties, which may be inconsistent with Council's Privacy Policy;
- Spam, meaning the distribution of unsolicited bulk electronic messages;
- Statements which may be considered bullying or harassment.

Council's Media Team, when posting on social media, will do so in collaboration with the relevant department.

Council staff who are authorised administrators of Council social media sites are discouraged from updating their personal blogs and social media sites while using council-owned technology including computers, mobile phones and tablets.

Councillors, Council staff, volunteers and contractors must not say or do anything to potentially damage the operations or reputation of Council whilst using their personal social media accounts during either working or non-working periods. Accordingly, they must be sensitive to separate their personal opinions from professional ones.



# Social Media Policy



Ararat Rural City

Councillors, Council staff, volunteers and contractors should exercise caution when referring to Council matters on a personal, or a third party, social media site. If the content discusses work or work-related topics, employees should avoid:

- Disclosing confidential documents or details;
- Discussing internal discussions or decisions; and
- Publishing content in exchange for reward of any kind.

Council staff found to be discussing this information will be subject to the conditions as outlined within Council's Performance Management Disciplinary Policy and Procedure.

If you have any doubt about applying the provisions of this policy, seek clarification from a member of the Media Team before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

## 2.2 Consequences of Policy Breach

Council's Media Team reserves the right to ban any user and remove content from its social media sites, if this policy or any associated policies have been violated.

For Council staff, volunteers and contractors, breaching this policy may result in a code of conduct complaint, performance management and/or review. Serious breaches may result in suspension or termination of employment or association.

For Councillors, breaching this policy may result in a Code of Conduct complaint.

## 2.3 Roles and Responsibilities for using Social Media

Role	Responsibilities
Mayor/CEO	<p>The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature. This includes:</p> <ul style="list-style-type: none"> <li>• State-wide political issues affecting Local Government;</li> <li>• Contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;</li> <li>• Issues pertaining to policy and Council decisions;</li> <li>• Issues relating to the strategic direction of Council; and</li> <li>• The Mayor may nominate another Councillor or the Chief Executive Officer to make official comment on behalf of Council, where appropriate.</li> </ul> <p>The Chief Executive Officer is the official spokesperson for all operational matters pertaining to Council as an organisation</p>
Councillors	<ul style="list-style-type: none"> <li>• Seek advice and authorisation from the Chief Executive Officer on using social media.</li> <li>• Seek approval for Council branding of social media.</li> <li>• Register social media account/tools/site with Council's Media Team.</li> <li>• Understand and comply with the provisions in this policy.</li> <li>• Seek training and development for using social media.</li> <li>• Seek advice from Council's Media Team if unsure about applying the provisions of this policy.</li> <li>• Individual Councillors are entitled to express independent views through the media, however they must make clear that any unofficial comment is a personal view and does not necessarily represent the position of Council as a whole.</li> <li>• No Council staff will assist with the implementation or management of personal social media sites of or for Councillors.</li> </ul>



## Social Media Policy



Ararat Rural City

<p>Council staff, volunteers and contractors</p>	<ul style="list-style-type: none"> <li>• Seek approval from relevant manager for business strategy incorporating social media.</li> <li>• Seek advice and authorisation from Council's Media Team, Chief Executive Officer on using social media on behalf of Council and when developing a communications plan to support business strategy.</li> <li>• Seek approval for Council branding of social media from either Council's Media Team or the Chief Executive Officer.</li> <li>• Seek training and development for using social media.</li> <li>• Understand and comply with the provisions in this policy.</li> <li>• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable.</li> <li>• Seek advice from the Media Team or the Chief Executive Officer if unsure about applying the provisions of this policy.</li> <li>• Ensure contractors are provided with a copy of this policy.</li> <li>• Familiarise with the End User Licence Agreements of any external social media tools being used.</li> </ul>
<p>Managers</p>	<ul style="list-style-type: none"> <li>• Approve business strategy incorporating use of social media.</li> <li>• If establishing a new Council-run page, ensure staff consult and obtain authorisation from the Chief Executive Officer or Council's Media Team on their planned use of social media.</li> <li>• Ensure contractors are provided with a copy of the Social Media Policy.</li> <li>• Ensure training for staff using social media is completed prior to the site going live.</li> <li>• Advise Information Technology (IT) of approval to access social media for business purposes.</li> </ul>
<p>Information Technology Department</p>	<ul style="list-style-type: none"> <li>• Facilitate secure access to support delivery of Council business via social media.</li> <li>• Regularly back up and archive internally hosted social media sites.</li> <li>• Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience.</li> </ul>
<p>Media Team</p>	<ul style="list-style-type: none"> <li>• Authorise use of social media tools for conducting Council business.</li> <li>• Provide advice and assist with the development of communication plans using social media.</li> <li>• Educate Councillors, Council staff, volunteers and contractors about this policy and their responsibilities when using social media.</li> <li>• Provide social media training when requested.</li> <li>• Advise appropriate precautions e.g. disclaimers.</li> <li>• Monitor social media accounts/tools/sites registered for conducting Council business.</li> <li>• Monitor social media for references to Council.</li> <li>• Seek legal advice as appropriate in circumstances where an issue is likely to be contentious or may create legal risk for Council.</li> <li>• Ensure the Social Media Policy is being followed accordingly by Councillors, Council staff, volunteers and contractors to the best of abilities and resources available.</li> <li>• If the Social Media Policy is breached, advise the CEO for relevant disciplinary action.</li> </ul>

## Social Media Policy



Ararat Rural City

- 2.4 Requirements for use of social media by Councillors, Council staff, volunteers and contractors**
- 2.4.1 Authorisation to create a new Council page, site or account**  
In the case of a new social media account created on behalf of Council by a Councillor, appropriate written authorisation should be obtained from the CEO. In the case of a new social media account created on behalf of Council by a staff member, volunteer or contractor, written authorisation should be obtained from the Media Team... Approval will not be given for the new social media account until appropriate discussions have been undertaken by the relevant officer(s) of the account with Council's Media Team. Once approved, this process will be facilitated by Council's Media Team, but ownership of the account remains with the relevant officer(s). The role of Council's Media Team includes working with the relevant officer(s) to upload content and monitor tone of communication.
- 2.4.2 Administration of Accounts**  
Council's Media Team must have administration rights of all social media accounts that are Council managed. This is to allow adequate monitoring, ensuring consistent tone and content, and banning or blocking where required.
- 2.4.3 Requests from the Media**  
No Councillor, Council staff, volunteer or contractor is to issue a statement or make an announcement regarding Council matters or on behalf of Council through social media channels unless authorised. If approached through social media for comment, refer the enquiry to the Media Team as per Council's Media and Communications Procedure.
- 2.4.4 Expertise**  
When posting to social media, a staff members are not to comment outside their area of expertise or commit Council to actions/undertakings. Posts must reflect only the area of Council activity for which the social media account has been set up. Council staff should not comment or react to "out of scope" posts.
- 2.4.5 Disclosure**  
When using social media in any capacity, Councillors, Council staff, volunteers and contractors should only discuss information pertaining to Council which is publicly available. Do not disclose confidential information, internal discussions or decisions of Council, Council staff, volunteers or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of Councillors, Council staff, volunteers or third parties.
- 2.4.6 Accuracy**  
All Councillors, Council staff, volunteers and contractors are encouraged to be accurate, constructive, helpful and informative in their social media activities. Any errors should be corrected as soon as practicable. Councillors, Council staff, volunteers or contractors must not publish information or make statements which are known to be false or may reasonably be taken to be misleading or deceptive.
- 2.4.7 Identity**  
Councillors, Council staff, volunteers and contractors should be clear about professional identity, and/or any vested interests while using social media. Do not use fictitious names or identities that deliberately deceive or mislead, nor participate anonymously or covertly via a third party or agency. These activities constitute gross misconduct under Council's Performance Management Employee Discipline Policy, and will be dealt with accordingly.



## Social Media Policy



### 2.4.8 Opinion

Council staff should not express or publish a personal opinion on Council generally, nor about Council business, via social media.

Councillors should be mindful of the Councillor Code of Conduct when discussing or commenting on Council matters. Generally, Councillors should not express personal opinions on Council decisions or Council business nor be critical of Council. If it is not possible to separate official Council positions from personal opinions, Councillors should consider using a formal disclaimer to separate interests.

### 2.4.9 Direct Family Members of Councillors, Council staff, volunteers and Contractors

Direct family members of Councillors, Council staff, volunteers and contractors should avoid expressing personal opinions towards Council or Council business on social media, due to association.

### 2.4.10 Privacy

All Councillors, Council staff, volunteers and contractors should be sensitive to the privacy of others. Permission must be secured from any person who appears in photographs, video or other media formats before sharing the material via social media. If asked to remove materials, social media administrators should do so as soon as practicable.

Any material relating to social media – including comments, email, followers, friends, posts and subscriber lists – is considered public records if the communication is created or received as part of the staff member's duties as a Council staff member, and will therefore be subject to Council's Privacy Statement. Refer to Council's Privacy Policy for more information.

### 2.4.11 Intellectual Property

Permission from the creator or copyright owner should be sought to use or reproduce copyright material including applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music. Councillors, Council staff, volunteers and contractors should also seek permission before publishing or uploading material in which intellectual property rights, such as trademarks, are owned by a third party e.g. company logos. Permission from the website's owner should also be given wherever possible before linking to another site (including a social media application).

### 2.4.12 Defamation

Councillors, Council staff, volunteers and contractors are not to comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of Council as an organisation.

### 2.4.13 Reward

Councillors, Council staff, volunteers and contractors will not publish content in exchange for reward of any kind.

### 2.4.14 Transparency

Councillors, Council staff, volunteers and contractors will not seek to buy or recompense favourable social media commentary. They will encourage online publishers to be open and transparent in how they engage with or review Council personnel, services or wares.

## Social Media Policy



Ararat Rural City

- 2.4.15 Political Bias**  
Councillors, Council staff, volunteers and contractors will not endorse any political affinity or allegiance via social media.
- 2.4.16 Respect**  
Councillors, Council staff, volunteers and contractors should always be courteous, patient and respectful of others' opinions via social media, including detractors.
- 2.4.17 Discrimination**  
Councillors, Council staff, volunteers and contractors should be mindful of anti-discrimination laws and must not publish statements or information via social media which may be discriminatory.
- 2.4.18 Prevention of Sexual Harassment**  
Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether or not the material was transmitted or accessed during work hours. Where there is a link to Council, all Councillors, Council staff, volunteers and contractors are subject to the same rules about sexual harassment in the virtual world as they are in the real world. As such, they are required to use technology and social media responsibly.
- 2.4.19 Language**  
Councillors, Council staff, volunteers and contractors should be mindful of language and expression while using social media.
- 2.4.20 State of Mind**  
Councillors, Council staff, volunteers and contractors should not use social media when inebriated, irritated, upset or tired.
- 2.4.21 Be Safe**  
Councillors, Council staff, volunteers and contractors should implement safe practices to protect personal privacy and to guard against identity theft or scams.
- 2.4.22 Modification and Moderation**  
Councillors, Council staff, volunteers and contractors should ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.
- 2.4.23 Be Responsive**  
Councillors, Council staff, volunteers, and contractors are only to engage with social media commentary where appropriate and in a timely manner. Council's phone number, email address, Facebook, Instagram, and LinkedIn accounts should be made readily available to facilitate communication between the community and Council.
- Monitoring of Council social media is the responsibility of Council's Media Team or the page/site's approved administrator(s). Appropriate actions of response shall be taken to the best of the administrator's abilities and resources including outside of office hours.



## Social Media Policy



Council reserves the right, for legal compliance purposes, to monitor social media usage on its systems without advance notice and consistent with any applicable state, federal or international laws.

Council may be legally required to produce logs, diaries and archives of social media use to judicial, law enforcement and regulatory agencies and will comply with any relevant requests.

### 2.4.24 Enforcement of policy

All content published or communicated by or on behalf of Council using social media must be recorded.

Council actively monitors social media for relevant contributions that impact on Council, its operations and reputation. Council will be able to find – and act upon – contributions made by Councillors and Council staff if deemed necessary.

This policy will be published and promoted to Councillors, Council staff, volunteers and contractors of Council.

## 3 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, the need for minor administrative changes to this document may arise. 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.

## 4 REFERENCES

Councillor Code of Conduct  
Privacy Policy  
Staff Code of Conduct  
Community Engagement Policy  
Election Period Policy  
Workplace Anti-Discrimination and Harassment Policy  
Information Technology Policy  
Information Technology Usage Procedure  
Performance Management Discipline Policy  
Media and Communications procedure  
Social Media Procedure  
Performance Management Discipline procedure  
Council Prevention of Sexual Harassment Policy  
Prevention of Sexual Harassment in the Workplace Policy  
Internal Media request procedure and templates  
Individual employment contracts

Below is a list of legislation and areas that are relevant in the context of social media for Council.

- Australian Human Rights Commission Act 1986 (Cth)
- Age Discrimination Act 2004 (Cth)
- Copyright Act 1968
- Crimes Act 1958
- Defamation Act 2005
- Employment contracts

## Social Media Policy



Ararat Rural City

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- Equal Opportunity Act 2010
  - Fair Work Act 2009 (Commonwealth) – Human Resources policies
  - Freedom of Information Act 1982
  - Local Government Act 1989
  - Local Government Act 2020
  - Victorian Equal Opportunity Act 2010 (or Australian Human Rights Commission Act 1986)
  - Spam Act 2003 (Cth)
  - Privacy and Data Protection Act 2014
  - Public Records Act 1973
  - Sex Discrimination Act 1984 (Cth)
  - Wrongs Act 1958

### 5 APPENDICES

Nil.

**SECTION 4 - INFORMATION REPORTS**

**4.1 2024/2025 CAPITAL WORKS PROGRAM - JANUARY 2025**

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 19607

**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'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
- Roads to Recovery funded projects (Webb Street & McCrows Road Bridge)

**Budget Status:**

As of 31 January, 2025, 34% of the budget is spent.

Buangor Ben Nevis Road plans are complete, and commencement of stage two of Mt William Road are ready to commence, pending cultural heritage and flora and fauna reports.

With the Yarram Gap Road fires it is likely that our capital works budget will again be affected with emergency works being a priority in early 2025. Construction on Churchill Avenue is continuing with utilities and service provision being undertaken and footpath works commencing.

	Budget	Committed/ Contracted	Expended	%	Notes
<b>PROPERTY - CAPITAL</b>					
Property Capital	<b>\$270,000</b>		\$151,114	57%	Works have been completed for the resurfacing of the Pomonal Tennis Courts, replacement of windows at the Town Hall in the Arts & Crafts Room, painting of the Maroona Rec Reserve and new touch screen kiosks. Upgrade of the circulating pumps at the indoor pool was undertaken over January 2025.
Ararat Library Upgrade	<b>\$200,000</b>	\$82,875	\$103,188	52%	Works have commenced on the library upgrade with carpet, electrical and shelving currently being installed.

Tatyoan Oval, Drainage, Irrigation & Resurfacing	<b>\$333,500</b> <b>\$83,500</b> <b>Council</b> <b>\$250,000</b> <b>CFNP</b>	\$118,045	\$236,829	72%	Aqualines Irrigation Pty Ltd have completed the works with the new pump connections to the reservoir to be completed in February 2025.
<b>TOTAL PROPERTY</b>		<b>\$224,421</b>	<b>\$491,131</b>	<b>61%</b>	
<b>PLANT &amp; EQUIPMENT</b>					
Book stock - Library Book Replacement	<b>\$40,000</b>	-	\$41,261	103%	Fully expended for 2024/2025
<b>TOTAL PLANT &amp; EQUIPMENT</b>			<b>\$20,422</b>	<b>51%</b>	
<b>ROADS</b>					
Gravel Road Sheeting, Widening & Alternative Sealing	<b>\$1,800,000</b>	-	\$1,228,841	68%	Resheeting, widening and alternative seal works have been completed on a number of roads including: <ul style="list-style-type: none"> <li>• Tatyoan North Road</li> <li>• Mt William Road</li> <li>• Webbs Road</li> <li>• Rockies Hill Road</li> <li>• Coopers Road</li> <li>• Astons Road (Shoulders)</li> <li>• Tunnel Road</li> <li>• Tobacco Road</li> <li>• Cherrytree Road</li> <li>• Moyston Township</li> </ul>
Reseal Program	<b>\$1,000,000</b>	-	\$892,546	89%	Reseal works are 89% complete for the current financial year, with linemarking the only outstanding works.
Mt William Road (24/25 - HSVPP Funding)	<b>\$6,250,000</b>	-	\$2,252	-	These works will commence on receipt of final cultural heritage management plan.
Buangor Ben Nevis Road	<b>\$2,143,000</b>	\$68,522	\$110,869	5%	Plans and technical reporting have been completed. Council is working with Australian Cultural Heritage Services to complete CHMP. Finalisation of the native vegetation offsets is required with a final report from ecologists expected imminently.
Weighbridge Place, Lake Bolac		\$74,900	\$691		Asphalting works at Weighbridge Place are to be undertaken by SHS Civil, works have commenced in early February 2025.  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	<b>\$800,000</b>	\$2,750	\$44,018	6%	Works have commenced on site with footpath works and service/utility proofing. Works are to be completed by 30 June 2025 in line with LRCI funding.
Webb Street, Ararat	<b>\$700,000</b>	\$3,700	\$11,496	2%	Works will be undertaken in conjunction with works on Churchill Avenue.
Urban Road Gravel to Seal	<b>\$700,000</b>		\$935,756	134%	Works are currently being completed at various urban locations with kerb and channel and drainage being installed including Bailey Lane, Currajong Ave/McLellan Street, Mulcahy Road and Young Street.  Multiple design works are being finished for the coming years programs.
Major Patching	<b>\$100,000</b>	\$	\$68,858	69%	Priority works have been completed in November 24.
Bridges	<b>\$80,000</b>	\$13,927	\$88,654	111%	Investigations into the works required for the Buangor Ben Nevis Road Bridge 1 project are underway. These works include McCrows Road Bridge which will be undertaken with Roads to Recovery funding as approved in January 2025. Other bridge strengthening works are being investigated and estimated for upcoming programs.
Footpath Renewal Program	<b>\$400,000</b>	\$205,833	\$188,554	47%	Council's footpath program has been completed with with Barkly/Queen Street Asphalt Path, and Maude Street finished in January 2025. Other costs within this budget include works on Tunnel Track, Pomonal which was a funded project.
Urban Drainage Works	<b>\$750,000</b>		\$367,779	49%	Drainage works are progressing with works currently completed at Ararat Cemetery and Thompson and Kneale Street. Works on the main drain are being compiled for completion. The Queen Street Stormwater Project has also been completed.

Kerb and Channel	\$239,000		\$159,494	67%	Works on the Walkerville and Wileman Street project in Willaura have been completed.
Miscellaneous			\$128,348		These works include finalisation of works at Gordon Street Reserve and small projects carried over from previous years.
<b>TOTAL INFRASTRUCTURE</b>	<b>\$449,789</b>		<b>\$4,894,256</b>	31%	
<b>TOTAL CAPITAL WORKS</b>	<b>\$674,210</b>		<b>\$5,426,647</b>	34%	

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	Total Expended	%	Notes
Mt William Road	\$1,000,000	\$313,911		\$526,826	84%	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.  Final works include class A stone and sealing works.
Buangor Recreation Reserve Kitchen Extension		\$53,849		\$303		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.  Council is currently undertaking quotation works with a local commercial builder to try to progress these works.

### 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 - January 2025 report.

#### **MOVED CR JOYCE SECONDED CR PRESTON**

That

1. Council receive the Capital Works Program - January 2025 report.

**Cr Joyce and Cr Preston spoke for the motion**

**CARRIED 6/0  
5100/25**

#### **ATTACHMENTS**

There are no attachments relating to this item

## SECTION 5 - INFORMAL MEETINGS

### 5.1 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 11 February 2025
Council Briefing held on 19 February 2025

#### Matters discussed at the briefing:

- Cat curfew request
- Delegations S6 & S11A
- Rate arrears - hardship requests
- Disability drop off point
- Green Hill Lake governance issues and media response
- Community Vision and Community Plan workshop dates
- Housing Support Program update
- Situational update - CEO
- Green Hill Lake
- Transfer Stations
- Governance Rules
- Monthly Performance Report - January 2025
- Capital Works Report - January 2025
- Social media Policy
- Kennel Road Petition
- Rates arrears - top 50 update
- Kindergarten Infrastructure and Services Plan 2025
- Lake Bolac Childcare
- Emergency Services and Volunteer Fund - MAV Motion



- Road Management Plan Review
- Recycle Care
- Building approvals
- Planning approvals under delegation

## 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

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

## MOVED CR WATERSTON SECONDED CR PRESTON

That

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

**Cr Preston spoke for the motion**

**CARRIED 6/0  
5101/25**

## ATTACHMENTS

The Summary of Council Briefings are provided as Attachment 5.1.

## Councillor Briefing



**Date: Tuesday 11 February 2025**

**Commencement: 5.00 pm**

**Location: Council Chamber, Shire Offices**

**Councillors:** Cr Jo Armstrong  
Cr Rob Armstrong  
Cr Peter Joyce  
Cr Teli Kaur  
Cr Luke Preston  
Cr Bob Sanders  
Cr Bill Waterston

**Officers:** CEO, Dr Tim Harrison

**Apologies**

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### Disclosure of Conflict of Interests

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

### Matters Considered

1	Mayor's roundup
2	Cat curfew request
3	Delegations S6 & S11A
4	Rate arrears – hardship requests
5	Disability drop off point
6	Green Hill Lake governance issues and media response
7	Community Vision and Community Plan workshop dates
8	Housing Support Program update
9	Situational Update - CEO

Dr Tim Harrison

## Councillor Briefing



Date: Wednesday 19 February 2025

Commencement: 5.00 pm

Location: Council Chamber, Shire Offices

Councillors: Cr Jo Armstrong  
Cr Rob Armstrong  
Cr Peter Joyce  
Cr Teli Kaur  
Cr Luke Preston  
Cr Bob Sanders  
Cr Bill Waterston

Officers: CEO, Dr Tim Harrison

Apologies

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### Disclosure of Conflict of Interests

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

### Matters Considered

1	Mayor's roundup
2	Green Hill Lake
3	Transfer Station
4	Governance Rules
5	Monthly Performance Report – January 2025
6	Capital Works Report – January 2025
7	Social Media Policy
8	Kennel Road Petition
9	Rates arrears – top 50 update
10	Kindergarten Infrastructure and Services Plan 2025
11	Lake Bolac Childcare
12	Emergency Services and Volunteer Fund – MAV Motion
13	Road Management Plan review
14	Recycle Care
15	Building approvals
16	Planning approvals under delegation

Dr Tim Harrison

**SECTION 6 - COMMITTEE MINUTES/REPORTS**

No Committee Minutes/Reports received



## **SECTION 7 - NOTICES OF MOTION**

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

**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 - Rates Arrears - Financial Hardship requests

## **6:38PM - 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 JOYCE SECONDED CR PRESTON**

**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.**

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5102/25**

## **6:49PM - OPEN COUNCIL MEETING RECOMMENCEMENT**

### *RECOMMENDATION*

*That the Open Council Meeting recommence.*

### **MOVED CR R ARMSTRONG SECONDED CR PRESTON**

**That the Open Council Meeting recommence.**

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5104/25**

**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 Confidential Agenda Item 9.1 not be lifted on adoption of the motion.*

### **MOVED CR R ARMSTRONG SECONDED CR WATERSTON**

**That:**

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

**No Councillors spoke for or against the motion**

**CARRIED 6/0  
5105/25**



**Meeting closed at 6:50pm**

I HEREBY CERTIFY THAT PAGES 10073 - 10274 INCLUDING PAGES 774 - 795 OF THE CLOSED SESSION ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

**MAYOR - CR JO ARMSTRONG**