



Minutes

Ordinary Council Meeting held at 12.30 PM on the Monday 2 March 2020 in the Council Chamber, St Arnaud Town Hall.

Present

Cr Murray Emerson (Mayor)
Cr Kevin Erwin
Cr Tony Driscoll
Cr Rob Haswell
Cr Jason Hosemans
Cr Karen Hyslop
Cr Merrilee Reid

Ms Liana Thompson, Chief Executive Officer
Mr Vaughan Williams, Director Corporate Services
Mr Trenton Fithall, Director Infrastructure
Mrs Naomi Goode, Director Communities

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 6 April 2020.

Table of Contents

1. Apologies	3
2. Confirmation of Minutes	3
3. Matters Arising from the Minutes	3
4. Presentations/Awards.....	3
5. Presentation of Petitions and Joint Letters.....	3
6. Disclosures of Interest and Declarations of Conflict of Interest	4
7. Assemblies of Councillors.....	5
8. Items Brought Forward	6
9. Consideration of Reports of Officers	7
9.4.1. Third Party Co-contributions to Grants Policy	7
9.4.2. Delegations and Authorisations Update.....	13
10. Notices of Motion or Rescission.....	79
11. Reports from Councillors/Committees.....	79
12. Urgent Business	79
13. Public Question Time.....	79
14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989.....	81
14.1. Stawell Athletic Club Funding Agreement	81
14.2. C12 2019/20 - Provision of a Hosted Telephone System.....	81
14.3. C11 2019/20 - Stawell Structure Plan & Western Highway Urban Design Framework.....	81
15. Close	82

1. Apologies

Nil

2. Confirmation of Minutes

Ordinary Meeting held on Monday, 3 February 2020

RESOLUTION

That the minutes as listed, copies of which have been circulated, be confirmed and adopted.

Moved: Cr Jason Hosemans

Seconded: Cr Rob Haswell

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

Nil

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosures of Interest and Declarations of Conflict of Interest

A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.

- a. by either-**
 - i. advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or**
 - ii. advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and**
- b. classifying the type of interest that has given rise to the conflict as either-**
 - i. a direct interest; or**
 - ii. an indirect interest and specifying the particular kind of indirect interest under:
section 78 - close association
section 78A - financial interest
section 78B - conflicting duties
section 78C - receipt of an applicable gift
section 78D - consequence of becoming an interested party
section 78E - impact on residential amenity; and**
- c. describing the nature of the interest; and**
- d. if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.**

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Nil

7. Assemblies of Councillors

[Liana Thompson, Chief Executive Officer]

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and 1 member of Council staff which considers matters that are intended or likely to be: - the subject of a decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee [s 76AA]; but does not include a meeting of the Council, a special committee of the Council, an audit committee established under s 139, a club, association, peak body, political party or other organisation.

A matter means a matter with which a Council, special committee or a member of Council staff is concerned and that will require –

- a. a power to be exercised, or duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- b. a power to be exercised, or duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter.

Section 80A of the *Local Government Act 1989* requires that the written record of an Assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council Meeting.

The records for the period since the last ordinary Council meeting are listed below.

◆ Date	Meeting Description	◆ Matters Considered At The Assembly:	Conflict Of Interest Disclosures		
			Councillor/Officer	Item Number	Left Meeting?
17/02/2020	Sustainable Infrastructure Briefing	8.1. Cato Fountain Proposal 8.2. Presentation - Regional Roads Victoria 9.1. C11 2019/20 - Stawell Structure Plan & Western Highway Urban Design Framework	Nil	Nil	Nil
10/02/2020	Economic Growth Briefing	8.1. Site Visit - North Park Development 8.2. Branding Strategy	Nil	Nil	Nil
03/02/2020	Lifestyles and Community Briefing	8.1. Presentation - Stawell Sports and Aquatic Centre Redevelopment Project 8.2. Presentation - Stawell Visitor Information Centre 9.1. Council Agenda Review	Nil	Nil	Nil
28/01/2020	Organisational Effectiveness Briefing	8.1. Quarterly Finance Report - December 2019 8.2. Draft Meeting Procedure Local Law Submission(s) 8.3. Rural Councils Transformation Program 8.4. Wimmera Regional Library Corporation 8.5. Sloane Street Contract - Expressions of Interest 8.6. Lot 53 Stawell Aerodrome Lease Transfer 8.7. Waites Robson Draft Design 8.8 Ag Engagement 9.1. C13 2019/20 - Provision of Bridge Painting	Nil	Nil	Nil
17/07/2019	Advisory Committee Queen Mary Botanic Gardens Committee	8.1 Donations 8.2 Upcoming Working Bee 8.3 Process on building 8.4 Plaque 8.5 Angwin Gates	Nil	Nil	Nil
31/10/2019	Advisory Committee St Arnaud Recreation Advisory Group	1.1. Multipurpose Facility Design 1.2 Bendigo Stadium 1.3 Membership of Group 1.4 Fundraising 1.5 Events Debriefs 1.6 Road Preparation	Nil	Nil	Nil
10/12/2019	Advisory Committee Stawell Recreation Advisory Group	3.1 North Park Project 3.2 Advisory Group Membership 3.3 Stawell Parks Master Plan 3.4 Stawell Parks Master Plan	Nil	Nil	Nil
06/11/2019	Advisory Committee Stawell Recreation Advisory Group	3.1 North Park Project 3.2 North Park Multipurpose Precinct Development Plan 2011 3.3 Stawell Parks Master Plan 3.4 Advisory Group Membership	Nil	Nil	Nil
20/03/2019	Advisory Committee Queen Mary Botanic Gardens Committee	8.1 Hedges Petition 8.2 Resignation of Committee Member 8.3 Appointment of new members 8.4 Wind Farm Grant 8.5 Gala Day 8.6 QMG Information Board 8.7 Pioneer Park Information Board	Nil	Nil	Nil
20/01/2020	Sustainable Infrastructure Briefing	8.1. Greening St Arnaud Project 8.2. SSAC Feasibility and Master Plan 8.3. Lord Nelson Park Redevelopment 9.1. C8 2018/19 - Provision of Street Cleaning Services	Nil	Nil	Nil

RESOLUTION

That the report on Assemblies of Councillors be approved.

Moved: Cr Karen Hyslop

Seconded: Cr Kevin Erwin

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers

9.4.1. Third Party Co-contributions to Grants Policy

Author/Position: Natalie Martin, Coordinator Financial Sustainability

Summary

Third party cash co-contributions towards the cost of projects are actively sought by Council to assist with long term financial sustainability and for the benefit of third parties.

The attached policy outlines the purpose and processes for managing third party cash co-contributions to grants, where the third parties are non-government bodies, individuals or organisations.

In the case of grant applications that have a mandatory co-contribution requirement, or where a third party has committed to providing a financial contribution towards a project that would otherwise not be able to be delivered by Council alone, a consistent approach to working with contributors is required to reduce the financial risks to Council.

Minor changes have been made to the existing policy in relation to responsible director and officer positions.

Recommendation

That Council adopts the changes to the Third Party Co-contributions to Grants Policy with immediate effect.

RESOLUTION

That Council adopts the changes to the Third Party Co-contributions to Grants Policy with immediate effect.

Moved: Cr Karen Hyslop

Seconded: Cr Merrilee Reid

Carried

Background/Rationale

Council applies for many grants that directly improve the amenity of community groups, sporting groups and other local organisations. Often Council cannot provide the total contribution required for the grant application and those groups wish to make a contribution to the project in order to see it happen.

Where it is agreed that a group will make a contribution to a project, Council has a responsibility to ensure that the agreement is upheld and this policy is intended to decrease the risk to the community of not being able to deliver an agreed project due to cash restrictions.

Council requests all co-contributions to be paid before signing a grant agreement as this is the point of commitment of Council to complete the project. Without these co-contributions being paid to Council from the group Council risks being out of pocket for those values at the end of the project as has happened in the past.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21- Enhance Lifestyles and Community and Provide Sustainable Infrastructure

Options

Option 1

That Council adopts the changes to the policy with immediate effect. **[recommended]**

Option 2

That Council does not proceed with the policy. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

External consultation not required.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Natalie Martin, Coordinator Financial Sustainability

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

{attachment-list}

Third Party Co-contributions to Grants Policy



March 2020



Northern Grampians Shire Council
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Third Party Co-contributions to Grants Policy



Council Policy

Responsible director	Director Corporate Services
Responsible officer	Manager Financial Services
Functional area	Financial Services
Date adopted by Council	3 March 2020
Review date	3 March 2021

Purpose

This policy outlines the purpose and processes for managing third party cash contributions to grants, where the third parties are non-government bodies, individuals or organisations.

Background

The Northern Grampians Shire Council actively seeks third party cash co-contributions towards the cost of projects to assist with long term financial sustainability and where third parties benefit from the project.

In the case of grant applications that have a mandatory co-contribution requirement, or where a third party has committed to providing a financial contribution towards a project that would otherwise not be able to be delivered by Council alone, a consistent approach to working with contributors is required to reduce the financial risks to Council.

Policy

The Northern Grampians Shire Council will seek third party co-contributions for projects that benefit third party groups and organisations, where possible.

Grant projects

Many grant programs require a mandatory co-contribution in order to be eligible to apply for funding. Co-contributions from community groups (third parties) which will benefit from the project are viewed very favourably by granting bodies, and significantly improve the competitiveness of the application because it shows strong community support for the project.

If a third party agrees to provide a financial contribution towards a project that requires grant funding, they will be asked to provide a letter of support confirming their financial contribution toward the project and this will accompany the grant application.

The third party will receive a letter from Council outlining this policy and what to expect should the grant application be successful. The third party will be asked to sign the letter as acknowledgement and return a copy to Council.

If the grant application is successful, the entire financial contribution from the third party is to be provided to Council before the Chief Executive Officer or authorised delegate signs the funding agreement. An invoice will be sent to the third parties upon Council receiving formal notification of the successful grant outcome. This invoice will generally be for the amount of the co-contribution plus GST.

Upfront payments will be the default position of Council. Any variations to this position will need to be negotiated with the Manager Financial Services (or delegated officer) and recommended to Council for approval.

Own-source projects

If a third party agrees to provide a financial contribution toward a project that does not require grant funding, they are to provide the entire contribution to Council before the project commences.

Council Plan Objective/Strategy

This policy aligns with the Council Plan Objective to Provide Sustainable Infrastructure and contributes to the indicator of "Additional Grant Funding Received".

This policy also aligns with Strategic Resource Plan 2017-21 Grant Revenue Principle of "maximising all appropriate external funding opportunities".

Legislation and Standards

Local Government Act 1989, for budgeting and reporting responsibilities.

Responsibilities

The Project Manager is to identify and liaise with third party organisations that are likely to benefit from the project and to discuss the potential for third party co-contributions toward the project.

Where the project requires grant funding, the Project Manager and Funding Officer will seek approval from the Executive Leadership Team (ELT) to proceed with the grant application. This will be done via the Application Submissions for Consideration by ELT (ASCELT) Form. If approved, the Project Manager and Funding Officer will work together to formalise the third party co-contribution commitments by requesting letters of support confirming the commitment, and which contains any other information required from the grant selection criteria.

The Funding Officer will prepare a letter from Council to inform the third party of this policy and the expectations of upfront payment upon the successful outcome of the grant application. The letter will contain a summary of the project they have committed to co-funding, the total project cost, their co-contribution and when the outcomes are likely so they can make their funds available.

The Funding Officer will arrange for the invoice to be sent to third parties when the grant application is successful.

Stakeholders

Mayor, Councillors, Chief Executive Officer, Directors, Managers, Project Managers, Funding Officer, third party organisations and individuals.

Review

This policy will be reviewed annually, in line with the *Local Government Act 1989*. If the policy is deemed to require only minor changes then the review process is to inform Councillors through the Councillor Bulletin. Significant alterations to the policy will require the Council to adopt the changes.

First review after one year of implementation.

Communication and implementation

This policy will be available in Council's electronic records management system and communicated through Council induction and in-house training presentations.

References

Strategic Resource Plan

Staff Code of Conduct

Fraud Prevention Policy

Risk Management Strategy

Privacy and Data Protection compliance

This policy considers the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* and the risk of unauthorised disclosure of personal information. Council's procedures and IT systems will be used to protect the security of information.

Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Definitions

Grant: Funds received from external sources for a particular purpose that is not expected to be paid back.

Own-Source Funding: Council rates contribution.

Review history

Date	Review details	Action
27/06/2018	Draft	Sent to Corporate Services
27/11/2018	Draft ready for Council briefing	Sent to Mary for final review
14/1/2019	Councillor Briefing	
4/2/2019	Council Meeting	
24/2/2020	Councillor Briefing	Amendment to responsible director and officer
02/3/2020	Council Meeting	

9.4.2. Delegations and Authorisations Update

Author/Position: Mary Scully, Manager Governance & Civic Support

Summary

To consider various delegations of Council's powers and duties to members of Council's staff.

Recommendation

A. S5 Instrument of Delegation from Council to CEO

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that :

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.
2. The instrument comes into force immediately the Instrument is signed.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

B. S6 Instrument of Delegation from Council to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that :

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

RESOLUTION

A. S5 Instrument of Delegation from Council to CEO

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that :

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.
 2. The instrument comes into force immediately the Instrument is signed.
 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
-

4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

B. S6 Instrument of Delegation from Council to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that :

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

Moved: Cr Kevin Erwin
Seconded: Cr Tony Driscoll

Carried

Background/Rationale

Council subscribes to the Maddocks Delegations and Authorisations Service which allows for regular updates to keep abreast of changes in legislation and to ensure the effective allocation and control of decision making powers.

As a result of the most recent update minor changes to the existing delegation from Council to Members of Council staff have been necessary to ensure references to legislation are current and the following Instruments of Delegation have been prepared for Council's consideration:

A. S5 Instrument of Delegation from Council to Chief Executive Officer

It is recommended that Councils remake the Instrument of Delegation with every update of the service, irrespective of what changes (if any) are made to the Instrument. No changes have been made in this update.

B. S6 Instrument of Delegation from Council to Members of Council staff

- Powers under the *Rail Safety (local Operations) Act 2006* have been removed from the schedule as the Act was repealed.
- Duties, powers and functions under the *Residential Tenancies Act 1997* have been changed. Note: these provisions only apply where a council is a public statutory authority engaged in the provision of housing.
- Duties, powers and functions under the *Road Management Act 2014* have been amended to reflect the changes made by the *Transport Legislation Amendment Act 2019*. The Act was amended to provide for changes to powers regarding authorised officers required due to the restructure of the transport portfolio.

The amendments are noted in red in the S6 Instrument which is an attachment to the report.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Road Management Act 2014

Council Plan - Improve Organisational Effectiveness

Options

Option 1

That Council agrees to the delegation of powers as set out in the Instruments and authorises the Mayor and Chief Executive Officer to sign the Instruments. **[recommended]**

Option 2

That Council rejects the recommendation and seeks additional information. **[not recommended]**

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

There has been no consultation with internal staff affected by the changes in legislation due to the minor changes.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

{attachment-list}

Northern Grampians Shire Council

Instrument of Delegation

to

Members of Council Staff

(Pursuant to 80B & 80C of the Local Government Act 1989)

A member of Council staff who has a conflict of interest (Direct or Indirect) in a matter in which they have a delegated power, duty or function of the Council under section 98 or under another Act, must:

(a) not exercise the power or discharge the duty or function,

(b) promptly disclose the type of interest and nature of interest in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest.

This applies to verbal and written advice (reports) and extends also to consultants and contractors.

In the instance of the CEO having an interest, the CEO must disclose the type and nature of the interest in writing to:-

i) the Mayor, in writing, as soon as he or she becomes aware of the conflict of interest in the matter; and

ii) the Council by no later than the next ordinary meeting of the Council

Disclosure is required when providing advice to and before consideration by Council or a special committee.

Instrument of Delegation

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* and the other 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. records that references in the Schedule are as follows :

"BI" means	: Building Inspector
"EHO" means	: Environmental Health Officer
"DI" means	: Director Infrastructure
"GE" means	: Graduate Engineer
"HPD" means	: Head of Planning & Development
"MBS" means	: Municipal Building Surveyor
"MRS" means	: Manager Regulatory Services
"MG&CS" means	: Manager Governance & Civic Support
"MI" means	: Manager Infrastructure
"MO" means	: Manager Operations
"P" means	: Strategic Planner and Statutory Planning Officer
"TLPS" means	: Team Leader Permit Support
"TLCS" means	: Team Leader Community Safety
"CE&CS" means	: Coordinator Environment & Community Safety
"CES" means	: Coordinator Engineering Services
"CDS" means	: Coordinator Development Services

3. declares that:

3.1 this Instrument of Delegation is authorised by "**a resolution**" of Council passed on 2 March 2020; and

3.2 the delegation:

3.2.1 comes into force immediately after Mayor and Chief Executive Officer signatures are applied;

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; or

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; or

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, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

.....

Mayor/Councillor

.....

Chief Executive Officer/Senior Officer

.....

Date

INDEX

[CEMETERIES AND CREMATORIA ACT 2003](#)

[DOMESTIC ANIMALS ACT 1994](#)

[ENVIRONMENT PROTECTION ACT 1970](#)

[FOOD ACT 1984](#)

[HERITAGE ACT 2017](#)

[LOCAL GOVERNMENT ACT 1989](#)

[PLANNING AND ENVIRONMENT ACT 1987](#)

[RESIDENTIAL TENANCIES ACT 1997](#)

[ROAD MANAGEMENT ACT 2004](#)

[CEMETERIES AND CREMATORIA REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT \(FEES\) REGULATIONS 2016](#)

[RESIDENTIAL TENANCIES \(CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS\) REGULATIONS 2010](#)

[ROAD MANAGEMENT \(GENERAL\) REGULATIONS 2016](#)

[ROAD MANAGEMENT \(WORKS AND INFRASTRUCTURE\) REGULATIONS 2015](#)

SCHEDULE

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	MRS/DI	
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	MRS/DI	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	MRS/DI	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	MRS/DI	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	MRS/DI	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	MRS/DI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	MRS/DI	
s 15(1)&(2)	Power to delegate powers or functions other than those listed	MRS/DI	
s 15(4)	Duty to keep records of delegations	MRS/DI	
s 17(1)	Power to employ any persons necessary	MRS/DI	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	MRS/DI	
s 17(3)	Power to determine the terms and conditions of employment or engagement	MRS/DI	Subject to any guidelines or directions of the Secretary

s 18(3)	Duty to comply with a direction from the Secretary	MRS/DI	
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	MRS/DI	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	MRS/DI	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	MRS/DI	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	MRS/DI	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	MRS/DI	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	MRS/DI	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	MRS/DI	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	MRS/DI	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	MRS/DI	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	MRS/DI	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))	MRS/DI	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	MRS/DI	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)	MRS/DI	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	MRS/DI	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	MRS/DI	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	MRS/DI	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	MRS/DI	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	MRS/DI	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	MRS/DI	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.	MRS/DI	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	MRS/DI	
s 20(1)	Duty to set aside areas for the interment of human remains	MRS/DI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	MRS/DI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	MRS/DI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	MRS/DI	
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	MRS/DI	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	MRS/DI	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	MRS/DI	

s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	MRS/DI	Provided the street was constructed pursuant to the <i>Local Government Act 1989</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	MRS/DI	Report must contain the particulars listed in s.57(2)
s 59	Duty to keep records for each public cemetery	MRS/DI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	MRS/DI	
s 60(2)	Power to charge fees for providing information	MRS/DI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	MRS/DI	
s 64B(d)	Power to permit interments at a reopened cemetery	MRS/DI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	MRS/DI	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	MRS/DI	
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	MRS/DI	
s 70(2)	Duty to make plans of existing place of interment available to the public	MRS/DI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	MRS/DI	
s 71(2)	Power to dispose of any memorial or other structure removed	MRS/DI	
s 72(2)	Duty to comply with request received under s72	MRS/DI	
s 73(1)	Power to grant a right of interment	MRS/DI	
s 73(2)	Power to impose conditions on the right of interment	MRS/DI	
s 75	Power to grant the rights of interment set out in s 75 (a) and (b)	MRS/DI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	MRS/DI	

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	MRS/DI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	MRS/DI	
s 80(2)	Function of recording transfer of right of interment	MRS/DI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	MRS/DI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	MRS/DI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	MRS/DI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	MRS/DI	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	MRS/DI	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	MRS/DI	Does not apply where right of interment relates to remains of a deceased veteran
s 85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	MRS/DI	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86(1)	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	MRS/DI	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	MRS/DI	
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	MRS/DI	

s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	MRS/DI	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	MRS/DI	
s 86(5)	Duty to provide notification before taking action under s 86(4)	MRS/DI	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	MRS/DI	
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	MRS/DI	
s 88	Function to receive applications to carry out a lift and reposition procedure at a place of interment	MRS/DI	
s 91(1)	Power to cancel a right of interment in accordance with this section	MRS/DI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	MRS/DI	
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	MRS/DI	
s 98(1)	Function of receiving application to establish or alter a memorial or place of interment	MRS/DI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	MRS/DI	
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	MRS/DI	
s 100(1)	Power to require a person to remove memorials or places of interment	MRS/DI	
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)	MRS/DI	
s 100(3)	Power to recover costs of taking action under s 100(2)	MRS/DI	

s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	MRS/DI	
s 102(1)	Power to approve or refuse (if satisfied of the matters in (b) and (c) an application under s 101	MRS/DI	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	MRS/DI	
s 103(1)	Power to require a person to remove a building for ceremonies	MRS/DI	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MRS/DI	
s 103(3)	Power to recover costs of taking action under s 103(2)	MRS/DI	
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	MRS/DI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	MRS/DI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	MRS/DI	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	MRS/DI	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MRS/DI	
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	MRS/DI	
s 108	Power to recover costs and expenses	MRS/DI	
s 109(1)(a)	Power to open, examine and repair a place of interment	MRS/DI	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	MRS/DI	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	MRS/DI	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	MRS/DI	
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	MRS/DI	
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	MRS/DI	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	MRS/DI	
s 112	Power to sell and supply memorials	MRS/DI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	MRS/DI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	MRS/DI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	MRS/DI	
s 119	Power to set terms and conditions for interment authorisations	MRS/DI	
s 131	Function of receiving an application for cremation authorisation	MRS/DI	
s 133 (1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	MRS/DI	Subject to s 133 (2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	REMAIN WITH CEO	
s 146	Power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary	REMAIN WITH CEO	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	MRS/DI	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	MRS/DI	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part II are met	MRS/DI	

s 151	Function of receiving an application to inter or cremate body parts	MRS/DI	
s 152 (2)	Power to impose terms and conditions on authorisation granted under s150	MRS/DI	
sch1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	MRS/DI	
sch 1 cl 8(8)	Power to regulate own proceedings	MRS/DI	Subject to clause 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	MRS/DI	Where council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	MRS/DI	Where council is a Class A cemetery trust subject to clause 8

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CE&CS, TLCS	Council may delegate this power to a Council authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53M(3)	Power to require further information	CDS & EHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CDS & EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CDS & EHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CDS & EHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CDS & EHO	Refusal must be ratified by Council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, CDS, EHO	If s19(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	CDS & EHO	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	CDS & EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s19 if satisfied that an order has been complied with	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, CDS, EHO	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, CDS, EHO	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, CDS, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, CDS, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CDS, EHO	wWhere Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CDS & EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports ^o	CDS & EHO	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	CDS & EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CDS & EHO	Except for an assessment required by a declaration under s 19C or an inspection under s38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CDS & EHO	Where Council is the registration authority
---	Power to register, renew or transfer registration	CDS & EHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
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 ^o	CDS & EHO	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)	CDS & EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CDS & EHO	Where Council is the registration authority

s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CDS & EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CDS & EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CDS & EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under ss (5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CDS & EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CDS & EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CDS & EHO	Where Council is the registration authority Only if satisfied of matters in s 39A (2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CDS & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CDS & EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CDS & EHO	Where Council is the registration authority
s 43(1)	Duty to maintain records of the prescribed particulars	CDS & EHO	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, transferring or renewing registration of a component of a food business	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
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	CDS & EHO	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO TO RETAIN	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO ¹	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ²	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

² The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	P, HPD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	P, HPD	
s 4H	Duty to make amendment to the Victorian Planning Provisions available	P, HPD	
s 4I	Duty to keep Victoria Planning Provisions and other documents available	P, HPD	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	P, HPD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	P, HPD	
s 8A(5)	Function of receiving notice of the Minister's decision	P, HPD	
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	P, HPD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	P, HPD	
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	P, HPD	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)	P, HPD	

s 12B(1)	Duty to review planning scheme at least once in every three years after commencement of <i>Planning and Environment (General Amendment) Act 2004 No. 81</i>	P, HPD	
s 12B(2)	Duty to review planning scheme at direction of Minister	P, HPD	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	P, HPD	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	P, HPD	
s 17(1)	Duty of giving copy amendment to the planning scheme	P, HPD	
s 17(2)	Duty of giving copy s 173 agreement	P, HPD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	P, HPD	
s 18	Duty to make amendment etc. available	HPD, P, TLPS	
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 s19 to a planning scheme	P, HPD	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	P, HPD	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	P, HPD	
s 21(2)	Duty to make submissions available	HPD, P, TLPS	
s 21A(4)	Duty to publish notice in accordance with section	P, HPD	
s 22	Duty to consider all submissions	P, HPD	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	P, HPD	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	P, HPD	

s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	P, HPD	
s 26(1)	Power to make report available for inspection	P, HPD	
s 26(2)	Duty to keep report of panel available for inspection	HPD, P, TLPS	
s 27 (2)	Power to apply for exemption if panel's report not received	P, HPD	
s 28	Duty to notify the Minister if abandoning an amendment	MRS	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	P, HPD	
s 30(4)(b)	Duty to provide information in writing upon request	P, HPD	
s 32(2)	Duty to give more notice if required	P, HPD	
s 33(1)	Duty to give more notice of changes to an amendment	P, HPD	
s 33(2)	Duty to comply with request by Authority under s.33(1) for information or assistance	P, HPD	
s 34(1)	Function of consulting with Authority where exercising its powers likely to affect Council's functions	P, HPD	
s 36(2)	Duty to give notice of approval of amendment	P, HPD	
s 38(5)	Duty to give notice of revocation of an amendment	P, HPD	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	P, HPD	
s 40(1)	Function of lodging copy of approved amendment	P, HPD	
s 41	Duty to make approved amendment available	HPD, P, TLPS	
s 42	Duty to make copy of planning scheme available	HPD, P, TLPS	
s 46AW	Function of being consulted by the Minister	P, HPD	Where Council is 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	P, HPD	Where Council is 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	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	P, HPD	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	P, HPD	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	P, HPD	
s 46GP	Function of receiving a notice under s.46GO	P, HPD	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	P, HPD	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	P, HPD	

s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	P, HPD	
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	P, HPD	
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	P, HPD	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	P, HPD	
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	P, HPD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	P, HPD	
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	P, HPD	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	P, HPD	Where Council is the collecting agency

	Power to specify the manner in which the payment is to be made		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	P, HPD	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)	P, HPD	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	P, HPD	
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	P, HPD	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	P, HPD	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	P, HPD	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	P, HPD	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	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	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	P, HPD	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 works, services or facilities	P, HPD	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 componen	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	P, HPD	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> 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	P, HPD	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	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	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)	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZBI(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	P, HPD	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	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 46GZE(3)(a) and (b)	P, HPD	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	P, HPD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	P, HPD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)(a)	Function of receiving proceeds of sale	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	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)	P, HPD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	P, HPD	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	P, HPD	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	P, HPD	
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	P, HPD	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	P, HPD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	P, HPD	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	P, HPD	
s 46Q(1)	Duty to keep proper accounts of levies paid	HPD, P, TLPS	

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	P, HPD	
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.	P, HPD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	P, HPD	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 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)	P, HPD	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	P, HPD	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	P, HPD	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	P, HPD	
s 46QD	Duty to prepare report and give a report to the Minister	P, HPD	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	P, HPD	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	P, HPD	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	HPD, P, TLPS	
s 49(2)	Duty to make register available for inspection	HPD, P, TLPS	
s 50(4)	Duty to amend application	P, HPD	
s 50(5)	Power to refuse to amend application	P, HPD	
s 50(6)	Duty to make note of amendment to application in register	HPD, TLPS	

s 50A(1)	Power to make amendment to application	P, HPD	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	P, HPD	
s 50A(4)	Duty to note amendment to application in register	HPD, P, TLPS	
s 51	Duty to make copy of application available for inspection	HPD, P, TLPS	
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	P, HPD	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	P, HPD	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	P, HPD	
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	P, HPD	
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	P, HPD	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	P, HPD	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	P, HPD	
s 52(3)	Power to give any further notice of an application where appropriate	P, HPD	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	P, HPD	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	P, HPD	
s 54(1)	Power to require the applicant to provide more information	P, HPD	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	P, HPD	

s 54(1B)	Duty to specify the lapse date for an application	P, HPD	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	P, HPD	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	P, HPD	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	P, HPD	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	P, HPD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	P, HPD	
s 57(5)	Duty to make available for inspection copy of all objections	HPD, P, TLPS	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	HPD, P	
s 57A(5)	Power to refuse to amend application	HPD, P	
s 57A(6)	Duty to note amendments to application in register	HPD, P, TLPS	
s 57B(1)	Duty to determine whether and to whom notice should be given	P, HPD	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	P, HPD	
s 57C(1)	Duty to give copy of amended application to referral authority	P, HPD	
s 58	Duty to consider every application for a permit	P, HPD	
s 58A	Power to request advice from the Planning Application Committee	P, HPD	
s 60	Duty to consider certain matters	P, HPD	
s 60(1A)	Power to consider certain matters before deciding on application	P, HPD	

s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	P, HPD	
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	P, HPD	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	P, HPD	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	P, HPD	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	P, HPD	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	P, HPD	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	P, HPD	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	P, HPD	
s 62(2)	Power to include other conditions	P, HPD	
s 62(4)	Duty to ensure conditions are consistent with sss (a),(b) and (c)	P, HPD	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	P, HPD	
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	P, HPD	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	P, HPD	
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)	P, HPD	

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)	P, HPD	
s 63	Duty to issue the permit where made a decision in favour of the application if objectors	P, HPD	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	P, HPD	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	P, HPD	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	P, HPD	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 decided to grant and a copy of any notice given under s 64 or 65	P, HPD	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	P, HPD	
s 69(1A)	Function of receiving application for extension of time to complete development	P, HPD	

s 69(2)	Power to extend time	P, HPD	
s 70	Duty to make copy permit available for inspection	HPD, P, TLPS	
s 71(1)	Power to correct certain mistakes	P, HPD	
s 71(2)	Duty to note corrections in register	HPD, P, TLPS	
s 73	Power to decide to grant amendment subject to conditions	P, HPD	
s 74	Duty to issue amended permit to applicant if no objectors	P, HPD	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	P, HPD	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	P, HPD	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	P, HPD	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	P, HPD	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 copy of any notice given under s 64 or 76	P, HPD	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	P, HPD	
s 83	Function of being respondent to an appeal	P, HPD	
s 83B	Duty to give or publish notice of application for review	P, HPD	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	P, HPD	
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	P, HPD	

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	P, HPD	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	P, HPD	
s 84AB	Power to agree to confining a review by the Tribunal	P, HPD	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	P, HPD	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	P, HPD	
s 87(4)	Power to make a minor amendment to a permit	P, HPD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	P, HPD	
s 91(2)	Duty to comply with the directions of the VCAT	P, HPD	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	P, HPD	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	P, HPD	
s 93(2)	Duty to give notice of VCAT order to stop development	P, HPD	
s 95(3)	Function of referring certain applications to the Minister	P, HPD	
s 95(4)	Duty to comply with an order or direction	P, HPD	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	P, HPD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	P, HPD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	P, HPD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	P, HPD	

s 96F	Duty to consider the panel's report under s 96E	P, HPD	
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 <i>Planning and Environment (Planning Schemes) Act 1996</i>)	P, HPD	
s 96H(3)	Power to give notice in compliance with Minister's direction	P, HPD	
s96j	Power to issue permit as directed by the Minister	P, HPD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	P, HPD	
s 96Z	Duty to keep levy certificates given to it under s 47 or 96A for no less than 5 years from receipt of the certificate	P, HPD	
s 97C	Power to request Minister to decide the application	P, HPD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	P, HPD	
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	P, HPD	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	HPD, P, TLPS	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	HPD, P, TLPS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	HPD, P	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	HPD, P	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	HPD, P	

s 97Q(4)	Duty to comply with directions of VCAT	HPD, P	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	HPD, P, TLPS	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	HPD, P	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	P, HPD	
s 101	Function of receiving claim for expenses in conjunction with claim	P, HPD	
s 103	Power to reject a claim for compensation in certain circumstances	P, HPD	
s 107(1)	Function of receiving claim for compensation	P, HPD	
s.107(3)	Power to agree to extend time for making claim	P, HPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	P, HPD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	P, HPD	
s120(1)	Power to apply for an interim enforcement order where s 114 application has been made	P, HPD	
s .123(1)	Power to carry out work required by enforcement order and recover costs	P, HPD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	P, HPD	Except Crown Land
s 129	Function of recovering penalties	P, HPD	
s 130(5)	Power to allow person served with an infringement notice further time	P, HPD	
s 149A(1)	Power to refer a matter to the VCAT for determination	P, HPD	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	P, HPD	
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	P, HPD	Where Council is the relevant planning authority

	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)		
s 171(2)(f)	Power to carry out studies and commission reports	P, HPD	
s 171(2)(g)	Power to grant and reserve easements	P, HPD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	P, HPD	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	P, HPD	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)	P, HPD	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	P, HPD	
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	P, HPD	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 <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	P, HPD	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	P, HPD	

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	P, HPD	
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	P, HPD	
s 178A(1)	Function of receiving application to amend or end an agreement	P, HPD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s178A(1)	P, HPD	
s178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principal to the proposal	P, HPD	
s 178A(5)	Power to propose to amend or end an agreement	P, HPD	
s 178B(1)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
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	P, HPD	
s 178C(4)	Function of determining how to give notice under s 178C(2)	P, HPD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	P, HPD	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	If no objections are made under s 178. Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	P, HPD	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)	P, HPD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	P, HPD	
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	P, HPD	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	P, HPD	
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	P, HPD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown Land	P, HPD	
s 179(2)	Duty to make available for inspection copy agreement	HPD, P, TLPS	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	P, HPD	
s 181(1A)(a)	Power to apply to the Register of Titles to record the agreement	P, HPD	
s 181(1A)(b)	Duty to apply to the Register of Titles, without delay, to record the agreement	P, HPD	
s 182	Power to enforce an agreement	P, HPD	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	HPD, TLPS, P	

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	P, HPD	
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	P, HPD	
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	P, HPD	
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	P, HPD	
s 184G(2)	Duty to comply with a direction of the tribunal	P, HPD	
s 184G(3)	Duty to give notice as directed by the Tribunal	P, HPD	
s 198(1)	Function to receive application for planning certificate	HPD, P, TLPS	
s 199(1)	Duty to give planning certificate to applicant	P, HPD	
s 201(1)	Function of receiving application for declaration of underlying zoning	HPD, P, TLPS	
s 201(3)	Duty to make declaration	P, HPD	
---	Power to approve development plans under the planning scheme	P, HPD	Subject to Council resolution
---	Power to approve any plan required to be approved as a condition of a planning permit.	P, HPD	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	P, HPD	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under ss (1) as soon as possible	P, HPD	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZC(1)	Power to give renter a notice to vacate rented premises	CDS & EHO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZE(1)	Power to give renter a notice to vacate rented premises	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZE(3)	Power to publish Council's for eligibility for the provision of housing	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CDS & EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CDS & EHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CDS & EHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CDS & EHO	
s 206AZA(2)	Function of receiving written notification	CDS & EHO	Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CDS & EHO	Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier

s 252	Power to give tenant a notice to vacate rented premises if s 252 (1) applies	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(1)	Power to give tenant a notice to vacate rented premises	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CDS & EHO	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CDS & EHO	
s 317ZDA(2)	Function of receiving written notification	CDS & EHO	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CDS & EHO	
s 522(1)	Power to give a compliance notice to a person	CDS & EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CDS & EHO	
s 525(4)	Duty to issue identity card to authorised officers	CDS & EHO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CDS & EHO	
s 526A(3)	Function of receiving report of inspection	CDS & EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CDS & EHO	Obtain prior Council approval.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MI/DI	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	MI/DI	
s 11(9)(b)	Duty to advise Registrar	MG&CS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MI/DI	Clause subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MI/DI	where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DI	where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	MI/DI	Power of coordinating road authority where it is the discontinuing body Unless s 12 (11) applies
s.12(5)	Duty to consider written submissions received within 28 days of notice	MI	Duty of coordinating road authority where it is the discontinuing body Unless s.12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DI	Function of coordinating road authority where it is the discontinuing body Unless s 12 (11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DI	Duty of coordinating road authority where it is the discontinuing body Unless s 12 (11) applies
s 12(10)	Duty to notify of decision made	MI/DI	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	MI/DI	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	DI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MI/DI	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MI/DI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MI/DI	
s 15(2)	Duty to include details of arrangement in public roads register	MI/DI	
s 16(7)	Power to enter into an arrangement under s15	MI/DI	
s 16(8)	Duty to enter details of determination in public roads register	MI/DI	
s 17(2)	Duty to register public road in public roads register	MI/DI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MI/DI	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	MI/DI	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	MI/DI	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	MI/DI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MI/DI	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	MI/DI	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	MI/DI	

s 19(4)	Duty to specify details of discontinuance in public roads register	MI/DI	
s 19(5)	Duty to ensure public roads register is available for public inspection	MI/DI	
s 21	Function of replying to request for information or advice	MI/DI	Obtain consent in circumstances specified in s11(2)
s 22(2)	Function of commenting on proposed direction	MI/DI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	MI/DI	s 22(5) duty to give effect to a direction under this section. Where council is the road authority
s 40(1)	Duty to inspect, maintain and repair a public road.	MI/MO/DI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MI/MO/DI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MI/MO/DI	
s 42(1)	Power to declare a public road as a controlled access road	MI/DI	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	MI/DI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	MI/DI	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	MI/DI	Where Council is the of coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MI/MO/DI	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	MI/DI	
s 49	Power to develop and publish a road management plan	MI/DI	

s 51	Power to determine standards by incorporating the standards in a road management plan	MI/DI	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MI/DI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MI/DI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MI/DI	
s 54(6)	Power to amend road management plan	MI/DI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MI/DI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MI/DI	
s 63(1)	Power to consent to conduct of works on road	DI/MI/MO/CES /GE	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	MO/DI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch7	MO/DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DI/MI/MO/CES / GE	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	MI/DI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 68(2)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO TO RETAIN	
s 72	Duty to issue an identity card to each authorised officer	DI	
s 85	Function of receiving report from authorised officer	MI/MO/DI	

s 86	Duty to keep register re s85 matters	MI/MO/DI	
s 87(1)	Function of receiving complaints	MI/MO/DI	
s 87(2)	Power to investigate complaint and provide report	MI/MO/DI	
s 112(2)	Power to recover damages in court	MI/MO/DI	
s 116	Power to cause or carry out inspection	MI/MO/DI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MI/MO/DI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of Head, Transport for Victoria)	MO/DI	
s 120(2)	Duty to seek consent of Head, Transport for Victoria to exercise road management functions before exercising power in s120(1)	MO/DI	
s 121(1)	Power to enter into an agreement in respect of works	MO/DI	
s122(1)	Power to charge and recover fees	MO/DI	
s 123(1)	Power to charge for any service	MO/DI	
sch 2 cl 2(1)	Duty to make a decision in respect of controlled access roads	MI/DI	
sch 2 cl 3(1)	Power to make policy about controlled access roads	MI/DI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MI/DI	
sch 2 cl 4	Function of receiving details of proposal from Head, Transport for Victoria	MI/DI	
sch 2 cl 5	Duty to publish notice of declaration	MI/DI	
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	MI/MO/DI	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	MI/MO/DI	Where Council is the infrastructure manager or works manager

	proposed installation of infrastructure or related works on a road or road reserve of any road		
sch 7, cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MI/MO/DI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7, cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MI/MO/DI	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	MI/MO/DI	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	DI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DI/MI/MO/CES //GE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	MO/DI	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)	MO/DI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MO/DI	Where Council is the coordinating road authority
sch7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1)	MO/DI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DI/MI/MO/CES /GE	Where Council is the coordinating road authority, responsible authority or infrastructure manager

sch 7 cl 16(5)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch7 cl 16(8)	Power to include consents and conditions	DI/MI/MO/CES /GE	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	MI/MO/DI	Where Council is the coordinating road authority
sch7 cl 18(1)	Power to enter into an agreement	MI/MO/DI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MI/MO/DI	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	DI/MI//MOCES /GE	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	MI/MO/DI	Where Council is the coordinating road authority
sch7A cl 2	Power to cause street lights to be installed on roads	MI/MO/DI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting – where road is not an arterial road	MO/DI	Where Council is the responsible road authority for the road
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	MO/DI	Where Council is the coordinating road authority
sch7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting for arterial roads in accordance with cl 3(2) and 4	MO/DI	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			
[##These provisions apply to a Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	MRS/DI	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	MRS/DI	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	MRS/DI	
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	MRS/DI	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	MRS/DI	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	MRS/DI	
r 30(2)	Power to release cremated human remains to certain persons	MRS/DI	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	MRS/DI	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	MRS/DI	
r.31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	MRS/DI	

r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	MRS/DI	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	MRS/DI	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	MRS/DI	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	MRS/DI	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	MRS/DI	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	MRS/DI	
r 40	Power to approve a person to play sport within a public cemetery	MRS/DI	
r 41(1)	Power to approve fishing and bathing within a public cemetery	MRS/DI	
r 42(1)	Power to approve hunting within a public cemetery	MRS/DI	
r 43	Power to approve camping within a public cemetery	MRS/DI	
r 45(1)	Power to approve the removal of plants within a public cemetery	MRS/DI	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	MRS/DI	
r 47(3)	Power to approve the use of fire in a public cemetery	MRS/DI	
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	MRS/DI	
Note: sch2 contains Model Rules - only applicable if the cemetery trust has not made its own cemetery trust rules			
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	DI/MRS	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	DI/MRS	See note above regarding model rules
sch 2, cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DI/MRS	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	DI/MRS	See note above regarding model rules
sch2, cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DI/MRS	See note above regarding model rules
sch 2, cl 11(1)	Power to remove objects from a memorial or place of interment	DI/MRS	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	DI/MRS	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	DI/MRS	See note above regarding model rules
sch 2, cl 14	Power to approve an animal to enter into or remain in a cemetery	DI/MRS	See note above regarding model rules
sch2, cl 16(1)	Power to approve construction and building within a cemetery	DI/MRS	See note above regarding model rules
sch 2, cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DI/MRS	See note above regarding model rules
sch 2, cl 18(1)	Power to approve digging or planting within a cemetery	DI/MRS	See note above regarding model rules

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	P	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	P	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	P	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	P	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 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	P	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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	P	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	P	
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	P	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Function of entering into a written agreement with a caravan park owner	CDS & EHO	
r 11	Function of receiving applications for registration	CDS & EHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(4) & (5)	Duty to issue certificate of registration	CDS & EHO	
r 15(1)	Function of receiving notice of transfer of ownership	CDS & EHO	
r 15(3)	Power to determine whether notice of transfer is displayed	CDS & EHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CDS & EHO	
r 16(2)	Duty to issue certificate of transfer of registration	CDS & EHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CDS & EHO	
r 18	Duty to keep register of caravan parks	CDS & EHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CDS & EHO	
r 19(6)	Power to determine where certain information is displayed	CDS & EHO	
r 22A(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	CDS & EHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CDS & EHO	
r 23(2)	Power to determine places in which caravan park owner must display a copy of emergency procedures	CDS & EHO	

r 24(1)	Power to determine places in which caravan park owner must display copy of public emergency warnings	CDS & EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CDS & EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CDS & EHO	
r 28(C)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CDS & EHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 40(4)	Function of receiving installation certificate	CDS & EHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CDS, & EHO & BI	
sch 3, cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CDS, & EHO & BI	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	MI/DI/MO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MI/DI/MO	
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)	MI/DI/MO	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	MI/DI/MO	
r 13(1)	Duty to publish notice of amendments to road management plan	MI/DI/MO	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	MI/DI/MO	
r 16(3)	Power to issue permit	MI/DI/MO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MI/DI/MO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MI/DI/MO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MI/DI/MO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	MI/DI/MO	Where Council is the coordinating road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with r.25(3))	MI/DI/MO	Where Council is the coordinating road authority
r 25(5)	Power to recover in the Magistrates' Court expenses from person responsible	MI/DI/MO	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from requirement under cla 13(1) of sch 7 of the Act to give notice as to the completion of those works	DI/MI/CES/GE/M O	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DI/MI/CES/GE/M O	Where council is the coordinating road authority

10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

Cr Reid reported on the gathering at the Queen Mary Gardens representing council and the volunteers; a great day with perfect weather was enjoyed by everyone.

Cr Hyslop reported on her opening of the CWA Autumn Conference in Marnoo.

12. Urgent Business

Nil

13. Public Question Time

The Mayor read out the Public Question Time Guidelines.

Question With Notice

Mr Barry Robertson, 69 Box Track, St Arnaud East

The question submitted

In Public Question Time during the Northern Grampians Shire Council meeting held on the 4 March 2019 the following was entered in the minutes:

Stephen Zander, 19 Charlton Road, St Arnaud

1. Mr Zander asked the CEO to provide proof of claim and evidence of where in the constitution of the Commonwealth of Australia 1901 Council has authority to impose taxes when the power of taxation is held exclusively by the Federal Parliament.
2. Mr Zander asked the CEO to read him the exit clause for Council's rates contract.
3. Mr Zander asked the CEO if he was aware that under the 1958 Crimes Act treason against the people of Australia carried the sentence of life imprisonment.

The Chief Executive Officer said he would take the questions on notice.

The Mayor responded that a written response had been provided.

The following response was provided at the meeting by Director Corporate Services, Vaughan Williams:

A reply was emailed on March 6th, 2019 which answered the points raised on March 4th.

The response stated that Local Governments do have the power to raise taxes because Australian States retained legislative powers after federation and the State Government has empowered Local Governments to raise rates via the Local Government Act 1989.

*The legitimacy of councils to raise rates was supported by the High Court of Australia in the case of *Ruthledge v State of Victoria*.*

Questions Without Notice

Mr Barry Batters, 894 St Arnaud-Wycheproof Road, Sutherland

The first question submitted

After reading the story on the front page of the North Central News regarding Andrew Weir's proposed Business Development, as a concerned local business owner in St Arnaud myself, I am wondering how the Shire are going to control machinery and trucking movements at all hours in Kell Road and St Arnaud streets in general, in view of the imposed restricted hours of movement, is it the intention of the Council to close Kell Road between the hours of 6pm and 7am Monday to Saturday and all day Sunday for all other traffic?

The second question submitted

What is the Council Policy on the dumping of unsightly shipping containers on private blocks around our Shire and could I be directed to the policy details on the Council website?

The Mayor gave Mr Batters the opportunity to briefly speak to his questions.

The Mayor said he would take the questions on notice to allow for a detailed response. He said the questions would be provided a written response in the next three or four days.

Mrs Yvonne Neville, 18 Butcher Street, St Arnaud

The question submitted

Following up on the discussion with Liana Thompson and Naomi Goode 4 weeks ago regarding communication with the community - At what stage will the Shire begin the new advertising strategy in the North Central News?

The Mayor gave Mrs Neville the opportunity to briefly speak to her question.

A response was provided at the meeting by the Chief Executive Officer, Liana Thompson.

This has all been arranged and will start in the next two weeks.

Brad McDonald, 740 St Arnaud-Wycheproof Road, Sutherland

The first question submitted

As the responsible authority, why has this council been willing to allow 50,000 hens to run in a water course adjacent to the town water supply for the past 3 years without an effective EMP or SMP?

The second question submitted

Having been told that no enforcement action can be taken until an SMP is endorsed, what will happen in the event that the NCCMA fail to endorse this vital component of the retrospective permit for Valley Park Farm at their current location? The fact that producing a satisfactory SMP is so problematic is indicative of the unsuitability of this location for any intensive animal industry. The onus should be on the permit applicant to produce the appropriate documents in the specified time.

The Mayor gave Mr McDonald the opportunity to speak briefly to his questions.

The Mayor said he would take the questions on notice to allow for a detailed response. He said the questions would be provided a written response in the next three or four days.

14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989

A Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following :

- (a) Personnel matters
- (b) The personal hardship of any resident or ratepayer
- (c) Industrial matters
- (d) Contractual matter
- (e) Proposed developments
- (f) Legal advice
- (g) Matters affecting the security of Council property
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person
- (i) A resolution to close the meeting to members of the public.

14.1. Stawell Athletic Club Funding Agreement

14.2. C12 2019/20 - Provision of a Hosted Telephone System

14.3. C11 2019/20 - Stawell Structure Plan & Western Highway Urban Design Framework

RESOLUTION

That items 14.1, 14.2 and 14.3 be considered in Closed Council as they deal with confidential matters as detailed in section 89 of the *Local Government Act 1989*.

Moved: Cr Kevin Erwin
Seconded: Cr Tony Driscoll Carried

RESOLUTION

That the meeting be closed to consider the items listed pursuant to section 89(2) of the *Local Government Act 1989*.

Moved: Cr Kevin Erwin
Seconded: Cr Tony Driscoll Carried

OPEN COUNCIL

The Chief Executive Officer reported on the items discussed in Closed Council.

14.1 That Council endorses its signing of a four year Funding and Governance Agreement between the State Government, Stawell Athletic Club and the Northern Grampians Shire Council for the delivery of the 2020-2023 Stawell Gift.

14.2 That Council does not award contract no. C12 2019/20 - Provision of a Hosted Telephony System.

14.3 That Council awards Contract No. C11 2019/20 - Stawell Structure Plan and Western Highway Urban Design Framework to Hansen Partnership.

15. Close

There being no further business the Mayor declared the meeting closed at 1.06pm.

Confirmed



CR MURRAY EMERSON
MAYOR

Date: 6 April 2020