

# Agenda

Scheduled Council Meeting  
Tuesday 18 June 2024 at 6pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 18 June 2024 at 6pm for the transaction of the following business.

This meeting will be held in the Great Hall at Civic Centre, 25 Ferres Boulevard, South Morang and will be [livestreamed via Council's website](#).

**C Lloyd**  
**Chief Executive Officer**

# Administrators

Lydia Wilson                      Chair of Council

Peita Duncan                     Administrator

Christian Zahra AM             Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Lydia Wilson, Peita Duncan and Christian Zahra who will undertake the duties of the Council of the City of Whittlesea until the October 2024 Local Government Election.

# Senior Officers

Debbie Wood                      Acting Chief Executive Officer

Agata Chmielewski             Director Community Wellbeing

Sharon Durantini                Acting Director Customer & Corporate Services

Andrew Mason                    Acting Director Planning & Development

Nick Mazzarella                 Acting Director Infrastructure & Environment

Janine Morgan                    Executive Manager Public Affairs

Jacinta Stevens                 Executive Manager Office of Council & CEO

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**Note:**

At the Chair of Council's discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, petitions or joint letters from our community to be read out by the Chief Executive Officers delegate and responses will be provide by the Chief Executive Officer.

Questions are required to be submitted in writing no later than 12 noon on the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items. Any questions submitted after 12 noon the day prior will be held over to the following Council Meeting.

The Public Question form can be downloaded from Council's website. Refer:

<https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council's democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2170.

## **1 Opening**

### **1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce the Administrators and Acting Chief Executive Officer:

Administrator, Peita Duncan;  
Administrator, Christian Zahra; and  
Acting Chief Executive Officer, Debbie Wood.

The Acting Chief Executive Officer, Debbie Wood will introduce members of the Executive Leadership Team:

Agata Chmielewski, Director Community Wellbeing;  
Sharon Durantini, Acting Director Corporate and Customer Services;  
Andrew Mason, Acting Director Planning and Development;  
Nick Mazzarella, Acting Director Infrastructure and Environment;  
Janine Morgan, Executive Manager Public Affairs; and  
Jacinta Stevens, Executive Manager Office of Council and CEO.

### **1.2 Apologies**

### **1.3 Acknowledgement of Traditional Owners Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.*

*I would also like to acknowledge Elders past, present and emerging.”*

### **1.4 Diversity and Good Governance Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.”*

### **1.5 Acknowledgements**

**2 Declarations of Conflict of Interest**

**3 Confirmation of Minutes of Previous Meeting/s**

**Recommendation**

**THAT the following Minutes of the preceding meeting as circulated, be confirmed:**

**Scheduled Meeting of Council held on 21 May 2024.**

## **4 Public Questions, Petitions and Joint Letters**

### **4.1 Public Question Time**

### **4.2 Petitions**

No Petitions

### **4.3 Joint Letters**

No Joint Letters

## 5 Officers' Reports

### 5.1 LXP Request for Declaration of Road - Keon Parade Railway Carpark Entrance

**Director/Executive Manager:** Acting Director Customer & Corporate Services  
Acting Director Infrastructure & Environment

**Report Author:** Unit Manager Strategic Property

**In Attendance:** Unit Manager Strategic Property

#### Executive Summary

The Level Crossing Removal Project (LXP) has asked Council to consider declaring a small rectangular parcel of Council-owned land at 2 Keon Parade, Thomastown as road.

Access to the former Keon Park station carpark (owned by VicTrack Access) from Keon Parade relies on a private right of carriageway access registered on the title of Council's land at 2 Keon Parade.

LXP representatives and Council officers agree that the LXP requires the certainty of road access over Council's land to extend and develop a new commuter car park and additional sites following the completion of the grade separation works. Furthermore, the parties agree that a local road pursuant to S204 (2) of the *Local Government Act 1989* will satisfy the LXP's public access needs.

This report is intended to provide the background and reasoning in support of the officers' recommendation to procure a Council resolution that declares Council's land as a local road.

#### Officers' Recommendation

**THAT Council resolve to declare 2 Keon Parade, Thomastown a local road pursuant to s204(2) of the *Local Government Act 1989* and on the basis that the road is reasonably required for public use and be open to public traffic.**

## Background / Key Information

The Level Crossing Removal Project (LXRP) is seeking to secure public access over a small parcel of Council owned land at 2 Keon Parade, Thomastown and is asking Council to consider the public access needs and to declare the Council land as road.

Council's land (Lot 2 on Plan of Subdivision LP99159) is 309 sqm in area and abuts the former Keon Park railway car park site owned by VicTrack. The VicTrack land is described as Lot 1 on Plan of Subdivision 708793P. The VicTrack land and Council's land (highlighted in yellow) are shown on the Locality Plan attached (refer to Attachment 1).

Council's land is derived from parent title Volume 8677 Folio 794 and a right of carriageway was created over Council's land at the time to facilitate access to the VicTrack land only with no 'as of right' access to the larger balance of the industrial precinct land to the north.

The LXRP is requesting public access over Council's land by way of road to secure as of right access to all adjoining land to the west, including land recovered by raising the rail alignment and future developable land represented as 'the Future IDO Area' on the Locality Plan.

A declaration of a local road by resolution of Council pursuant to S204 (2) of the *Local Government Act 1989* requires a road to be reasonably required for public use and to be open to public traffic. Furthermore, Section 204 (3) provides clarity that the road does not become a public highway by virtue of Council's resolution made under subsection 2.

The LXRP has emphasised the importance of public access to a car park to service commuter and a realisable development parcel from Keon Parade which is of critical importance to the Keon Park railway grade separation project and the community at large.

The impact of the LXRP's request has been considered by the Urban Design & Transport department, the Strategic Futures department, and the Strategic Property Unit with a particular focus on the impact and direction of the industrial precinct to the north should Council declare the land a local road.

It is generally agreed that:

- the delivery of improved access/infrastructure to cater for future demand could be addressed by developers through legal instruments in conjunction with the planning process;
- given the objectives of the LXRP, the public nature of the grade separation works, and ancillary public infrastructure being delivered with some commercial development, Council's parcel of land is reasonably required for public use and to be open to public traffic; and

- a local road pursuant to S204 (2) of the *Local Government Act 1989* is recommended as the appropriate characterisation.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### **Connected Communities**

We work to foster an inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

#### **Liveable Neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

#### **Strong Local Economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

#### **Sustainable Environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change.

#### **High Performing Organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

A declaration of a local road by Council will emanate into outcomes that are aligned with all four goals under the Plan.

### Considerations of *Local Government Act (2020)* Principles

#### **Financial Management**

There are no cost implications.

#### **Community Consultation and Engagement**

The community has been informed of the LXP's grade separation project and goals and a declaration of road is essentially an expansion of rights that currently exist privately for VicTrack and patrons.

## Other Principles for Consideration

### Overarching Governance Principles and Supporting Principles

- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- (h) Regional, state and national plans and policies are to be considered in strategic planning and decision making.

### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

## Council Policy Considerations

### Environmental Sustainability Considerations

No implications.

### Social, Cultural and Health

No implications.

### Economic

No implications.

### Legal, Resource and Strategic Risk Implications

No implications.

## Implementation Strategy

### Communication

By Council resolution.

## Declaration of Conflict of Interest

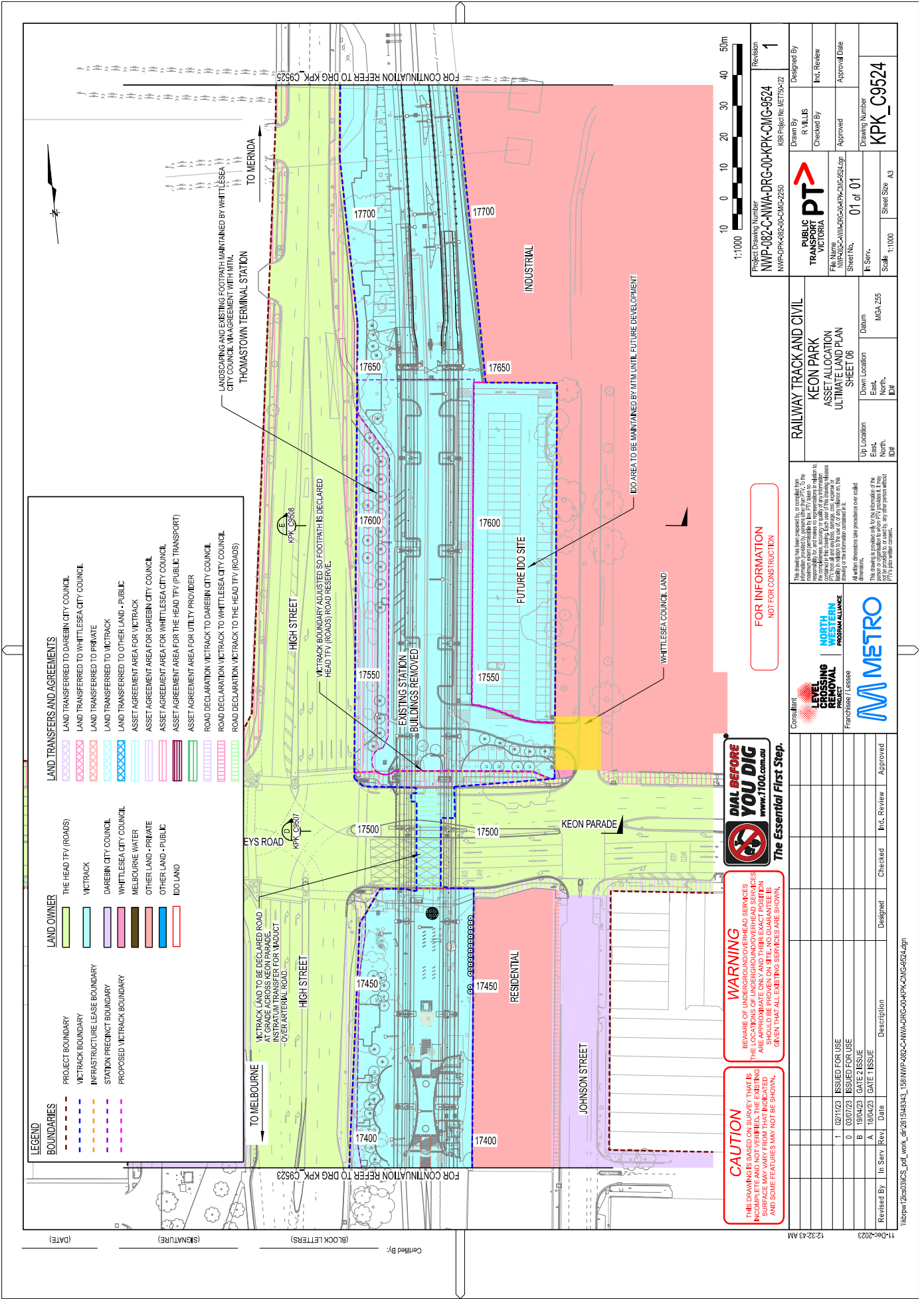
Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Attachments

1. Locality Plan 2 Keon Parade [5.1.1 - 1 page]





**LEGEND**

BOUNDARIES	LAND OWNER	LAND TRANSFERS AND AGREEMENTS
PROJECT BOUNDARY	THE HEAD TRV (ROADS)	LAND TRANSFERRED TO DAREBIN CITY COUNCIL
VICTORIAN BOUNDARY	VICTORIAN	LAND TRANSFERRED TO WHITTLESEA CITY COUNCIL
INFRASTRUCTURE LEASE BOUNDARY	DAREBIN CITY COUNCIL	LAND TRANSFERRED TO PRIVATE
STATION PRECINCT BOUNDARY	WHITTLESEA CITY COUNCIL	LAND TRANSFERRED TO VICTORIAN
PROPOSED VICTORIAN BOUNDARY	MELBOURNE WATER	LAND TRANSFERRED TO OTHER LAND - PUBLIC
	OTHER LAND - PRIVATE	ASSET AGREEMENT AREA FOR VICTORIAN
	OTHER LAND - PUBLIC	ASSET AGREEMENT AREA FOR DAREBIN CITY COUNCIL
	IDO LAND	ASSET AGREEMENT AREA FOR WHITTLESEA CITY COUNCIL
		ASSET AGREEMENT AREA FOR THE HEAD TRV (PUBLIC TRANSPORT)
		ASSET AGREEMENT AREA FOR UTILITY PROVIDER
		ROAD DECLARATION VICTORIAN TO DAREBIN CITY COUNCIL
		ROAD DECLARATION VICTORIAN TO WHITTLESEA CITY COUNCIL
		ROAD DECLARATION VICTORIAN TO THE HEAD TRV (ROADS)

**CAUTION**  
THIS DRAWING IS BASED ON SURVEY THAT IS INCOMPLETE AND ANY DIMENSIONS, EXISTING CONDITIONS AND SOME FEATURES MAY NOT BE SHOWN.

**WARNING**  
BEWARE OF UNDERGROUND SERVICES. THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

**FOR INFORMATION NOT FOR CONSTRUCTION**

Revised By	In Serv.	Date	Description	Checked	Incl. Review	Approved
	A	18/04/23	GATE 1 ISSUE			
	B	19/04/23	GATE 2 ISSUE			
	O	03/07/23	ISSUED FOR USE			
	1	02/11/23	ISSUED FOR USE			

Consultant

Franchisee / Lessee

Up Location	Down Location	Datum
Easl. Norm. IDP	Easl. Norm. IDP	MGA_Z55

Project Drawing Number NWP-082-C-NWA-DRG-00-KPK-CMG-9524	Revision 1
Drawn By R VILLIS	Designed By
Checked By	Incl. Review
Approved	Approval Date
File Name NWP-082-C-NWA-DRG-00-KPK-CMG-9524.dwg	Drawing Number KPK_C9524
Sheet No. 01 of 01	Sheet Size A3
In Serv.	Scale 1:1000

1:1000  
0 10 20 30 40 50m



FOR CONTINUATION REFER TO DRG KPK\_C9523 TO MELBOURNE  
TO WHITTLESEA  
TO MERIDA  
FOR CONTINUATION REFER TO DRG KPK\_C9525

## 5.2 1025 Yan Yean Road Doreen Development Plan

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures  
Strategic Planner

### Executive Summary

The purpose of this report is to consider the *1025 Yan Yean Road Doreen Development Plan* (the *Development Plan*), prepared by Activate Town Planning Consultancy on behalf of the property owner. The *Development Plan* (Refer Attachment 1) affects the property at 1025 Yan Yean Road, Doreen. The subject site is one hectare in area and is bound by existing residential development to the north, south and west, and Yan Yean Road to the east.

The proposed *Development Plan* has been prepared in accordance with the provisions of Schedule 5 to the Development Plan Overlay (DPO5) at Clause 43.04 of the Whittlesea Planning Scheme and the *Mernda Strategy Plan*. The *Development Plan* proposes standard and low-density residential development, as well as an open space reserve to retain significant native vegetation within the site. The low density lots will be 900 to 1000 square metres, and the standard density lots will be 500 to 600 square metres in size, which responds to the relevant planning controls and the surrounding context of this infill site. As such, the future housing yield from the *Development Plan* is likely to be relatively modest noting it is also subject to the outcome of assessment at the planning permit application stage.

The *Development Plan* and supporting documents were placed on non-statutory exhibition in February and March 2024. Neighbouring properties and relevant agencies and organisations were notified and provided the opportunity to comment on the proposal. Two submissions were received, one supporting and one objecting to the location of the shared path within the tree reserve on the *Development Plan*. In response to the submission, it is recommended that the location of the shared path be moved to the north side of the tree reserve. This change is considered to satisfactorily address the issue raised in the submission.

Overall, the *Development Plan* responds to the site conditions, surrounding neighbourhood context and overarching strategic documents. It is therefore recommended that Council note the *1025 Yan Yean Road Doreen Development Plan* and authorise the CEO to approve the Development Plan subject to the recommended change noted above being incorporated into the document.

## Officers' Recommendation

### THAT Council:

1. Note the *1025 Yan Yean Road Doreen Development Plan* as detailed in *Attachment 1* and the exhibition outcomes detailed in this report.
2. Endorse an amendment to the proposed *1025 Yan Yean Road Doreen Development Plan* to relocate the shared path to the north side of the public open space reserve with less than 5% encroachment of the outer edge of the Tree Protection Zone of Tree 5.
3. Authorise the Chief Executive Officer to approve the *1025 Yan Yean Road Doreen Development Plan*, once the amendment at point 2 above is incorporated into an updated version of the Development Plan.
4. Notify the proponent and submitters of Council's decision.

## Background / Key Information

### Site Context

The subject site is approximately one hectare in area and is located in Doreen adjacent to existing residential estates; Mitchell's Run (including Mitchell's Run Park to the north) and The Ridge estate to the south and west. The eastern boundary of the site is adjacent to Yan Yean Road and east of Yan Yean Road is green wedge land within the City of Nillumbik. The subject site is one of the larger remaining undeveloped lots in the area, with the surrounding residential development being mostly low density or standard density. The subject site contains one single dwelling and a range of native and planted vegetation, including a very large River Red Gum near the southern boundary. Existing access to the site is provided from Yan Yean Road. Refer *Attachment 2* for the Context Plans of the *Development Plan* area.

### Planning Context

#### Zone and Overlays

The subject site is in the General Residential Zone - Schedule 1 (GRZ1) of the Whittlesea Planning Scheme. The primary purpose of the GRZ1 is to provide a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The site is affected by the following planning overlays:

- Incorporated Plan Overlay Schedule 1 (IPO1) - Mernda Strategy Plan.
- Development Plan Overlay Schedule 5 (DPO5).
- Vegetation Protection Overlay – Schedule 1 (VPO1) - Significant vegetation (River Redgum Grassy Woodland).
- Development Contributions Plan Overlay – Schedule 5 – Mernda Precinct 2a Development Contributions Plan.

The effect and purpose of the overlays are detailed below:

#### *Incorporated Plan Overlay Schedule 1 (IPO1) - Clause 43.03 of the Whittlesea Planning Scheme*

The IPO1 applies the *Mernda Strategy Plan 2016* (MSP) to the precinct. The subject area is included within Precinct 1 of the MSP and the Precinct Plan identifies a preferred development outcome for the site as providing a low-density residential interface with the rural land uses on the eastern side of Yan Yean Road. Following development, the Precinct Plan notes that lots are to be accessed from the streets within the newly established neighbourhood rather than from Yan Yean Road. The MSP also notes that refinement of the Precinct 1 Plan may occur in the preparation of detailed Development Plans.

*Development Plan Overlay Schedule 5 (DPO5) - Clause 43.04 of the Whittlesea Planning Scheme*

The DPO5 requires the approval of a Development Plan before a permit can be granted to use and develop the land. Specifically, the proposed *Development Plan* responds to the following requirements of DPO5:

- Generally, in accordance with the MSP and associated Precinct Plans.
- Generally, in accordance with planning policy including retention and integration of mature trees, particularly indigenous River Red Gums.
- Provision of appropriate transition and interface design treatments.

*Vegetation Protection Overlay Schedule 1 (VPO1) (Significant vegetation (River Redgum Grassy Woodland) - Clause 42.02 of the Whittlesea Planning Scheme*

The purpose of the VPO1 is to protect and retain significant native vegetation, including River Red Gums. The Development Plan has considered and provides for the retention of native vegetation.

*Development Contributions Plan Overlay Schedule 5 (DCPO5) (Mernda Precinct 2a Development Contributions Plan) - Clause 45.06 of the Whittlesea Planning Scheme*

The DCPO5 provides that development contributions are payable upon development of the site and summarises the costs and contributions applicable to Precinct 2a of the *Mernda Strategy Plan Development Contributions Plan 2008*.

Planning Policy Framework

It is considered that the *Development Plan* is generally consistent with the provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme, including:

- *Clause 11 - Settlement:* The *Development Plan* responds to the needs of the community by providing for additional housing and open space.
- *Clause 12 - Environmental and Landscape Values:* The *Development Plan* responds to site features and constraints, by providing for the retention of existing vegetation.
- *Clause 16 - Housing:* The *Development Plan* increases the supply of housing to meet community needs.

**Development Plan Proposal**

The draft *Development Plan* (Refer Attachment 1) has been prepared by Activate Town Planning on behalf of the landowner, in accordance with the provisions of DPO5 and the MSP.

The proposed *Development Plan* provides a framework for development of the property, proposing the development of the subject site for low density and standard density residential use, noting the number of lots that are ultimately delivered would be subject to a future planning permit application.

The *Development Plan* responds to the constraints and conditions of the site, including the sensitive interface to Yan Yean Road and prohibition of access, the retention of existing native vegetation and the interface to surrounding low-density development.

Specifically, the draft *Development Plan* proposes:

- The use and development of the site for low density and standard density residential purposes, identifying allotment sizes that will be considered for each part of the site. This includes larger lot sizes specified adjacent to Yan Yean Road in keeping with the local context and overarching strategic direction of the *Mernda Strategy Plan*. Under the proposed *Development Plan*, future lots nearer to Yan Yean Road are required to be 900 to 1000 square metres in area, whereas lots with an interface to existing standard residential development will be 500 to 650 square metres.
- Protection of native vegetation, including the retention of the large River Red Gum (Tree 5 as identified in the submitted arborist report) as well as native Victorian trees within a tree reserve, and a pedestrian path linking to Yan Yean Road (noting the expectation that future urbanisation of Yan Yean Road will deliver the connecting footpath).
- The continuation of Laburnum Close into private roads to service the future lots noting there will be no direct vehicle access to Yan Yean Road.
- Additional land to complete the municipal reserve along the eastern boundary, to maintain consistency with the existing three to five metre setbacks to Yan Yean Road that are provided outside the properties to the north and south. The municipal reserve future-proofs the Development Plan layout to allow for urbanisation of Yan Yean Road, including footpath provision.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### Liveable Neighbourhoods

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The draft *Development Plan* aligns with key direction 2.2 of Whittlesea 2040 – Well-designed neighbourhoods and vibrant town centres and key direction 2.3 Housing for diverse needs by facilitating the development of the site for housing and providing a pedestrian link and additional open space.



## Considerations of *Local Government Act (2020)* Principles

### Financial Management

The proponent previously paid a statutory fee to Council for the assessment of the Development Plan.

### Community Consultation and Engagement

The draft *Development Plan* was placed on non-statutory exhibition over a four-week period between 19 February 2024 to 11 March 2024.

During this time neighbouring landowners and relevant agencies and organisations were notified of the Development Plan proposal and invited to provide feedback. While there is no statutory requirement to undertake exhibition on a proposed Development Plan, it is Council practice to engage affected parties and obtain feedback.

Two submissions were received during the non-statutory exhibition period. A submission was received from the Country Fire Authority supporting the *Development Plan* in its current form.

A submission was received objecting to the location of the shared path within the tree reserve and aligned with the shared southern boundary. The submitter supported the retention of a tree in public open space but noted that the provision of public infrastructure so close to the shared boundary of a private lot was not in keeping with the existing low-density housing context.

The location of the shared path within the proposed open space reserve (refer *Attachment 1*) is constrained by the need to reduce works within the tree protection zone (TPZ) for the retained mature eucalypt (Tree 5). TPZs are an exclusion zone which are required to both prevent harm to the tree, and to manage the safety of pedestrians from falling limbs. As such, the proposed Development Plan was exhibited with the shared path passing close to the southern boundary of the subject site on the alignment of the existing driveway (within an area that is already compacted).

In response to the submission, the *Development Plan* is proposed to be changed to relocate the shared path to the north side of Tree 5 with less than 5% encroachment on the TPZ.

The officer recommendation will be that Council endorse the *Development Plan* with the changes proposed for 1025 Yan Yean Road Development Plan as outlined above and authorise the Chief Executive Officer to approve the *1025 Yan Yean Road Doreen Development Plan* once the changes are incorporated into an updated version of the *Development Plan*.

## Other Principles for Consideration

### Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- (c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- (d) The municipal community is to be engaged in strategic planning and strategic decision making.
- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought.
- (h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.
- (b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

## Council Policy Considerations

### Environmental Sustainability Considerations

The proposed *Development Plan* seeks to retain significant native vegetation on site within an open space reserve.

### Social, Cultural and Health

The proposal aligns with Council's *Liveable Neighbourhoods Strategy 2023-2033*, as outlined in this report. The Development Plan will provide for additional housing in the Doreen suburb.

### Economic

The approval Development Plan will have a positive economic by supporting the development of the land for the construction of additional housing.



### **Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the *Planning and Environment Act 1987* a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision. If the matter is taken to the VCAT, Council may require legal representation.

### **Implementation Strategy**

#### **Communication**

The Council Decision will be communicated to the proponent and submitters.

#### **Critical Dates**

August 2022 – *1025 Yan Yean Road Doreen Development Plan* submitted to Council.

February 2024 – Non-statutory exhibition of the *1025 Yan Yean Road Development Plan*.

### **Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### **Attachments**

1. Attachment 1 - 1025 Yan Yean Road Doreen Development Plan [5.2.1 - 13 pages]
2. Attachment 2 - 1025 Yan Yean Road Doreen Context Plans [5.2.2 - 2 pages]



January 2024

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## 1.0 Introduction

This Development Plan is prepared to apply to the land located at 1025 Yan Yean Road, Doreen. The Development Plan has been prepared in accordance with the requirements of the Development Plan Overlay Schedule 5 of the Whittlesea Planning Scheme and will inform future residential subdivision and development of the land.

The purpose of the Development Plan is to achieve the following outcomes:

- Guide orderly planning for the site and the locality consistent with Council strategic policy expectations.
- Identify preferred land use outcomes for the land.
- Incorporate the priorities of specialist consultant works into future development of the site.
- Reinforce and enhance the local character of the broader surrounding area.
- Communicate the local road networks and access expectations for the land.
- Provide a clear framework detailing the future planning outcomes and objectives for the land to inform any future application for planning permit.

The application of the Development Plan Overlay over the site is shown below.



Fig. Development Plan Overlay 5 map

## 2.0 Site & Context

### 2.1 Regional Context

The site is located approximately 27km from the Melbourne CBD. The below shows the site's context within the metropolitan North Growth Corridor Plan positioned at the eastern edge of the northern growth area within Doreen.

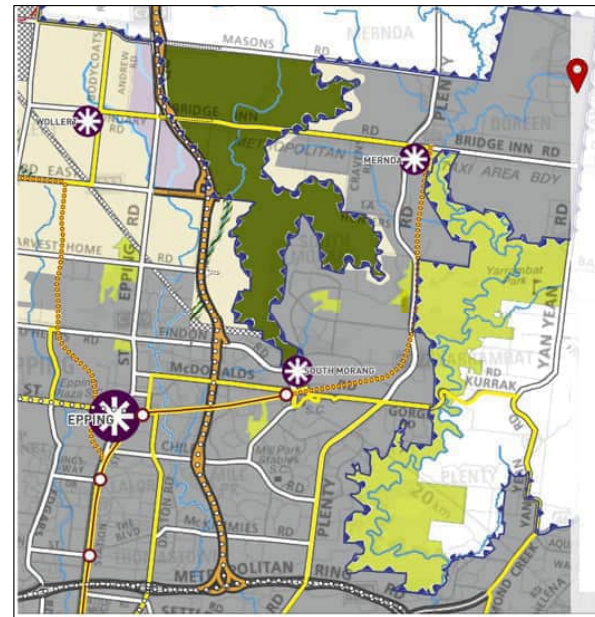


Fig. North Growth Corridor Plan extract

## 2.2 Local Context

As shown below within Council's strategic framework plan, the site is positioned at the eastern edge of the municipality along Yan Yean Road representing the Council's eastern boundary and at the urban edge with rural land use found to the east. The site represents one of the few remaining undeveloped lots in the immediate locality inside the Urban Growth Boundary zoned for residential development. Surrounding land has been developed to now support an established residential community.



Locality aerial (*Nearmap*)

### Surrounding context

#### East

Yan Yean Road adjoins the east boundary consisting of a local arterial road with a single carriageway in each direction with at-grade dividing median. Farming land is found on the east side of Yan Yean Road located external to the UGB and within the City of Nillumbik.



South

Consists of a larger residential lot abutting the east half of the boundary at 2 Timbertop Drive supporting a single dwelling setback approximately 9 metres from the site. Laburnum Close is a short local residential street extending from Timbertop Drive which terminates at the south boundary of the site. This street will continue north into the site upon its development. Conventional sized residential lots in the range of 900 square metres supporting single dwellings are found west of Laburnum Close with their rear boundaries abutting the site. Conventional density residential development continues to the west.

West

Two residential lots adjoin the west boundary addressed to Holstein Place each supporting a single dwelling setback in the range of 4 to 6 metres from the share boundary with these areas supporting private open space. Each dwelling is single storey in height. A drainage easement adjoins the west boundary positioned within adjoining land supporting stormwater and sewer infrastructure. Residential development continues to the west.

North

Two residential lots adjoin the north boundary addressed to Mitchells Run with each supporting a single dwelling setback in the range of 6 to 8 metres from the share boundary. Each dwelling is single storey in height consisting of larger dwellings on larger lots. A drainage easement adjoins the boundary within adjoining land supporting stormwater and sewer infrastructure drain north. 1 Mitchells Run, being the east parcel, supports a large remnant River Red Gum located in proximity to the shared boundary. Public open space is provided further north with residential development, consisting of single dwellings.

2.3 Development Plan Area

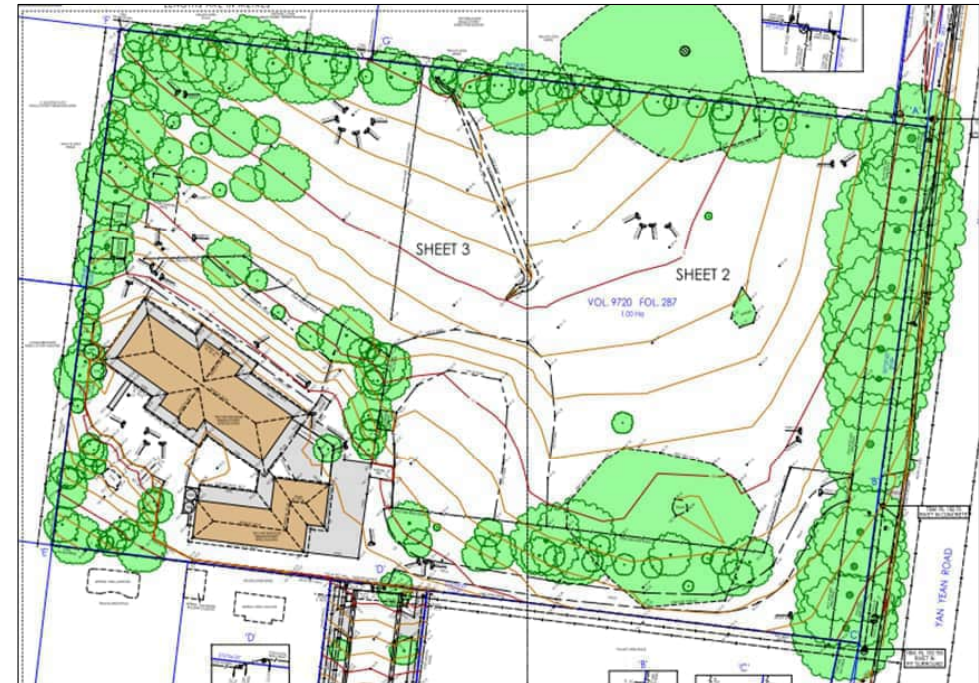
The subject land consists of one parcel addressed 1025 Yan Yean Road, Doreen, registered as Lot 1 on Plan of Subdivision LP206051B. The site is shown below.



Fig. Site and context aerial image

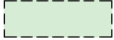







Characteristics of the site are as follows.

Site area	1 hectare
Boundaries	Yan Yean Road (East) – 80 metres North – 125 metres West - 80 metres South - 125 metres
Existing development	Single dwelling consisting of a single building, brick veneer with metal sheet hipped roof. A detached brick double garage is located south of the dwelling towards the south boundary.
Existing use	Residential.
Access	One crossing is provided to Yan Yean Road which functions as a local arterial road.
Topography	Supports a fall from south to centrally along the north boundary of approximately 5 metres.
Vegetation	Consists of a combination of native and planted vegetation over the site. One very large River Red Gum is positioned towards the south-east. A row of planted cypress trees are found along Yan Yean Road with various garden plantings around the dwelling, along the driveway the north and west boundary.
Title	The title shows no covenant, section 173 agreement or other form of restriction affecting the land.
Easement	The site is not encumbered by an easement.
Heritage	The site is not subject to a Heritage Overlay. The land is identified as supporting potential cultural heritage sensitivity.






### 3.0 Development Plan

#### LEGEND

	PROPOSED NATURE STRIP
	500 TO 650m <sup>2</sup> RESIDENTIAL LOTS
	900 TO 1000m <sup>2</sup> RESIDENTIAL LOTS
	OPEN SPACE
	EXISTING DWELLING (FUTURE TWO LOT SUBDIVISION)
	FUTURE SHARED PATH
	PRIVATE ROAD
	COUNCIL ROAD

#### TREE PROTECTION NOTES

	TREE REMOVAL SUBJECT TO FUTURE PLANNING PERMIT APPLICATION
	TREE CANOPY
	TPZ TO BE RETAINED



### 3.1 Outcomes

The development plan seeks to establish a planning framework that will allow for the following outcomes.

- Creation of new residential lots consistent with the specified lot sizes.
- Deliver a residential neighbourhood that exhibits a high level of amenity for residents.
- Creating a Council open space reserve which contributes to and enhances local character.
- Achieving an efficient and legible movement network which consists of public and private streets.
- Retention of the large River Red Gum within the open space reserve.
- Integrating the local street network into the existing network and avoiding direct access to Yan Yean Road.
- Establishment of a landscape response which complements the surrounding character and enhances the open space network including through the establishment of the canopy trees.
- Ensuring future development integrates appropriately with adjoining land to maintain residential amenity.

### 3.2 Response to the Mernda Strategy Plan

The Development Plan Overlay Schedules 5 requires the Development Plan to be generally in accordance with the Mernda Strategy Plan (MSP) and associated Precinct Plans. The site is located within Precinct 1 of the MSP, and specifically positioned at the south-east corner of the precinct as shown below.

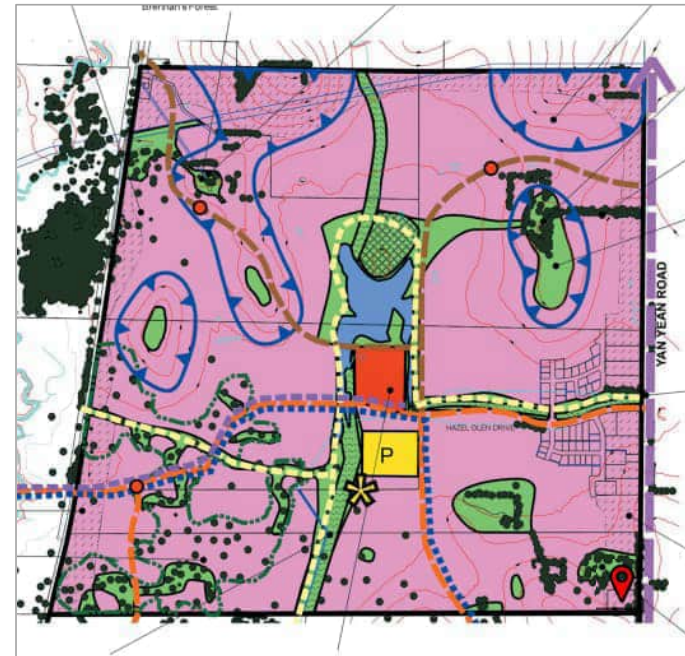


Fig. Mernda Strategy, Precinct 1

The MSP identifies the site as supporting future residential development. Low-density residential development is nominated for the site as is the case for all residential land adjoining Yan Yean Road along the eastern boundary of the MSP area. The Precinct Plan shows the retention of vegetation in the south-east corner and along Yan Yean Road. The Development Plan supports the creation of larger residential lots along Yan Yean Road with lot size transitioning to the west consistent

with the established residential neighbourhood and the MPS. Consistent with the MSP the Development Plan achieves the retention of existing vegetation within the south-east of the site. Tree retention includes a large River Red Gum, which is shown below, along with other native vegetation within the public open space reserve. The Development Plan supports the land use and development outcomes envisaged in the MSP.



### 3.3 Development Plan Guidelines

G1 – The development plan is to support residential development complimented by a public open space reserve.

G2 – Subdivision is to ensure the size of residential lots are consistent with the Development Plan.

G3 – Dwellings are to be positioned to allow for the establishment of landscaping around the building, including the ability to plant a canopy tree within the front and rear setback areas.

G4 – Residential development is to ensure that works do not impact the health of vegetation located on adjoining land, including the large River Red Gum located on the north adjoining land as identified in the Development Plan.

G5 – Unless otherwise approved by the responsible authority residential lots are to support development of a single dwelling.

G6 – Earthworks and structures such as retaining walls and site cutting that are required in response to steeper topography are not to overwhelm or dominate the streetscape.

G7 – The street network is to consist of a public road, being the extension of Laburnum Close and private accessway generally in accordance with the Development Plan.

G8 – All lots are to be provided with a frontage to either the public or private street network.

G9 – Subdivision design is to ensure it responds to the findings and recommendations of the Stormwater Management Plan prepared by Incitus, dated December 2022.

G10 – Streetscape planting is to support a native and indigenous species them.

G11 – Unless with the consent of the responsible authority, the design of the extension of Laburnum Close is to be consistent the existing street cross section design as shown in the Development Plan.

G12 – The open space reserve is to be provided with passive surveillance through maximising residential lots fronting the reserve.

G13 – Allowance for road widening along Yan Yean Road will be required as detailed in the Development Plan.

G14 – Waste management will be undertaken in accordance with a Waste Management Plan submitted under the permit application to the satisfaction of Council.

### 3.4 Development Plan Land Budget Estimates

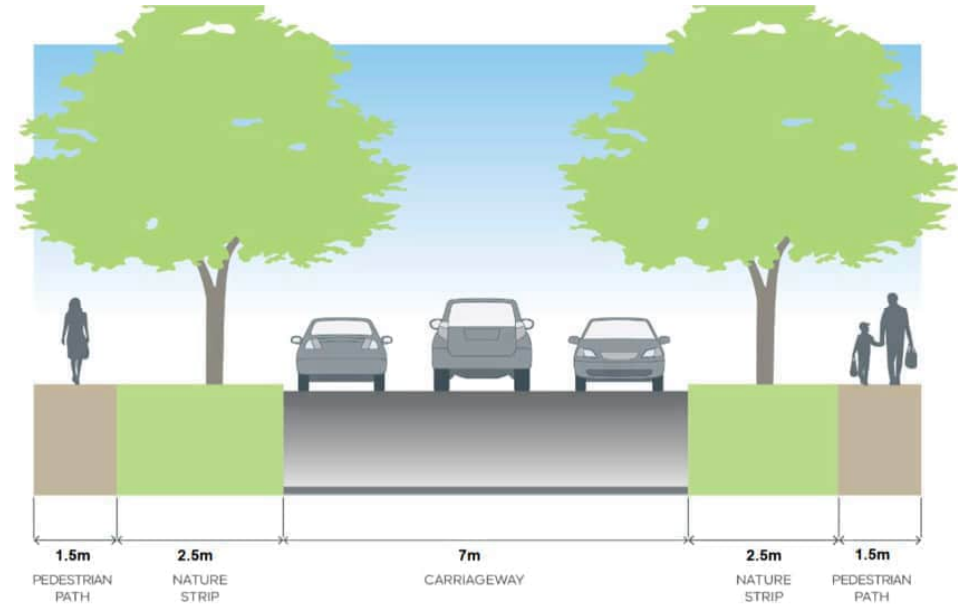
Table 1: Land Budget (indicative only)

Land Use	Percentage of Development %
Residential	60-65
Public Open Space	14
Roads	20-25
Road widening	1-2

\*Estimate only and subject to future planning approval, detailed design & survey.

### 3.5 Street Cross Section

Extension of Laburnum Close (15m)



### 3.6 Infrastructure / Utilities

#### Stormwater

The site is located within the Laurimar Melbourne Water Drainage Services Scheme (DSS) area. The drainage scheme does not show any stormwater management facilities to be provided on the land. Stormwater management facilities of the drainage scheme have been provided as part of previous development throughout the broader area.

Stormwater flows will be conveyed within a piped system along Laburnum Close and the private street network along with the creation of drainage easements within residential lots. Local streets will be designed to cater for overland flows conveying flows to the existing Melbourne Water pipe connection at the north boundary as shown in the drainage scheme plan.

Stormwater Management will be undertaken in accordance with the prepared Stormwater Management Strategy by Incitus, to the satisfaction of Council and in accordance with approved engineering plans.

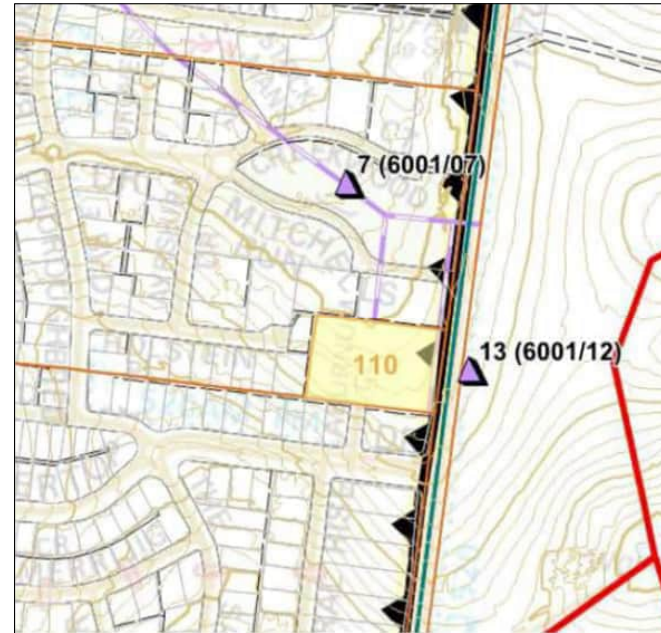


Fig. Laurimar DSS

#### Sewer

The land is located within the Yarra Valley Water service area. Development of the land will connect to the existing sewer network located in established residential land to the north as indicated on the YVW service maps. The preparation of detailed engineering plans will be required to be submitted and approved by Yarra Valley Water and Council prior to development of the land as part of any planning permit approval.



Fig. Local sewer network

The design of infrastructure provision within the private accessway will be subject to detailed design as part of the permit application process ensuring Council and service authority assets are accommodated.

Local service authorities will issue their respective conditions for inclusion on any permit. Development of the land will require the delivery of services to each lot prior to the issue of Statement of Compliance and registration of new titles.

### 3.7 Cultural Heritage

The site is identified as being subject to potential Aboriginal cultural heritage sensitivity as shown below. A Cultural Heritage Management Plan (CHMP) will be prepared as part of future planning for the site. An approved CHMP is to be submitted to the responsible authority prior to the issue of a planning permit. Section 61 of the Aboriginal Heritage Act 2006 sets out matters to be considered before finalising subdivision layout plans.



Fig. Aboriginal cultural heritage map (DTP)

### 3.8 Open space & development contributions

Public open space contribution obligations and development contributions will be satisfied as part of any permit and prior to the issue of titles.

## Appendices

- Stormwater Management Strategy
- Arborist Report
- Ecological Assessment




### Attachment 2: Site Context Plan



 1025 Yan Yean Road


 Urban Growth Boundary

 Suburb Boundary



### Attachment 2: Site Context Plan



 1025 Yan Yean Road

 Urban Growth Boundary



### 5.3 Sport Fair Access Policy - Post Consultation Approval

**Director/Executive Manager:** Director Community Wellbeing

**Report Author:** Unit Manager Leisure & Recreation

**In Attendance:** Unit Manager Leisure & Recreation  
Manager Active & Creative Communities

#### Executive Summary

This report seeks Council endorsement of the City of Whittlesea Fair Access Policy (the Policy) for the usage and planning of community sports infrastructure.

The Policy responds to the Victorian Government's Fair Access Policy Roadmap which aims to develop a state-wide foundation to improve the access to, and use of, community sports infrastructure for women and girls.

From 1 July 2024, all Victorian councils will need to have gender equitable access and use policies in place to be considered eligible for infrastructure funding.

Community consultation on the draft Policy included workshops, online forums, targeted conversations and surveys.

Following endorsement of the Policy, a roadmap and action plan will be developed to guide implementation.

#### Officers' Recommendation

**THAT Council:**

- 1. Note the outcomes of community and stakeholder consultation undertaken between 20 March 2024 and 2 May 2024 on the draft City of Whittlesea Fair Access Policy at Attachment 2.**
- 2. Endorse the City of Whittlesea Fair Access Policy at Attachment 1.**
- 3. Note that a Fair Access Roadmap and Action Plan will be developed in consultation with stakeholders following Council endorsement of the City of Whittlesea Fair Access Policy.**

## Background / Key Information

Sport participation has important individual and community benefits, including physical and mental wellbeing and creating a sense of belonging and connection with community.

The 2023 State of Play survey released by the Victorian Office of Women in Sport and Recreation found that 90% of Women and 66% of men believe gender equity in sport is still an issue that needs to be addressed.

Sport participation in the City of Whittlesea reflects broader trends of lower participation by individuals identifying as female. Vic Health's Sport Participation Trends Across Victorian Local Government Areas 2019-2021 report outlines that the City of Whittlesea is ranked 73 out of 79 local government areas for women and girl's participation in organised sport.

Sport participation in the City of Whittlesea reflects broader trends of lower participation by individuals identifying as female. Council's 2023 sporting club participation data collected from seasonal ground applications shows that of 13,888 registered participants, 29.2% identified as female. There are higher participation rates in sports traditionally undertaken by women and girls, including calisthenics, softball and athletics.

Higher participation rates are evident in sports traditionally undertaken by women and girls, including calisthenics, softball and athletics. Across several sports, female participation in the City of Whittlesea was significantly lower than male participation in 2023 and lower than state averages, including:

- Australian Rules Football 16.91% (AFL Victoria 17%)
- Football 15.44% (Football Victoria 21%)
- Cricket 11.39% (Cricket Victoria 27%)
- Basketball 34.7%

### **Victorian Government Fair Access Policy Roadmap**

The Victorian Government has developed a Fair Access Policy Roadmap to support gender equitable access and use policies for community sports infrastructure. It is designed for local governments, sport and recreation organisations and other groups which manage publicly owned community sports infrastructure.

The Fair Access Policy Roadmap aligns with Victoria's *Gender Equality Act 2020* and aims to ensure that women and girls can fully participate in and enjoy the benefits of community sport, with fair opportunity and access to local facilities.

Gender equitable access and use policies are required to be endorsed by Victorian councils by 1 July 2024 in order to have continued eligibility for Victorian Government sports infrastructure funding.

## **Guiding Principles**

The directive for the Fair Access Policy Roadmap is that “females receive a fair share of access to the highest quality facilities at the best and most popular times. Usage policies need to consider not just competition time, but training times, and the distribution between traditional competition and other participation opportunities, as well as different sports.”

The Victorian Government has developed six Fair Access Principles to guide policy development:

1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator,
3. Women and girls will have equitable access to and use of community sport infrastructure.
4. Women and girls should be equitably represented in leadership and governance roles.
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices.
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

## **City of Whittlesea Fair Access Policy**

The City of Whittlesea Fair Access Policy (the Policy) formalises Council’s commitment to gender equality outcomes in sport and recreation planning, policy, service delivery, facility allocation and programming.

The Policy requires sporting clubs to undertake gender equity audits and develop gender equity action plans to increase sport participation by women and girls as players, coaches and committee members.

Council officers will provide education and training for sporting clubs around equity and participation requirements, responsibilities and safe environments, as well as how to undertake gender audits and develop Gender Equity Action Plans.

Sporting clubs will be required to report annually on how they are responding to the Policy and regularly report on implementation of their Gender Equity Action Plans.

### Consultation feedback

As detailed below and in the **Engagement Summary (Attachment 2)**, key themes from community consultation on the draft Policy included:

- Participation drivers included opportunities to play with friends, finding a suitable team for their age/skill, being provided with a safe or supportive environment, reduced cost of playing and providing flexible/non-competitive participation options.
- Barriers to participation included time constraints, work and family commitments, availability of teams, supportive environments and provision of suitable facilities.

Consultation feedback aligned with the draft Policy and therefore no amendments have been made between the draft and the final Policy presented for Council endorsement.

A range of valuable feedback was provided during the consultation period which will be used in the development of Council and sports club action plans, including:

- Promoting sports clubs leading by example and demonstrating best practice participation.
- Recognising local sporting role models through Council awards.
- Reviewing uniform appropriateness and equity.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### Connected Communities

We work to foster an inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

### Considerations of *Local Government Act (2020)* Principles

#### Financial Management

Implementation of the Fair Access Policy is included in Council's Long Term Financial Plan.

Any future capital works required will be subject to Council's annual budget processes.

#### Stakeholder and Community Consultation

Community consultation on the draft Fair Access Policy was conducted between 20 March 2024 and 2 May 2024.

Consultation was undertaken through a range of face-to-face and online methods, including:

- Teenage employment seminar
- Online Sports Club Forum
- "Equal the Contest" movie screening
- City of Whittlesea Youth Council report and feedback

- Community engagement sessions
- Written feedback from Sporting associations

The policy and consultation were promoted via the following methods:

- Yarra Plenty Regional Library (YPRL) social media post
- Promotional flyers and social media posts at community, aquatic and sporting centres
- Council social media channels
- Promoted through high school networks
- Aquatic centre participant networks
- Council's Local Area Newsletters
- Ageing Well networks
- Youth networks

Council's Engage Whittlesea platform had 329 visitors. A total of 51 surveys were received during the consultation period (**Engagement Summary, Attachment 2**) from:

- 40 individuals
- 11 from sporting clubs and State and Regional Sporting Associations
- One written response from a State Sporting Association
- One written response from the City of Whittlesea Youth Council

Feedback received indicated that the strongest drivers for residents identifying as women and girls to participate in sport were opportunities to play with friends (70%), finding a suitable team for their age/skill (60%), being provided with a safe or supportive environment (48%), reduced cost of playing (48%) and flexible/non-competitive participation options (40%).

Engagement responses indicated that there is a strong desire to play sport, however, there are many barriers that discourage residents identifying as women and girls from playing sport. These include time constraints (80%), work and family commitments (50%) and finding teams and places (38%). Other barriers highlighted include a lack of supportive environments, male dominated sports culture, cost and inflexible competition approaches.

Participants reported that factors influencing the choice of sporting clubs include playing friends/people I know (55%), club reputation (55%), seeing people like me participate (48%) and quality coaches (44%). Multiple respondents reported that clubs still have work to do to provide equity in prioritising women's teams in comparison to men's teams.

Regarding what Council can do to support participation by residents identifying as women and girls, respondents suggested providing financial support to clubs to offer opportunities to grow participation (74%), promoting local sporting opportunities for women (66%) and providing facilities that better meet the needs of women, girls and gender diverse people (62%).

Respondents from the 11 responses from sporting clubs and associations highlighted that facilities don't currently accommodate women and girls (4 responses). Two respondents believed there is a lack of knowledge and understanding of gender equity approaches. Two respondents believed that women and girls are already accommodated.

Further advocacy work will be undertaken with state sporting associations regarding the Fair Access Policy including their role in scheduling women and girls matches and facilities that promote women and girls' participation.

Overall, the feedback from state sporting associations has been positive. There has been some reluctance regarding scheduling of women and girls matches in prominent time slots due to the perception that financial returns for men's matches is greater.

### **Other Principles for Consideration as per the *Local Government Act (2020)***

#### **Overarching Governance Principles and Supporting Principles**

- (i) The transparency of Council decisions, actions and information is to be ensured.

#### **Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

### **Council Policy Considerations**

#### **Environmental Sustainability Considerations**

No implications.

#### **Social, Cultural and Health**

The City of Whittlesea has a commitment to improving the quality of life for all residents. It recognises the valuable contribution that sport, physical activity, open space and recreation make to community health and wellbeing.

The Fair Access Policy provides guidance on improving participation opportunities.

#### **Economic**

No implications.

**Legal, Resource and Strategic Risk Implications**

*Financial Sustainability - Inability to meet current and future expenditure.*

*Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing.*

From 1 July 2024, Victorian councils are required to have a gender equitable access and use policy (or equivalent) in place to remain eligible for Victorian Government funding for community sports infrastructure.

**Implementation Strategy****Communication**

Following Council endorsement, a final Fair Access Policy will be distributed to all stakeholders including sporting clubs and associations, including next steps in implementing the policy.

**Critical Dates**

From 1 July 2024, Victorian councils are required to have a Council endorsed gender equitable access and use policy in place to remain eligible for Victorian Government funding for community sports infrastructure.

**Implications for sporting clubs**

Sporting clubs who do not achieve milestones within the first three years of the policy and failing to make headway on their action plans will not receive prioritised allocations for grounds, capital works projects, or grants.

Following this initial period, clubs' eligibility for subsidies on ground and pavilion fees will be contingent upon their compliance to the policy.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Attachments**

1. FAIR ACCESS POLICY [5.3.1 - 7 pages]
2. Fair Access Policy Engagement Summary [5.3.2 - 12 pages]



## Fair Access Policy

### Policy statement

The City of Whittlesea will undertake the necessary and proportionate steps towards achieving more gender equitable access and usage of community sports infrastructure, and improved experiences for women and girls when participating in local sport.

This Policy establishes Council's commitment that gender equality be considered and prioritised in all current and future Council planning, policy, service delivery, facility allocations and practice as they relate to community sports infrastructure.

### Purpose

The Fair Access Policy (**Policy**) seeks to:

- address known barriers experienced by women and girls in accessing and using community sports infrastructure;
- ensure solutions developed and implemented are guided by the six principles of Fair Access detailed below;
- articulate criteria for Sports Clubs allocation of Council facilities that is consistent with the Fair Access principles;
- support Sporting Clubs in education and training regarding the Fair Access Policy; and
- align with the State Government's Fair Access Roadmap.

### Background

Sport is a highly visible and valued feature of City of Whittlesea's culture and identity. The benefits of sport include physical and mental wellbeing, creating a sense of belonging and connection with community.

The Sport Participation Trends Across Victorian LGAS report released in April 2024 shows the City of Whittlesea ranks 73 out of 79 council areas for women and girls participating in organised sport. This figure was boosted by sports with traditionally high participation rates by women and girls including calisthenics, softball and netball. In several sports, female participation in the City of Whittlesea in 2023 was significantly lower than male participation and lower than state averages, including:

- Australian Rules 16.91% (AFL Victoria 17%)
- Football 15.44% (Football Victoria 21%)
- Cricket – 11.39% (Cricket Victoria 27%)
- Basketball 34.7% (Victorian participation not available)

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2028	Community Wellbeing	Active & Creative Communities





A reform agenda has been developed by the Victorian Government to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.

This reform agenda includes addressing the traditional structures and the way community sport and recreation organisations operate through the implementation of all nine (9) recommendations from the *2015 Inquiry into Women and Girls in Sport and Active Recreation*. This includes recommendation six (6) which includes:

*“...encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times”.*

In response, the Council has designed a Fair Access Policy that will guide the necessary and proportionate steps towards achieving gender equitable access and usage of community sports infrastructure. This Policy establishes Council’s expectation that gender equality is considered and prioritised in all current and future Council recreation planning, policy, service delivery and practice as they relate to community sports infrastructure.

The Fair Access Policy will require sporting clubs to participate in education, consultation and undertake gender equity audits and develop gender equity action plans to increase participation by women and girls as players, coaches and committee members. Council officers will provide education and training modules which will include equity, participation, responsibilities and safe environments, gender audit and action planning.

Sporting clubs will be required to report annually on how they are aligning with the Fair Access Policy as well as provide progress reports at designated intervals on the progress of their Gender Equity Action Plans. Clubs who do not align with the Fair Access Policy or undertake and achieve progress in gender equity action plans will not be prioritised ground allocations, capital works projects, funding or subsidies on facility allocations.

### Scope

This policy applies to Council officers, sports clubs and associations allocated Council Sporting infrastructure.

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2028	Community Wellbeing	Active & Creative Communities



**Alignment to Whittlesea 2040**

The Fair Access Policy primarily guides Council’s work toward the following Goal as outlined in *Whittlesea 2040: A place for all: **Connected Community***

This Policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*. Providing safe and connected spaces for everyone to access sporting infrastructure.

Additionally, this Policy is informed by:

- Connected Communities Strategy
- City of Whittlesea Community Plan
- Long Term Community Infrastructure Plan
- Victorian Fair Access Policy Roadmap
- Active Whittlesea Strategy 2021

**Overarching Governance Principles**

The development of this Policy considered the *Local Government Act 2020’s* Overarching Governance Principles and the following were applied:

Lawful	<input checked="" type="checkbox"/>	Community engagement	<input checked="" type="checkbox"/>	Financially viable	<input type="checkbox"/>
Best community outcome	<input checked="" type="checkbox"/>	Innovation & improvement	<input checked="" type="checkbox"/>	Consistent with government plans	<input checked="" type="checkbox"/>
Sustainable	<input type="checkbox"/>	Collaboration with government bodies	<input checked="" type="checkbox"/>	Transparent	<input checked="" type="checkbox"/>

**Gender Equality, Climate Change, Human Rights and Child Safe Compliance**

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities*, *Gender Equality Act*, *Climate Change Act* and the *Child Safe Standards*.

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2024	Community Wellbeing	Active & Creative Communities



**Definitions Community Sports Infrastructure** means publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.

**Gender** means how you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person’s gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

**Gender Audit** means a tool to assess and check the institutionalisation of gender equality into organisations, including in their policies, programmes, projects and/or provision of services, structures, proceedings and budgets.

**Gender diverse** means an umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among gender non-confirming young people, who are more likely to describe themselves as non-binary.

**Gender equality** means the equal rights, responsibilities, and opportunities for all genders. Equality does not mean that all genders will be treated the same, but that their rights, responsibilities, and opportunities will not depend on their gender.

**Gender equity** means the provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.

**Gender Impact Assessment, or GIA** means a requirement under the *Gender Equality Act 2020* to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.

**Club Strategic/Business Plan** means an internal sporting club document developed to guide good governance, future direction, and specific objectives for the organisation. Sporting Clubs Gender Equity action plan will sit within this document.

**Council** means the City of Whittlesea

**Council Officers** means full time, part time, casual and contractors employed by the City of Whittlesea.

**Procedures and implementation**

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2024	Community Wellbeing	Active & Creative Communities



### FAIR ACCESS PRINCIPLES

The Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. This Policy and any resultant action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator
3. Women and girls will have equitable access to and use of community sport infrastructure
  - a. of the highest quality available and most convenient
  - b. at the best and most popular competition and training times and locations
  - c. to support existing and new participation opportunities, and a variety of sports
4. Women and girls should be equitably represented in leadership and governance roles
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices
6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure

Council considers these principles provide clear direction, while also enabling adaption to the specific environment within the City of Whittlesea.

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2024	Community Wellbeing	Active & Creative Communities



**FOCUS AREAS**

Informed by the Fair Access Principles, Council will take action under the following key focus areas.

<p><b><u>Operations:</u></b></p> <p>Embedding the Fair Access principles into the City of Whittlesea operational documents will be a primary step in driving change in Clubs.</p> <p>To better measure success, more advanced metrics and KPI's are required to progress the way Council gathers and uses data, reporting back on the work that is undertaken over time.</p>	<p><b><u>Infrastructure:</u></b></p> <p>Sporting infrastructure is significant when providing a welcoming environment for women, girls &amp; other diverse groups. Infrastructure can remove barriers to participation in sporting clubs, increase membership and create a positive culture.</p> <p>City of Whittlesea commits to carrying out GIAs on capital works programs to consider opportunities to strengthen gender equitable access and use of community sports facilities in alignment with the Fair Access Principles.</p> <p>Council will prioritise infrastructure projects that service a greater cross section of our community and maximise sports participation amongst underrepresented groups.</p>
<p><b><u>Club &amp; Community development:</u></b></p> <p>To increase women and girls' participation in sport, clubs require support and education. City of Whittlesea will deliver programs and educational sessions to help clubs assess their current state and plan for their future state. Club consultation will also form part of how we engage with clubs and help create a targeted approach.</p>	
<p><b><u>Associations (our partners):</u></b></p> <p>We acknowledge that sporting associations play a large part in scheduling matches, data collection and networking within the community sporting sector. We will collaborate with and advocate to State Sporting Associations to reach fair access outcomes.</p>	

The Policy is designed to:

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2024	Community Wellbeing	Active & Creative Communities



- Guide future sporting infrastructure development with a focus on fair access for all
- Ensure the provision of safe, inclusive spaces within sporting clubs where women and girls are welcomed
- Incorporate Fair Access principles into Council policies and strategies
- Comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy, Safe and Strong.

#### Council acknowledges:

- The disadvantaged position women, girls and gender diverse people have had in sport and recreation due to structural and attitudinal discrimination.
- That achieving gender equality will require different approaches for women and girls, men and boys and gender diverse people to achieve equitable outcomes for people of all genders.

#### Council will:

- Engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner
- Engage in the process of Gender Impact Assessments to assess the implications for women, men and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.
- Review and update lease and license and Service Level Agreements and incorporate Fair Access practices and principles where applicable.
- Operationalise the Fair Access Policy through an Action Plan that is reviewed biannually.

#### Sporting Clubs will:

- Outline how they comply with the Fair Access Policy as part of Council's seasonal or annual application process based on consultation with Club members
- Undertake a Gender Equity Audit in consultation with Council Officers
- Incorporate actions developed through the Gender Equity Audit in their Strategic/Business Plan and report annually to Council on progress
- Work with State and Regional Sporting Associations to ensure fixtures comply with the Fair Access Policy
- Comply with the Fair Access Sporting Club Action Plan developed by Council in consultation with the community to ensure ongoing access to ground allocation and infrastructure.
- Provide club registration numbers as part of their annual ground application request.

Date of Adoption	Next Review Date	Directorate Responsible	Department Responsible
18 June 2024	June 2024	Community Wellbeing	Active & Creative Communities



## Draft Fair Access Policy Engagement Summary

20 March – 30 April 2024



### Introduction

The City of Whittlesea aims to achieve more gender equitable access and usage of community sports infrastructure, and improved experiences for women and girls when participating in local sport.

A Draft Fair Access Policy has been developed in response to the Victorian Government's Fair Access in Sport Policy Roadmap which requires all councils to implement a policy by 1 July 2024. The policy establishes Council's commitment that gender equality be considered and prioritised in all current and future Council planning, policy, service delivery, facility allocations and practice as they relate to community sports infrastructure.

### How we engaged you

The City of Whittlesea presented the draft Fair Access Policy to the community and sporting clubs for feedback and to capture information to feed into a future action plan, between 20 March and 30





April 2024. Feedback was sought online through Council's Engage Whittlesea platform and through direct engagement with targeted stakeholders.

The opportunity to provide feedback was promoted through:

- "Equal the Contest" movie screening
- Yarra Plenty Regional Libraries short reel on its Tik Tok channel
- Promotional flyers at community, aquatic, sporting centres
- Council social media channels
- Secondary school networks
- Aquatic centre participant networks
- Sporting associations
- Local Area Network newsletters
- Ageing Well networks
- Youth networks

Opportunities to provide feedback were offered through:

- A youth employment seminar
- Sports Club Forum
- City of Whittlesea Youth Council
- Community Engagement sessions

The Engage Whittlesea platform presented the draft Fair Access Policy as well as two separate surveys. The first survey was designed for individual community members including those that currently participate in organised sport within the municipality to inform a future action plan. The second survey was designed specifically for sporting clubs and associations to gain insight on what support is needed to implement the Fair Access Policy.

## Participation

In total 51 surveys were completed, 40 individual surveys and 11 sporting club surveys.

The draft Fair Access Policy was presented to the City of Whittlesea Youth Council on the 8 April 2024 who were then encouraged to provide any written feedback directly to the project team. The presentation was well received with positive sentiment. A Sports Club Forum also provided an opportunity for local sporting groups to provide feedback.



A snapshot of consultation activities and community participation is below:



40 individual 11 sporting club' surveys completed



329 visitors to the project Engage page



Draft Policy downloaded 47 times



69% Female, 29% Male, 2% Non-binary



36% aged 36 - 45, 21% aged 46- 55



17% person living with a disability



17% speak a language other than English at home

### What we heard

Most feedback received during the community consultation period backs up the data coming through from sporting bodies and strongly supports the City of Whittlesea implementing a Fair Access policy.

Feedback received show the strongest drivers for women and girls to take up sport were opportunities to play with friends 45%, finding a suitable team 38%, being provided with a safe or supportive environment 31%

We received feedback from multiple respondents suggesting opportunities are already available for girls and women to play. However, support of these women's teams is not consistent. As one participant reported, *"clubs (need) to be accountable, to ensure they are investing not only financially but also their time into building and retaining players for the women side. My current club's under 16s and under 18s (woman's) football teams folded. What message is that sending the community about the culture in the club and views on women in sport."*



Responses indicate there is a strong desire to play sport however, there are many barriers that discourage women and girls from playing sport. These include;

- **competing commitments** (17%) - these demands include family, children, work and study
- **limited opportunities** (12%) - no local women's teams, amenities not suitable for participation, training/game times not compatible
- **not fun** (8%) - competitive club culture, lack of social teams, unsupportive, feel unsafe. *"many people take it (sport) too seriously, and it becomes too competitive as opposed to fun"*
- **cost**

To address these barriers, data informing the Fair Access policy and consultation feedback highlighted that clubs can;

- Introduce modified rules and encourage social competitions
- Consult with players before allocating ground/pavilion spaces
- Advocate for equal representation at all levels, committee, volunteers, coaches, and players
- Create a physically and emotionally safe space for all within clubs

Participants reported the factors influencing the choice of sporting clubs to join including club culture, seeing similar demographic to yourself, cost of registration fees and the option to play in social competitions.

Multiple people reported that clubs still have work to do to provide equity in prioritising women's and men's teams. One of the comments received said *"no matter what clubs say about them supporting women's football, behind closed doors there's always a strong division and we as women do not get the same appraisal as men. (I) Would love to see my local club men support our games."*

Engagement with the existing sporting clubs was sought through multiple communication formats and invitations to forums. Little feedback was received from the clubs regarding their position on Fair Access, what support they will need to help implement the policy or how the proposed actions will impact their operations.

Consultation participants reported there is more that Council can do to support female participation including providing amenities that meet requirements of all sexes, writing women and girls into sporting policies and holding clubs accountable, promoting women and girls' participation opportunities and providing financial support to grow participation. This feedback is well aligned with the proposed Fair Access Policy.

Some comments reinforce the work required in providing equitable access to sporting infrastructure and the need to educate clubs and community on inclusive practices through the Fair Access Policy.

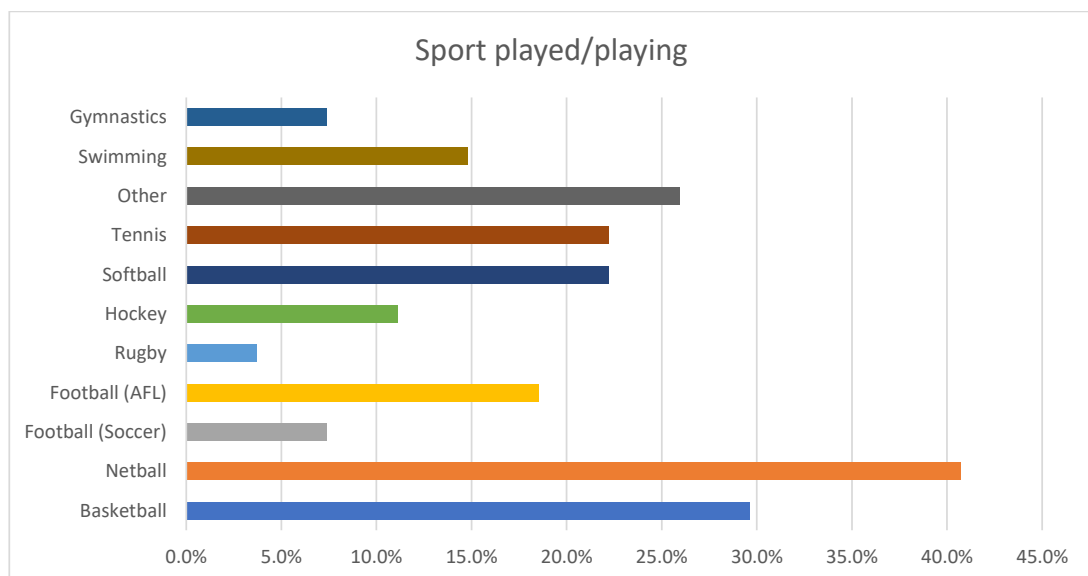


## Summary of community responses

Below is what we heard through the survey completed by individual community members.

### What sport do you/ did you play?

A total of 27 participants responded to a choice of ten options presented as possible responses to this question, with respondents able to select multiple options. Respondents selected a total of 54 options, with most selecting Netball (11). The option of cricket wasn't selected by any respondent and nine participants selected 'other' and identified fitness training, Zumba, walking football, athletics, volleyball, ultimate frisbee and badminton. Others also identified swimming and gymnastics in this field despite them being available options.



### Did you play sport as a junior?

Twenty-eight participants responded to this question, with 86 per cent indicating that they played sport as a junior.

### Do you currently play sport as an adult?

Twenty-eight participants responded to this question, with 68 per cent indicating that they currently play sport as an adult.

### Do you play locally?

Nineteen participants responded to this question, with 65 per cent indicating that they play sport locally.

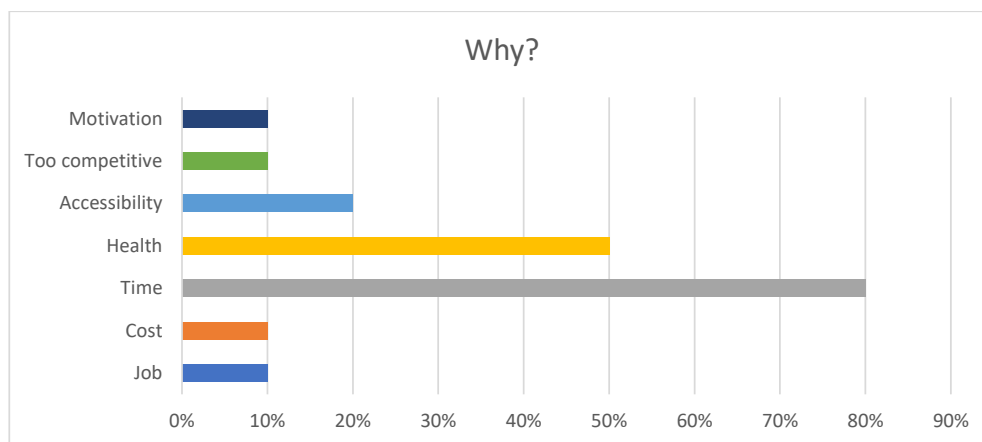


**Have you stopped playing sport at any time?**

Nineteen participants responded to this question, with 74 per cent indicating that they have stopped playing sport at some point.

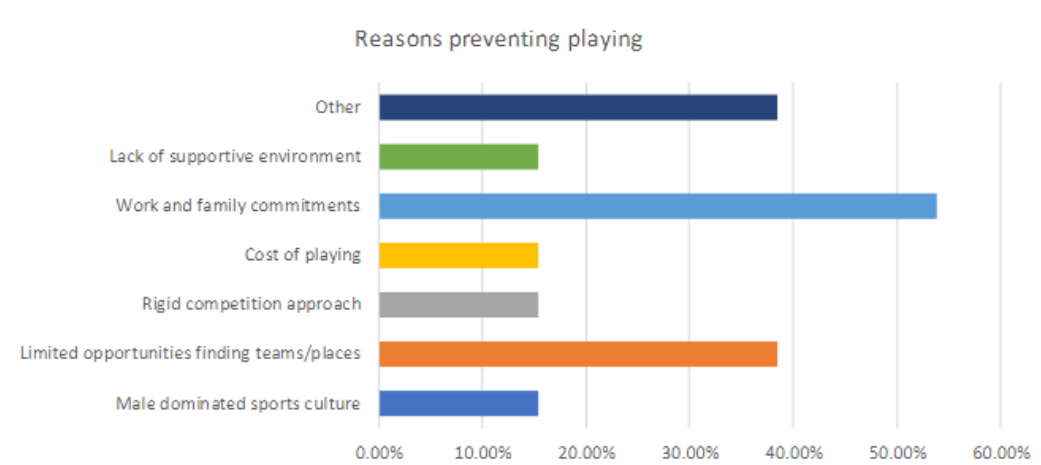
**Why did you stop playing?**

Ten participants provided the reason they stopped playing sport with time being the biggest issue (80%). The graph below shows the reasons provided. Participants were able to provide further commentary with this outlined in Appendix 1.



**What stops you playing sport, makes it harder for you to play sport or makes you not want to play sport?**

A total of 13 participants provided 26 responses to this question, with participants able to select multiple options from the available list. The main reason participants indicated that stops them playing sport is work and family commitments. A number of participants selected 'other' and identified having a baby, travel a distance and health issues as the reason they don't play sport.





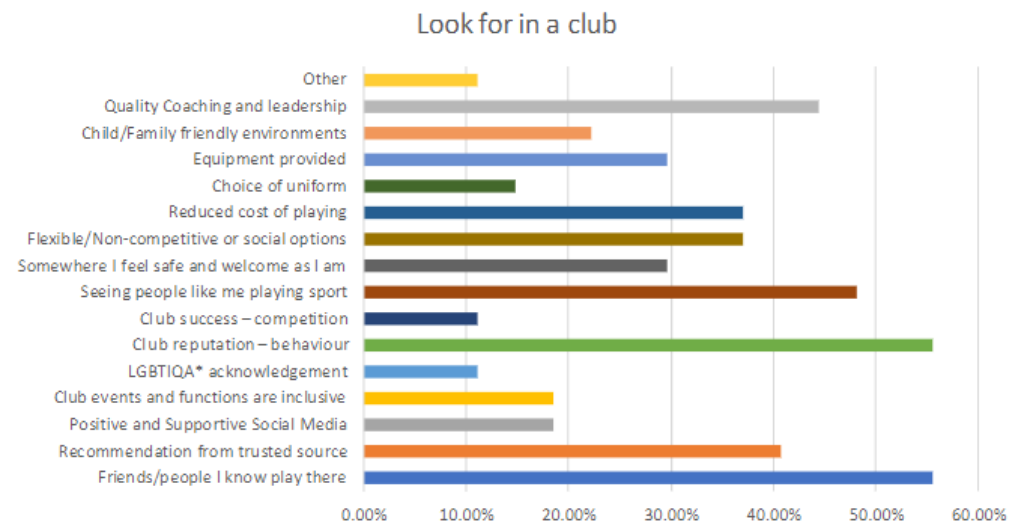
**What helps you play sport, what makes it easier or encourages you to play sport?**

A total of 27 participants responded to this question, with participants able to select multiple options from the available list. The most common option selected was playing with friends/people I know, with 70 per cent of respondents selecting this option. The least selected option was equipment provided with only 15 per cent of respondents' section this option. Below are the fifteen available options listed in order of most selected to least selected by respondents.

1. Playing with friends/people I know (19)
2. Finding a suitable team for my age/skill (16)
3. Being in an environment where I feel safe' (13)
4. Reduced cost of playing (13)
5. Supportive environment with coaching, mentoring, skill development and leadership (11)
6. Flexible/ non-competitive or social option (11)
7. Non-judgemental environment where all skill and fitness levels are welcome (10)
8. Seeing people like me playing sport (9)
9. Friends and family who encourage and support you to play (9)
10. Child and family friendly environment (7)
11. Choice of uniform (5)
12. Equipment provided (4)
13. Other (1) – There are no swimming pools nearby – limited access to senior swim clubs

**What do you look for in a club when you are looking to play?**

A total of 27 participants responded to this question, with participants able to select multiple options from the available list. The main options selected by respondents as what they look for in a club with 15 respondents selecting the options were friends/people I know play there and club reputation. Finding a suitable team for my age/skill was also selected by 14 respondents. The option of other included a club that doesn't force its policies on them and suitable times.







### What would you like to see sports clubs do to support women and/or girls to play sport?

Twenty-eight participants provided comments on what they would like to see sports clubs do to support women and girls to play sport. The comments have been themed as

- Female friendly change rooms
- Gender
- Club culture and inclusiveness
- Promotion of female sports
- Scheduling times, access to sports and cost
- No need for any actions

“Championing women and girls in sport... especially in leadership”

“Improve access, encourage all abilities.”

“Treat everyone as equal”

### What would you like to see Council do to support women and/or girls to play sport?

Twenty-seven participants responded to this question, with participants able to select multiple options from the available list. Below are the seven available options listed in order of most selected to least selected by respondents.

1. Provide financial support to clubs to offer opportunities to grow women/girls' participation (20)
2. Promote local sporting clubs and participation opportunities (18)
3. Provide facilities that better meet the needs of women, girls, and gender diverse (17)
4. Build more facilities for sports with higher participation rates for women/ girls (netball, softball, athletics) (14)
5. Provide education to clubs on how to provide safe and inclusive environments (12)
6. Make clubs accountable for providing opportunities for all (women, girls, genders diverse, LGTBBIQ\*, PWD etc) (9)
7. Other (4) includes collocate sport venues with schools to encourage girls in sport from young age, improve quality of teachers in girls sport, provide access to swimming pools for girls or women who can't drive and provide more sporting areas in growing suburbs.



**Fair Access aims to make access to sport for women, girls and gender diverse people more equitable, what change do you think would make the greatest impact in order for that to happen?**

Twenty-eight participants provided comments on what they would like to see sports clubs do to support women and girls to play sport. The comments have been themed as

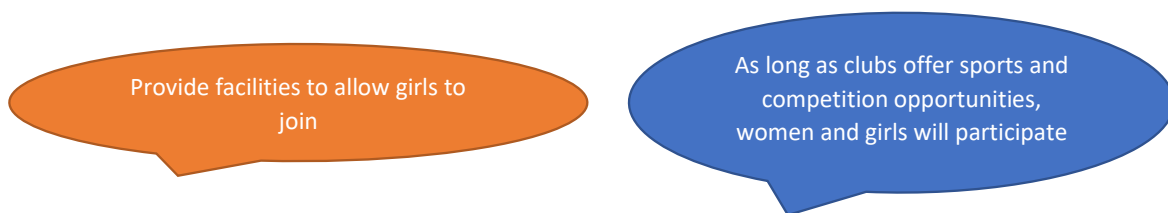
- Promotion of female sports
- Belief there already is fair access
- Access and variety
- Gender
- Female friendly facilities
- Club policy and culture



**What would you like to see sports clubs do to support women and/or girls to play sport?**

Twelve participants provided comments on what they would like to see sports clubs do to support women and girls to play sport. The comments have been themed as

- Safety
- Access
- Facilities





### **What would you like to see Council do to support women and/or girls to play sport?**

Twelve participants responded to this question, with the seven available options listed in order of most selected to least selected by respondents.

1. Promote local sporting clubs and participation opportunities (4)
2. Build more facilities for sports with higher participation rates for women/ girls such as netball, softball, athletics' (3)
3. Make clubs accountable for providing opportunities for all (2 people)
4. Provide facilities that better meet the needs of women, girls and gender diverse (1)
5. Provide financial support to clubs to offer opportunities to grow women/girls participation (1)
6. Other (1) Provide more sporting areas in growing suburbs.
7. Provide education .... (0)

### **Survey filled in on behalf of someone else.**

Participants were given the option to complete the survey on behalf of their children under the age of 15. This opportunity was taken up by two participants who provided the below.

#### **What sport do you/did you play?**

One respondent indicated that their child plays Football (Soccer).

#### **Do you like to play sport?**

Both respondents indicated that their children like to play sport.

#### **Do you play at club locally?**

Both respondents indicated that their children play sport locally.

#### **What makes sport fun?**

One participant responded to this question indicating that that people make sport fun.

#### **Do you feel like girl's sport and boys sport are treated the same?**

One participant indicated that they do not feel like girls and boys sport are treated the same.

#### **Is there anything that you would do to change sport for girls?**

No comments were received by respondents.

#### **What do you think sports clubs could do to play sports better for girls?**

No comments were received by respondents.



### Summary of Sporting Clubs and Associations responses

Registered sports clubs within the City of Whittlesea were invited to attend a sports forum where the draft policy was presented for direct feedback. The clubs were also provided a link to the sports club’s survey. There were 11 surveys filled out by clubs and associations.

Following are the responses provided by this cohort.

#### What is your role at the club?

The main role held at clubs by the respondents was Presidents (8) with others holding the position of player (2), Secretary, Club liaison and Coach.

#### How many men/boys teams does your club have? How many women/girl’s teams does your club have?

The number of women/girls teams the clubs have varied from zero to six teams. Below are the responses provided by participants. The number of men/boys teams the clubs have varied from one to twenty-five teams. Below are the responses provided by participants.

No of clubs Number of Teams	Number of Male Teams Male	Number of Female Teams Female
2	15	5
2	6	0
1	33 (members)	33 (members)
1	25	6
1	18	4
1	12	3
1	9	0
1	5	2
1	1	1
0	0	1

#### Do you have any gender diverse players currently?

From the 11 responses, majority indicated that they were unsure whether there were gender diverse players at their club. Two clubs indicated that they have gender diverse players and the remaining three indicated that there are no gender diverse players at their club.

#### Do you feel your club has the skills and knowledge to implement successful gender equity initiatives?

Ten of the eleven clubs that responded to this question indicated that they feel their club has the skills and knowledge to implement successful gender equity initiatives.



### **What are your challenges in providing gender equity?**

When asked what the clubs challenges are in providing gender equity, the main challenge was facilities not currently accommodating women or girls. Below are the available options listed in order of most selected to least selected by respondents

1. Facilities don't currently accommodate women and girls (4)
2. Lack of knowledge and understanding (2)
3. Believe women are already welcome (2)
4. Other (2) includes its not a challenge to provide gender equity at northern softball association and lack of council participation in promoting clubs and assisting with additional intake with a focus on AFL and cricket and not so with soccer.
5. Lack of resources (1)

### **What do you need from Council to make Fair Access successful?**

Eleven sports club representatives provided comments on what Council could do to help them make Fair Access successful. The comments centred around financial support and more Fair Access promotion.

“Assistance with promotion and resources to provide further tailored programs”

## **Next steps**

The final Fair Access Policy will be presented to Council for consideration at the 18 June 2024 Council Meeting. Once adopted, the final Fair Access Policy will be shared with the community. This will be shared through digital communication, directly with stakeholders, sporting clubs and updates on the project Engage Whittlesea page.

## 5.4 Tender 2023-104 - Construction of Baltrum Drive Extension and Associated Drainage Works

**Director/Executive Manager:** Acting Director Infrastructure & Environment

**Report Author:** Senior Engineering Project Manager

**In Attendance:** Unit Manager Engineering Design & Construction  
Coordinator Civil Engineering Delivery  
Senior Engineering Project Manager

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

### Executive Summary

It is proposed that the contract number 2023-104 for Construction of Baltrum Drive, Wollert from Emden Road to Saltlake Boulevard and associated drainage works is awarded to Winslow Constructors Pty Ltd for the lump price of \$2,599,361.84 (excluding GST).

Council is project managing the delivery of this infrastructure project on behalf of the Victorian School Building Authority (VSBA) to support the new Wollert Central Primary School, scheduled to open in 2025.

The tender evaluation panel advises that:

- Four tenders were received.
- The recommended tender is the highest ranked and the highest ranked tenderer has demonstrated the required capability, capacity, qualification and represents best value for Council to deliver this project.
- Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea.



## Officers' Recommendation

### THAT Council:

1. Resolve to award the following contract to Winslow Constructors Pty Ltd:  
**Number: 2023-104**  
**Title: Construction of Baltrum Drive, Wollert from Emden Road to Saltlake Boulevard and associated drainage works**  
**Cost: A lump sum of \$2,599,361.84 (excluding GST)**  
subject to the following conditions:
  - a) Contractor providing contract security and proof of currency for insurance cover as required in the tender documents.
  - b) Price variations to be in accordance with the provisions as set out in the tender documents.
  - c) Price variations to be in accordance with the provisions as set out in the conditions of contract.
2. Approve the funding arrangements as detailed in the confidential attachment.
3. Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.

## Background / Key Information

The purpose of this contract is to carry out the following works:

- Extend Baltrum Drive by constructing approximately 210 metres of a two-lane road including associated street lighting.
- Construction of approximately 410 metres of concrete drain and ancillary works to connect to the existing Melbourne Water drain.

Public tenders for the contract closed on 30 April 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity and Evaluation Plan was designed specifically for this tender process, and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

- Price 60%
- Capability 15%
- Capacity 15%
- Sustainability 10%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements to achieve best value.

Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation. In cases where this occurred the reasons for that outcome are detailed in the confidential attachment.

Council received four tender submissions, which were evaluated based on price and contract conformance.

The evaluation outcome was as follows:

Tenderer	Conforming	Competitive	Score	Rank
Tenderer A	Yes	Yes	79.6	2
<b>Tenderer B Winslow Constructors Pty Ltd</b>	<b>Yes</b>	<b>Yes</b>	<b>85.6</b>	<b>1</b>
Tenderer C	Yes	Yes	74.4	3
Tenderer D	Yes	Yes	72.5	4

Refer to the confidential attachment for further details of the evaluation of all tenders.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### Connected Communities

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

The extension of Baltrum Drive will connect the existing Baltrum Drive to Saltlake Boulevard. The proposed school, residents west of the proposed school and existing Glowrey Catholic Primary School will directly benefit from better road network connections upon completion of the works.

#### Strong Local Economy

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

The completion of the project will, not only provide for efficient movement of traffic around the school, but also support the local economy by opening more development opportunities west of the school site.

#### Sustainable Environment

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change.

The completion of the drainage component will assist with management of stormwater for existing and future developments in the area.

## Considerations of *Local Government Act (2020)* Principles

### Financial Management

Sufficient funding for this contract is available in the Capital Program for the Baltrum Drive Extension project. Refer to the confidential information for further information.

### Community Consultation and Engagement

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other councils and public bodies or to use any existing collaborative procurement arrangements.

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential.

## Other Principles for Consideration

### Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

## Council Policy Considerations

### Environmental Sustainability Considerations (including Climate Emergency)

The Victorian School Building Authority undertook the preparation of the Cultural Heritage Management Plan for the proposed school site as well the road extension and associated drainage works.

There will be minimal environmental impacts arising from this project, however, it is proposed to reduce carbon emissions by maximising the use of local sustainable and recycled products in the construction process wherever possible including recycled crushed concrete in lieu of crushed rock, reclaimed asphalt in the asphalt mixes and the re-use of excavated rock. An Environmental Management Plan will be prepared and implemented during the construction phase.

### **Social, Cultural and Health**

The award of this contract will provide improved connectivity in the local precinct for pedestrians and vehicles, noting that at present no road exists and the communities either side of the proposed road are disconnected.

### **Economic**

Economic benefits may be realised by utilising local organisations during the construction period thus benefiting the local economy. The new road extension will also enable more efficient travel in the local precinct, noting that at present no road exists.

### **Legal, Resource and Strategic Risk Implications**

The road extension is an integral part of the future development plan for the local area. However, the Victorian School Building Authority required this road extension to be constructed for the school opening in 2025 and facilitated land access, land acquisition, Cultural Heritage Management Plan assessments and significant funding for the project.

## **Implementation Strategy**

### **Communication**

There is no requirement to communicate the contract award decision of this report to the community beyond the Council minutes. However, information regarding the proposed works will be provided via Council's communication channels and to relevant stakeholders.

### **Critical Dates**

It is anticipated that the project will commence in July 2024 with a timeline for completion of February 2025 (30 working weeks).

## **Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## **Attachments**

1. CONFIDENTIAL REDACTED - Tender Evaluation Summary [5.4.1 - 5 pages]

## 5.5 Governance Rules

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Executive Manager Office of Council & CEO

### Executive Summary

Between the period 22 May 2024 to 5 June 2024, and following the 21 May 2024 Council resolution, a marked-up version of the draft Governance Rules (**Rules**) was made publicly available on Council's Engage Whittlesea web page seeking community feedback.

At the time of the feedback period closing, five community members provided feedback or comments on the draft Rules. Council also received feedback from one community member via email. A summary of feedback is contained within the Background/key information section of this report.

As a result of the community feedback/comments received, and to ensure Council meetings are held in an orderly, respectful and safe environment for all in attendance, this report is proposing no additional amendments be made, and the Rules be adopted by Council.

### Officers' Recommendation

**THAT Council:**

- 1. Adopt the Governance Rules at Attachment 1 to this report.**
- 2. Acknowledge and thank the community members who provided feedback.**
- 3. Note a copy of the Governance Rules will be made available on Council's website.**



## Background / Key Information

Section 60(3) of the *Local Government Act 2020* provides for Council to amend its Governance Rules in line with Council's Community Engagement Policy.

The proposed amendments made to the Rules which were subject to community feedback included:

- an increase to officer speaking time to 3 mins from 2 minutes when introducing a Council meeting report;
- an increase to public speaking time at Hearing of Submission Committee meetings from 2 minutes to 3 minutes;
- clarity around the use of placards, posters, megaphones and the like in the Council Chamber;
- an update to the Acknowledgement to Traditional Owners;
- Council meeting end time was adjusted from 10.30pm to 10.00pm to align with a recent Council resolution to commence Council meetings at 6.00pm;
- minor administrative amendments, for example, correct numbering of the Rules, removal of a duplicated rule.

In summary, the community feedback or comments received related to:

- Council's new Local Laws (effective 1 July 2024) regarding street parking of caravans.
- People not being able to use signs in the Chamber.
- Acknowledgement to Traditional Owners.
- Ratepayers being able to speak on petitions, joint letters and ask questions.

After thoroughly considering the 6 submissions/comments received, it was determined that no additional amendments were required to the draft Rules put out for community feedback.

## Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

### High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

## Considerations of *Local Government Act (2020)* Principles

### Financial Management

There are no budget implications with the adoption of the Governance Rules.

### **Community Consultation and Engagement**

Community feedback was sought on the draft Governance Rules via Council's Engage Page during the period 22 May to 5 June 2024. Five community members provided either feedback or a comment, and one community member provided feedback via email.

No further community consultation is required once the Governance Rules are adopted by Council.

## **Other Principles for Consideration**

### **Overarching Governance Principles and Supporting Principles**

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
- (i) The transparency of Council decisions, actions and information is to be ensured.

### **Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.
- (b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

## **Council Policy Considerations**

### **Environmental Sustainability Considerations**

No implications.

### **Social, Cultural and Health**

The Governance Rules provide for members of the public to submit public questions, joint letters or petitions that are relevant to the community.

### **Economic**

No implications.

### **Legal, Resource and Strategic Risk Implications**

No implications.

## Implementation Strategy

### Communication

Should Council resolve to adopt the Governance Rules, a copy will be made publicly available on Council's website.

### Critical Dates

There are no critical dates associated with the adoption of the Governance Rules.

## Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Attachments

1. Governance Rules June 2024 [5.5.1 - 37 pages]



# Governance Rules

June 2024

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## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of **Whittlesea City Council**, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commence on 19 June 2024.

#### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Disclosure of Conflicts of Interest
Chapter 5	Miscellaneous
Chapter 6	Election Period Policy

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Abstain* means a Councillor present at the meeting who does not vote and is taken to have voted against the motion.

*Act* means the *Local Government Act 2020*.

*Attend, attending* and *in attendance* include attend, attending or in attendance by electronic means.

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

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

*Council* means Whittlesea City Council.

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

*Councillor* has the same meaning as in the Act (and includes Administrator until 2024).

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

*Mayor* means the Mayor of Council (or Chair Administrator until October 2024).

*these Rules* means these Governance Rules.

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## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- 1.1 the overarching governance principles specified in section 9(2) of the *Act*; and
- 1.2 the following documents adopted or approved by *Council*:
  - Community Engagement Policy;
  - Public Transparency Policy;
  - Councillor Code of Conduct;
  - Code of Conduct for Staff;
  - Complaints Policy;
  - Unreasonable Complaints Procedure.

### 2. Decision Making

- 2.1 In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- 2.2 *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- 2.3 Without limiting anything in paragraph (2.2) of this sub-Rule:
  - 2.3.1 before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - 2.3.2 if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - 2.3.3 if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - 2.3.4 if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
- 2.4 Council will ensure reasonable adjustments are made to encourage community member participation at *Council meetings* using Council's Guide to Minimum Accessibility Requirements for Community Meetings, Consultations and Events.

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### 3. Respectful Debate and Discussions

- 3.1 Councillors will listen and participate in discussion and debate respectfully in accordance with the Councillor Code of Conduct and will not:
- 3.1.1 make any defamatory, indecent, abusive, offensive, or disorderly statement, and if requested by the *Chair* will unreservedly withdraw the statement;
  - 3.1.2 interrupt others while speaking, except to raise a Point of Order;
  - 3.1.3 address the public gallery and must direct all commentary and procedural requests through the *Chair*.
- 3.2 Where discussion is adjourned by a resolution, the Councillor moving the adjournment has the right to speak first when the discussion is resumed.
- 3.3 When exercising a right of reply, the Councillor must not introduce new or additional matters.
- 3.4 The *Chair* can adjourn, postpone or cancel a Council meeting, if order cannot be obtained and will report on the circumstances of the adjournment, postponement, or cancellation at the next scheduled Council meeting.

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## Chapter 2 – Meeting Procedure for Council Meetings

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## Part A – Introduction

### 1. Title

This Chapter will be known as the "Meeting Procedure Chapter".

### 2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

### 3. Definitions and Notes

3.1 In this Chapter:

*"absolute majority"* means the number of Councillors which is greater than half the total number of the Councillors of a Council;

*"agenda"* means the notice of a meeting setting out the business to be transacted at the meeting;

*"Chair"* means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

*"municipal district"* means the municipal district of *Whittlesea Council*;

*"notice of motion"* means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

*"notice of rescission"* means a *notice of motion* to rescind a resolution made by *Council*;

*"resolution"* means a final decision made by the *Council*; and

*"written"* includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

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## Part B – Election of Mayor

**Introduction:** This Part is concerned with the annual or bi-annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

### 6. Determining the election of the *Mayor*

- 6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected and invite nominations for the office of *Mayor*.
- 6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.
- 6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*.

#### *Single Nomination*

- 6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

#### *Multiple Nominations and Candidate Elected On First Vote*

- 6.5 If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.
- 6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

#### *Three or More Nominations and No Candidate Obtaining Absolute Majority On First Vote*

- 6.7 In the event that:
- 6.7.1 there are three or more candidates;
- 6.7.2 no candidate receives the votes of an absolute majority of Councillors; and
- 6.7.3 it is not resolved to conduct a new election at a later date and time;
- the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors *in attendance* at the meeting will then vote for one of the remaining candidates.
- 6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- 6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- 6.10 If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

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- 6.10.1 each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
- 6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

*Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority on First Vote*

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors *in attendance* at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
  - 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and
  - 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

## **7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

7.1 any office of Deputy Mayor; or

7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.3 *Chief Executive Officer* is a reference to the *Mayor*; and

7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

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## Part C – Meetings Procedure

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 8. Dates and Times of Meetings Fixed by Council

*Council* must from time to time fix the date, time and place of all *Council meetings*.

#### 9. Council May Alter Meeting Dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 10. Meetings Not Fixed by Council (Unscheduled Meetings)

10.1 The *Mayor* plus one other Councillor or at least 3 Councillors may by a *written* notice, and signed, call an unscheduled *Council meeting*.

10.2 The *written* notice must specify:

10.2.1 the business to be transacted and rationale for calling the unscheduled *Council meeting*; and

10.2.2 the proposed date and time of the unscheduled *Council meeting*; and

10.2.3 reason why it cannot be safely or conveniently be considered at the next scheduled *Council meeting*.

10.3 The *Chief Executive Officer* will either approve or refuse the request for an unscheduled *Council meeting* within (3) working days from date of request.

10.4 In consideration of the request, the *Chief Executive Officer*, must also determine if the proposed date and time is suitable to meet administrative requirements.

10.5 Notwithstanding sub-Rule 10.4 the *Chief Executive Officer* can, at their discretion, amend the date and time of the requested unscheduled *Council meeting* to a more appropriate date and time.

10.6 The *Chief Executive Officer* will give notice to Council and the public as soon as practical and publish relevant details on the Council website prior to the planned meeting.

10.7 Unless all Councillors are *in attendance* and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

10.8 The Council may by resolution call an unscheduled *Council meeting* by specifying the date and time and business to be transacted. The date and time must not be prior to 6pm on the day following a scheduled *Council meeting* at which the resolution was made.

#### 11. Notice Of Meeting

11.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 3 days before the meeting.

11.2 Notwithstanding sub-Rule 11.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 3 days before the meeting, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence.

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- 11.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:
- 11.3.1 for *Council meetings* which it has fixed by publishing on Council's website and in each of its Customer Service Centres as soon as practical after Council's endorsement.
  - 11.3.2 notwithstanding sub-Rule 11.3.1, the *Chief Executive Officer* can change the time, date and location of a fixed scheduled *Council meeting* and must give *written* notice to Councillors.

## Division 2 – Quorums

### 12. Inability To Obtain a Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 12.1 the meeting will be deemed to have lapsed;
- 12.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 12.3 the *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

### 13. Inability To Maintain a Quorum

- 13.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 12 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 13.2 Sub-Rule 13.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 12 will apply as if the reference to the meeting is a reference to so much of the meeting as remains. does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 13.3 Subject to sub-rule 13.2, the *Chair*, can at their discretion, seek a procedural motion to:
  - 13.3.1 split the motion into separate parts to enable a quorum to be reached;
  - 13.3.2 make decision on component parts of matters, which will be resolved when a quorum can be reached at a future meeting;
  - 13.3.3 establish a Delegated Committee made up of Councillors not conflicted and any other suitable people.

Where sub-Rule 13.3(3) applies, the decisions of the Delegated Committee will be reported at the next scheduled *Council meeting*.

### 14. Adjourned Meetings

- 14.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 14.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 14.3 If it is impracticable for the notice given under sub-Rule 14.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

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**15. Time limits for Meetings**

- 15.1 A *Council meeting* must not continue after 10.00pm unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 15.2 A meeting must not be continued for more than one (1) additional 30 minutes by way of a Procedural Motion for a continuance and is carried (with a mover and seconder, and no debate).
- 15.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.
- 15.4 Notwithstanding sub-Rule 15.3, the *Chair* may seek agreement from Councillors not to adjourn the *Council meeting* to a subsequent day, if the *Chair* reasonably believes the remaining business will take less than 15 minutes to transact.

**16. Cancellation or Postponement of a Meeting**

- 16.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 16.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 16.1.

**Division 3 – Business of Meetings****17. Agenda and the Order of Business**

- 17.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 17.2 The *Chief Executive Officer* will ensure the *agenda* and Council officer reports address the Strategic Planning Formula at Appendix 1.
- 17.3 The *Chief Executive Officer* will seek advice from the Mayor when setting the *Council meeting* agenda.
- 17.4 The *Chief Executive Officer* may, prior to the scheduled *Council meeting*, withdraw an agenda item. The CEO will notify Council and the community the reason for withdrawal either:
  - 17.4.1 at the scheduled *Council meeting*; or
  - 17.4.2 publishing the change on Council's website.

**18. Change To Order of Business**

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered via a Procedural Motion (mover and seconder and no debate).

**19. Urgent Business**

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 19.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*;
- 19.2 cannot safely or conveniently be deferred until the next *Council meeting*;
- 19.3 is circulated to all Councillors for information at the same time as lodging it with the *Chief Executive Officer*.
- 19.4 Notwithstanding sub-Rules 19.1, 19.2 and 19.3, the *Chief Executive Officer* may admit to the agenda, without a resolution of the Council, an item they have determined as Urgent Business.

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## Division 4 – Motions and Debate

### 20. Councillors May Propose Notices of Motion

Councillors may request that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

### 21. Notice Of Motion

- 21.1 A *notice of motion* must:
- 21.1.1 be in *writing* using the *notice of motion* template (Appendix 2);
  - 21.1.2 signed by at least one (1) other Councillor;
  - 21.1.3 be lodged with or sent to the *Chief Executive Officer* no later than 12 noon 14 days prior to the scheduled *Council meeting* to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*; and
  - 21.1.4 to give each Councillor at least 48 hours' notice of such *notice of motion*.
- 21.2 The *Chief Executive Officer* may reject any *notice of motion* which, in their opinion:
- 21.2.1 is vague or unclear in intention;
  - 21.2.2 is not signed by at least one (1) other Councillor;
  - 21.2.3 affects the levels of Council service;
  - 21.2.4 is inconsistent with the strategic objectives of the Council as outlined in the Community Plan;
  - 21.2.5 is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
  - 21.2.6 commits Council to expenditure greater than \$5,000 that is not included in the Budget;
  - 21.2.7 proposes to establish, amend or extend an adopted Council policy or position;
  - 21.2.8 commits Council to any contractual arrangement;
  - 21.2.9 it is beyond *Council's* power to pass; or
  - 21.2.10 if passed would result in *Council* otherwise acting invalidly.
- 21.3 The *Chief Executive Officer* must give the Councillor who lodged the *Notice of Motion* which has been rejected the reasons for the rejection and 24 hours to amend it prior to making a final decision.
- 21.4 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 21.5 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 21.6 Except by resolution of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 21.7 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 21.8 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses for want of a seconder.

### 22. Chair's Duty

Any motion which is determined by the *Chair* to be:

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- 22.1 defamatory;
- 22.2 objectionable in language or nature;
- 22.3 vague or unclear in intention;
- 22.4 outside the powers of Council; or
- 22.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

### 23. Introducing a Report

- 23.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 3 minutes:
  - 23.1.1 its background; or
  - 23.1.2 the reasons for any recommendation which appears.
- 23.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

### 24. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 24.1 the mover of an officer recommendation must state the motion they are moving without speaking to it;
- 24.2 the motion must be seconded and the seconder must be a Councillor other than the mover or the *Chair*. If a motion is not seconded, the motion lapses for want of a seconder;
- 24.3 if a motion is moved and seconded the *Chair* must ask:
- 24.4 "Is the motion opposed? Does any Councillor wish to speak to the motion?"
- 24.5 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion carried without discussion;
- 24.6 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 24.7 after the mover has addressed the meeting, the seconder may address the meeting;
- 24.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion;
- 24.9 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

### 25. Right Of Reply

- 25.1 The mover of a motion has a right of reply to matters raised during debate.
- 25.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.
- 25.3 The mover of an amended motion does not have any right of reply.

### 26. Moving An Amendment

- 26.1 Subject to sub-Rule 26.11 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

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- 26.2 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion or the *Chair*.
- 26.3 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 26.4 Any one Councillor cannot move more than two amendments in succession.
- 26.5 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
- 26.6 An amended motion may be proposed or seconded by any Councillor, except the mover and seconder of the original motion or the *Chair*.
- 26.7 If a Councillor proposes an amended motion and the original mover and seconder of the motion both indicate their agreement with the amended motion, the amendment becomes the substantive motion without debate or vote.
- 26.8 If there is no seconder for the amended motion, the amendment will lapse for want of a seconder.
- 26.9 If there is a seconder for the amended motion, the amended motion will be debated in accordance with Rule 24.
- 26.10 A Councillor may speak on any amendment once, whether or not they have spoken to the original motion, but debate must be contained to the terms of the amended motion.
- 26.11 A motion to confirm a previous resolution of *Council* cannot be amended.
- 26.12 An amendment must not be directly opposite to the motion.

#### **27. An Amendment Once Carried**

- 27.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put to vote.
- 27.2 The mover and seconder of the original motion remain the mover and seconder of the amended motion even if they voted in opposition of the carried amendment.
- 27.3 The mover of the original motion retains the right of reply to the substantive motion before the *Council meeting*.

#### **28. Foreshadowing Motions**

- 28.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 28.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 28.3 The *Chief Executive Officer* or person taking the minutes of the meeting will not record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 28.4 The *Chair* is not obliged to accept foreshadowed motions.

#### **29. Withdrawal Of Motions**

- 29.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 29.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

#### **30. Motion Moved in a Block**

The *Chair* must not allow any agenda items to be moved in a block (en bloc).

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**31. Priority of address**

In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

**32. Motions In Writing**

32.1 The *Chair* must require all motions (including amended motions) be detailed in writing.

32.2 The *Chair*, at their discretion, may adjourn the *Council meeting* for 10 minutes without a Council resolution while the motion is being *written*.

**33. Repeating Motion and/or Amendment**

The *Chair* may request *the Chief Executive Officer or Executive Manager Office of Council & CEO* to read the motion or amendment to the meeting before the vote is taken.

**34. Debate Must Be Relevant to The Motion**

34.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.

34.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

34.3 A speaker to whom a direction has been given under sub-Rule 34.2 must comply with that direction.

**35. Speaking Times**

35.1 The Chief Executive Officer can ask a Council Officer to give a verbal report on an agenda item which must not exceed 3 minutes.

35.2 A Councillor can seek clarification from a Council Officer after their verbal report. The Councillor must not provide any preamble leading into their clarification question.

35.3 The Chair must allow the Chief Executive Officer to clarify a misrepresentation or misunderstanding or to respond to a request for more information.

35.4 A Councillor must remain seated during debate and discussion, and when speaking.

35.5 The Chair will allow the following speaking times unless the Chair at their discretion allows an extension of a further 2 minutes. No more than one extension, per Councillor speaking on an agenda item will be permitted by the Chair:

35.6 the mover of a motion 3 minutes;

35.7 any other Councillor 2 minutes; and

35.8 the mover of an original motion exercising a right of reply: 2 minutes.

**36. Addressing the Meeting**

If the *Chair* so determines:

36.1 any person addressing the *Chair* must refer to the *Chair* as:

36.1.1 Mayor; or

36.1.2 Chair; or

36.1.3 Chairperson; or

36.1.4 Deputy Mayor;

as the case may be;

36.2 all Councillors, other than the *Mayor*, must be addressed as

Cr .....(surname).

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36.3 all members of Council staff, must be addressed by their position title or as Officer.

**37. Right to Ask Questions**

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

37.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**Division 5 – Procedural Motions**

**38. Procedural Motions**

38.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

38.2 Procedural motions require a seconder.

38.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

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**PROCEDURAL MOTIONS TABLE**

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Mayor (b) When another Councillor is speaking	Motion and any amendment postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a Mayor or temporary Chair; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The motion be put to vote	That the motion be now put to vote	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. To lay a motion on the table	That the motion is unclear in its intent or subject to misinterpretation and be laid on the table until the next Council meeting	Any Councillor who has not moved or seconded the original motion	During the election of the Mayor and Deputy Mayor	Motion carried to the next scheduled Council meeting	Meeting continues	No
5. Continuance of Meeting	That the meeting continue for a further 30 minutes	Any Councillor	When the meeting has already been extended to the maximum time allowed	The meeting will continue for an additional 30 minutes	Where all business is not disposed of, the meeting will stand adjourned at the time of the scheduled closure	No
6. Extend speaking time	That the time available for the speaker be extended by a further ____ minutes	Any Councillor (if the Chair hasn't used their discretion to extend the speaking time)	Not applicable	Extend the time available for the speaker	No change to the time available for speaker	No
7. Urgent Business	That the matter of ____ be admitted as urgent business	Any Councillor	During the election of the Mayor and Deputy Mayor	The item is admitted to agenda for discussion and debate	No change to the agenda	Limited to the provision of Rule 19. No right of reply
8. Alter the order of business	The item listed at xx on the agenda be considered before/after the item listed as xx	Any Councillor	During the election of the Mayor and Deputy Mayor During any debate on an item	Alters the order of business	Item/s remain as listed in the agenda	Limited to 1 minute as to why the order should not be altered

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## Division 6 – Rescission Motions

### 39. Notice of Rescission

- 39.1 A Councillor may propose a *notice of rescission* provided:
- 39.1.1 it has been signed and dated by at least three Councillors;
  - 39.1.2 the resolution proposed to be rescinded has not been acted on; and
  - 39.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
    - (a) the resolution to be rescinded; and
    - (b) the meeting and date when the resolution was carried.

*It should be noted that a notice of rescission is a form of notice of motion.*

- 39.2 A resolution will be deemed to have been acted on if:
- 39.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - 39.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 39.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 39.3.1 has not been acted on; and
  - 39.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 39.1.3;
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

### 40. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

### 41. May Be Moved by Any Councillor

A motion for rescission listed on an *agenda* may be moved by any Councillor *in attendance* but may not be amended.

### 42. When Not Required

- 42.1 Unless sub-Rule 42.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 42.2 The following standards apply if *Council* wishes to change policy:
- 42.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
  - 42.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

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## Division 7 – Points of Order

### 43. Chair to Decide

- 43.1 The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
- 43.2 The *Chair* has discretion to refuse a point of order (without discussion) where two (2) point of orders against the same Councillor has already been raised while they remain within their current allocated speaking time.
- 43.3 Notwithstanding sub-Rule 43.2, where the *Chair* reasonably believes a Councillor is breaching any sub-Rules, the *Chair* must ask the Councillor to either refrain from such behaviour or retrack their comments. The Councillor must not unreasonably refuse to do so.

### 44. Chair May Adjourn to Consider

- 44.1 The *Chair* may adjourn the meeting without a resolution to consider a point of order but otherwise must rule on it as soon as it is raised.
- 44.2 All other questions before the meeting are suspended until the point of order is decided.

### 45. Dissent From Chair's Ruling

- 45.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:  
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 45.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not *in attendance*, temporary *Chair* elected by the meeting) must take their place.
- 45.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for their dissent and the *Chair* may then reply.
- 45.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from."
- 45.5 The *Chair* who's ruling has been dissented from is entitled to vote on the Deputy Mayor or temporary *Chair* motion.
- 45.6 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 45.7 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 45.8 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair* and should not be so regarded by the meeting.

### 46. Procedure For Point of Order

A Councillor raising a point of order must:

- 46.1 state the point of order; and
- 46.2 state any section, Rule, paragraph or provision relevant to the point of order.

### 47. Valid Points of Order

A point of order may be raised in relation to:

- 47.1 a motion, which, under Rule 22, or a question which, under Rule 48, should not be accepted by the Chair;

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- 47.2 a question of procedure; or
- 47.3 any act of disorder.

A difference of opinion or to contradict a speaker is not a point of order.

## Division 8 – Public Question Time

### 48. Question Time

- 48.1 There must be a public question time at every public *Council meeting* fixed under Rule 48 to enable members of the public to submit questions to *Council*.
- 48.2 Sub-Rule 48.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*, at a meeting scheduled for the election of the Mayor and Deputy Mayor, an unscheduled meeting or during an Election caretaker period.
- 48.3 Public question time will not exceed 30 minutes in duration.
- 48.4 Questions submitted to *Council* must be:
  - 48.4.1 in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
  - 48.4.2 submitted and received no later than 12 noon on the day prior to the scheduled Council meeting.
  - 48.4.3 no question will be taken from members of the public in attendance on the night of a *Council meeting*.
- 48.5 Any question submitted that is received after the closing time stipulated in sub-Rule 48.4 will be held over to the next scheduled *Council meeting*.
- 48.6 No person may submit more than one question at a meeting, and the question must not be a multi-part question.
- 48.7 No introductory or background statements in relation to a question will be read out at the *Council meeting*.
- 48.8 The Council will ensure member of the public can submit a question and will make reasonable adjustments to enable participation by helping them lodge their question. Assistance may include physical assistance and/or translation services.
- 48.9 A member of Council staff nominated by the *Chief Executive Officer* will read at the meeting questions which has been submitted in accordance with Rule 48.
- 48.10 A question, petition or joint letter will be disallowed by the *Chief Executive Officer* if they determine that it:
  - 48.10.1 relates to a matter outside the duties, functions and powers of Council;
  - 48.10.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 48.10.3 deals with a subject matter already answered;
  - 48.10.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 48.10.5 is directed at an individual Councillor or a member of Council staff;
  - 48.10.6 relates to personnel matters;
  - 48.10.7 relates to the personal hardship of any resident or ratepayer;
  - 48.10.8 relates to industrial matters;
  - 48.10.9 relates to contractual matters;
  - 48.10.10 relates to proposed developments;

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- 48.10.11 relates to legal advice;
- 48.10.12 relates to a Notice of Motion, Petition or item of Urgent Business;
- 48.10.13 deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the meeting to the public under s 66 of the Act;
- 48.10.14 relates to matters affecting the security of Council property; or
- 48.10.15 relates to any other matter which Council considers would prejudice *Council* or any person.
- 48.11 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 48.12 Like questions may be grouped together and a single answer provided at the *Council meeting*.
- 48.13 The *Chief Executive Officer* will respond to questions submitted in accordance with Rule 48.
- 48.14 The question and answer provided to public questions will be recorded in the minutes of the meeting and not responded to each individual member of the public.

## Division 9 – Petitions and Joint Letters

### 49. Petitions and Joint Letters

- 49.1 Members of the public are encouraged to provide input to Council's decision making through a petition or joint letter.
- 49.2 Council will, through Public Question Time, accept a maximum of one (1) standalone joint letter or petition from each person or entity, to be read out if the *Chair* determines there is adequate time.
- 49.3 The petition or joint letter must not be more than 200 words in length, be submitted within the time frame specified in sub-Rule 48.4.2 and must not breach the requirements set out in sub-Rule 48.10.
- 49.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.
- 49.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 49.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be accepted by the *Chief Executive Officer* or considered by *Council*.
- 49.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 49.8 Electronic or online petitions or joint letters, or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 49 qualify as the address and signature of such petitioner or signatory. Where email addresses are not provided for within the petition, sub-Rule 49.4 must apply.
- 49.9 If a petition or joint letter relates to an operational matter, the *Chief Executive Officer* will instead address it directly through Council's service operations or complaint handling program.

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## Division 10 – Voting

### 50. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting. If a Councillor in *attendance* does not vote (abstains), their vote will be taken to have voted against the motion.

### 51. Casting Vote

51.1 In the event of a tied vote, the Chair must exercise a casting vote either in favour or against the motion.

51.2 The *Chair* may adjourn a meeting to consider how their casting vote will be cast.

### 52. How Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the *Chief Executive Officer* determines.

## Division 11 – Minutes

### 53. Recording of Motions

53.1 the Council meeting minutes will record the names of Councillors who spoke on each motion; and

53.2 any amendments to a motion and final motion as resolved by the Council; and

53.3 the names of Councillors who voted in favour, in opposition or abstained from a vote against each motion.

### 54. Confirmation of Minutes, Footage and Record Keeping

54.1 The Chief Executive Officer will determine the form of Council meeting minutes, which will include:

54.1.1 opening items of the *Council meeting* as per agenda preparation and publishing;

54.1.2 date, time and place of the *Council meeting*, the time it commenced, ended and any times which it was adjourned and resumed;

54.1.3 names of Councillors and whether they were present, an apology or on approved leave of absence;

54.1.4 councillor arrival and departure times during the *Council meeting*;

54.1.5 any Conflict of Interest disclosed and actions taken in relation to such conflicts;

54.1.6 title of Council Officer's presenting;

54.1.7 formal reports by Councillors appointed as a Council representative of another body/committee;

54.1.8 first name, last name and suburb of a member of the public who submitted a public question, petition or joint letter and discussion of topic;

54.1.9 details of failure to achieve or maintain a quorum;

54.1.10 the reason for any adjournment and the time the *Council meeting* was adjourned, and if applicable resumed; and

54.1.11 any other matter the *Chief Executive Officer* deems necessary to record or redact to protect Council against any civil legal action.

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- 54.2 Once the minutes are resolved by the Council, the minutes of a *Council meeting* will be saved electronically and stored in accordance with the Public Records Office Victoria standards.
- 54.3 The *Chief Executive Officer* will ensure the electronic *Council meeting* minutes are:
- 54.3.1 provided to each Councillor at least three (3) days prior to the next scheduled *Council meeting*;
  - 54.3.2 published on Council's website within two (2) weeks of the *Council meeting*;
  - 54.3.3 available on Council's website for at least twelve (12) months;
  - 54.3.4 recorded electronically by Council; and
  - 54.3.5 recorded electronically and stored in accordance with the Public Records Victoria standards.
- 54.4 The Chief Executive Officer can decide to publish footage of the Council meeting on Council's website and any other electronic application determined by the Chief Executive Officer. If the footage is published it:
- 54.4.1 can be redacted to protect Council against any civil legal action; and
  - 54.4.2 will be copyright protected.
- 54.5 Unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

#### 55. Form and Availability of Minutes

- 55.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
- 55.1.1 the date, place, time and nature of the meeting;
  - 55.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;
  - 55.1.3 the names of all members of Executive Leadership Team in attendance;
  - 55.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 4 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
  - 55.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 55.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 55.1.7 the vote cast by each Councillor and any abstention from voting;
  - 55.1.8 questions upon notice;
  - 55.1.9 the failure of a quorum;
  - 55.1.10 any adjournment of the meeting and the reasons for that adjournment; and
  - 55.1.11 the time at which standing orders were suspended and resumed.
- 55.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 55.2.1 published on *Council's* website; and
  - 55.2.2 available for inspection at *Council's* office during normal business hours.
- 55.3 Nothing in sub-Rule 55.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

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## Division 12 – Behaviour

### 56. Public Attending and Addressing the Meeting

- 56.1 To ensure a safe and efficient *Council meeting* for all attendees, the *Chief Executive Officer* or their delegate may at their discretion, request members of the public immediately prior to being granted access to the public *Council meeting*, to provide and or show:
- 56.1.1 first and last name;
  - 56.1.2 current home address;
  - 56.1.3 current driving licence; or
  - 56.1.4 passport; or
  - 56.1.5 government issued identification card, for example veterans' card, seniors' card; or
  - 56.1.6 other form of identification deemed suitable by officers.
- 56.2 If in the opinion of the *Chief Executive Officer* or their delegate, a member of the public has not provided sufficient identification, entry to the *Council meeting* will be denied.
- 56.3 If a member of the public's first and last name and current address is recorded, Council will dispose of the information in accordance with Council's Privacy and Data Protection Policy.
- 56.4 Any member of the public currently subject to a Restriction of Access Notice, issued by the *Chief Executive Officer* in accordance with Council's Unreasonable Complaints Procedure, will be denied entry.
- 56.5 A member of the public *in attendance* at a *Council meeting* must not disrupt the meeting or obstruct the entrance to the Council Chamber or a building where a meeting is being, or about to be, held, and must not use a megaphone or similar, display any placards or posters in the Council Chamber or in any building where a meeting is being, or is about to be, held, and must take direction from the *Chair* whenever called on to do so.

### 57. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 56.5.

### 58. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council table* or in the gallery makes it desirable to adjourn the *Council meeting*, the *Chair* may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 14.2 and 14.3 apply.

### 59. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 57.

## Division 13 – Additional Duties of Chair

### 60. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 60.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 60.2 must call to order any person who is disruptive or unruly during any meeting; and

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- 60.3 must allow the *Chief Executive Officer*, in their opinion, the opportunity to correct factual errors or incorrect assertions that arise during the meeting; and
- 60.4 may adjourn the *Council meeting* at any time for a period of up to 10 minutes without a Council resolution.

#### **Division 14 – Suspension of Standing Orders**

##### **61. Suspension of Standing Orders**

- 61.1 To expedite the business of a meeting, *Council* may resolve to suspend standing orders.
- 61.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:  
"That standing order be suspended to enable discussion on....."
- 61.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 61.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:  
"That standing orders be resumed."

#### **Division 15 – Physical and Remote Attendance**

##### **62. Mode of Attendance**

- 62.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - 62.1.1 wholly in person;
  - 62.1.2 wholly by electronic means; or
  - 62.1.3 partially in person and partially by electronic means.
- 62.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council meetings* are to be conducted:
  - 62.2.1 wholly in person;
  - 62.2.2 wholly by electronic means; or
  - 62.2.3 partially in person and partially by electronic means.
- 62.3 If a *Council meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 62.4 Any request made under sub-Rule 62.3 must:
  - 62.4.1 be in writing to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council meeting*; and
  - 62.4.2 specify the reasons why the Councillor is unable or does not wish to attend the *Council meeting* in person.
- 62.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 62.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council meeting*.
- 62.6 *Council* may approve and must not unreasonably refuse any request.
- 62.7 A Councillor who is *attending* a *Council meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council meeting*.

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- 62.8 Without detracting from anything said in sub-Rule 62.7, a Councillor who is *attending* a meeting by electronic means must be able to:
- 62.8.1 hear the proceedings;
  - 62.8.2 see all Councillors and members of Council staff who are also *attending* the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
  - 62.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*; and
  - 62.8.4 be heard when they speak.
- 62.9 If the conditions of sub-Rule 62.8 cannot be met by one or more Councillors *attending* a *Council meeting*, whether because of technical difficulties or otherwise:
- 62.9.1 the *Council meeting* will nonetheless proceed as long as a quorum is present; and
  - 62.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the *Council meeting* or that part of the *Council meeting* unless the *Council meeting* has been adjourned in accordance with *these Rules*.
- 62.10 Nothing in this Rule 62 prevents a Councillor from joining (or re-joining) a *Council meeting* at the time that they achieve compliance with sub-Rule 62.8 even if the *Council meeting* has already commenced or has continued in their absence.

### 63. Meetings Conducted Remotely

If a *Council meeting* is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

## Division 16 – Miscellaneous

### 64. Procedure not provided in this Chapter

Where the Meeting rules do not provide for a procedure for a *Council meeting*, the *Chair* will determine the procedure to be followed.

### 65. Councillor / CEO Reports

- 65.1 Councillors may provide a verbal report prior to the closure of the *Council meeting* on activities including representation on committees and participation in community events for up to two (2) minutes.
- 65.2 The *Chief Executive Officer* may provide a verbal report prior to the closure of the *Council meeting* about Council business for up to three (3) minutes.
- 65.3 Should the *Council meeting* stand adjourned in accordance with Rule 15, Councillors and the *Chief Executive Officer* reports will be held over to the following scheduled *Council meeting*.

### 66. Compliance with these Rules

- 66.1 The *Chief Executive Officer* or delegate can inform and advise the *Chair* during the *Council Meeting* of any operational, financial or risk arising from a proposed resolution, or non-compliance with *these Rules*, law, and the implications of such.

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### Chapter 3 – Meeting Procedure for Delegated Committees and Sub Committees

#### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

#### 2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

#### 3. Sub-Committees

- 3.1 Council may from time to time establish a sub-committee to hear submissions from community members, for example submissions relating to the budget.
- 3.2 A sub-committee has no delegated powers to make a decision on behalf of the Council and is only established to hear submission prior to Council making a decision.
- 3.3 Where a sub-committee is established, members of the public wishing to make a submission must be *in attendance* or have a representative *in attendance* on their behalf.
- 3.4 Members of the public will be provided 3 minutes speaking time to present their verbal submission.
- 3.5 Notwithstanding sub-Rule 3.1.4 the *Chair* may, at their discretion extend speaking time to 5 minutes.
- 3.6 All other provisions contained within *these Rules* will apply to sub-committees.

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## Chapter 4 – Disclosure of Conflicts of Interest

### 1. Definition

In this Chapter:

- 1.1 “*meeting conducted under the auspices of Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a *Delegated Committee* includes a Councillor.

### 2. Disclosure of a Conflict of Interest at a Council Meeting

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

- 2.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
  - 2.2.1 advising of the conflict of interest;
  - 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:

- 3.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to *attend* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
  - 3.2.1 advising of the conflict of interest;
  - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 3.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee*’s relationship with or a gift from another person the:

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- (a) name of the other person;
  - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 3.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

#### 4. Disclosure by Members of Council Staff Preparing Reports for Meetings

4.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- 4.1.1 *Council meeting*;
- 4.1.2 *Delegated Committee* meeting; or
- 4.1.3 Executive Leadership Team meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest and must leave the room when the report is being considered.

4.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 4.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

4.3 If the member of Council staff referred to in sub-Rule 4.1 is the *Chief Executive Officer*:

- 4.3.1 the written notice referred to in sub-Rule 4.1 must be given to the *Mayor*; and
- 4.3.2 the obligation imposed by sub-Rule 4.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

#### 5. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

5.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

5.2 If the member of Council staff referred to in sub-Rule 5.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

#### 6. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

6.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

6.2 If the member of Council staff referred to in sub-Rule 6.1 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

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**7. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.

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## Chapter 5– Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting* or *Delegated Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- 1.4 tabled quarterly at a *Council meeting*; and
- 1.5 recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-Rule 2.1 satisfies the definition of “confidential information” contained in section 3(1) of the *Act*.

### 3. Opening the Council Meeting

The *Chair* will open every public *Council meeting* with:

- 3.1 A Statement to Acknowledge Traditional Owners; and
- 3.2 The Diversity and Good Governance Statement.

The adopted Statement to Acknowledge Traditional Owners is as follows:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional owners of lands within the City of Whittlesea. I would also like to acknowledge Elders past, present and emerging”*

The adopted Diversity and Good Governance Statement is as follows:

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters participation, wellbeing and connection to each other and this land. We commit as a Council to making informed good decisions to benefit the people of the City of Whittlesea now and in the future to support our community’s vision of A Place For All.”*

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## Chapter 6 – Election Period Policy

### Election Period

1. For the purposes of section 69 of the Act this [Election Period Policy](#) is incorporated into these Governance Rules.
2. This policy must be reviewed not later than 12 months prior to the commencement of an election period.

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**Appendix 1 – Strategic Planning Formula**

Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
Lawful	Any decision likely to affect human rights to be considered against the Charter of Human Rights & Responsibilities 2006 & the Equal Opportunity Act 2010.	In accordance with the Council / Community Plan.	Australian Standards & Legislation		Council decision making processes are transparent except when the Council is dealing with information that is confidential in accordance with <i>the Local Government Act 2020</i> or any other Act.
Achieve best outcomes for the community into the future	A community engagement plan clearly defines objectives and scope  The community engagement plan is implemented.	Addresses the community vision and demonstrates benefit. Monitors performance through reporting. Identifies and manages implementation risks.	Considers the financial impact to the community.	Services provided are accessible, equitable, diverse and represent community need. Fair and effective processes for considering and responding to service performance complaints.	Written record of a decision affecting the rights of a person will record the opportunity provided to the person to have their views considered.
Economically, socially and environmentally sustainable		Ensures sufficient finances and resources to implement the strategy.	Identifies, monitors and manages financial risks.  Financial risks must be monitored and managed prudently having regard to economic circumstances.	Quality and costs standards for services provide good value to the community.	Reported in the Annual Report and other Performance Reporting
Community engagement in strategic planning & decision making	Managed in accordance with Council’s Community Engagement Policy.				Council information must be publicly available unless it’s confidential. Council information must be understandable and accessible to members of the municipal community.
Innovation & continual improvement		Strategies are informed with data		Performance is analysed for continual improvement.	

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Must apply this column to decision-making for all decisions	Must apply these columns where relevant to decision-making				
Overarching Governance Principles	Community Engagement Principles	Strategic Planning Principles	Financial Management Principles	Service Performance Principles	Public Transparency Principles
Collaboration with other Councils/ Government /Statutory bodies	Networked to increase reach	Granting opportunities	Economy of scale		
Financially viable			Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with financial policies and strategic plans		
Consistent with regional, state & national plans					
Transparent	<p>Community has access to objective, relevant &amp; timely information to inform participation.</p> <p>Participants are given reasonable support to enable meaningful and informed engagement.</p> <p>Participants are informed how the community engagement will influence Council decision making.</p>		Accounts and records that explain the financial operations & financial position are to be kept.		<p>Managed in accordance with Council’s Public Transparency Policy.</p> <p>Council information must be publicly available unless—</p> <p>(i) the information is confidential by virtue of this Act or any other Act; or</p> <p>(ii) public availability of the information would be contrary to the public interest.</p> <p>Public awareness of the availability of Council information must be facilitated.</p>

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**Appendix 2 - Notice of Motion Template**

**NOTICE OF MOTION NO ##**  
**<Title>**

Please TAKE NOTICE that it is my intention to move the following motion at the Scheduled Meeting of Council to be held on <insert date> at <insert time>pm:

**Motion**

**THAT Council resolve:**

- 1.

**PREAMBLE**

<enter preamble>

**Cr <Name>** .....  
**Date: <insert date>**

**Cr <Name>** .....  
**Date: <insert date>**

Acknowledged by the CEO on .....  
*(signature and date)*

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## 5.6 Governance Report

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

### Executive Summary

The purpose of this report is to provide information and endorsement for the following governance related matters:

- Unconfirmed minutes of Audit and Risk Committee meeting held on 14 May 2024 (Attachment 1)
- Instrument of Delegation (s6) from Council to Members of Council Staff (Attachment 2)

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance and administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters. This also ensures compliance with the requirements of the *Local Government Act 2020*, Council's Governance Rules and related regulations.

### Officers' Recommendation

**THAT Council:**

- 1. Note the Governance Report for June 2024.**
- 2. Note the 14 May 2024 unconfirmed minutes of the Audit and Risk Committee at Attachment 1 to this report.**
- 3. Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Delegation (s6) from Council to Members of Council Staff attached at Attachment 2.**
- 4. Resolve to commence operation of the Instrument of Delegation from Council to Members of Council Staff at Attachment 2 immediately upon the signing by the Chair Administrator and CEO, and common seal of Council being affixed to the Instrument.**
- 5. Revoke the previous Instrument of Delegation (s6) from Council to Members of Council Staff that was previously adopted by Council on 27 June 2022.**

## Background / Key Information

### **Unconfirmed Minutes of the Audit and Risk Committee**

The Audit and Risk Committee (ARC), an independent advisory committee of Council, held their scheduled quarterly meeting on 14 May 2024 and the following matters were discussed:

- 2024-2025 Annual Internal Audit Plan and progress of 2023-2024 Annual Internal Audit Program including completed internal audit reports and actions arising from previous audits.
- The quarterly Risk Management Report including risk treatment plans for strategic and operational risks and Council's business activity program.
- The quarterly Corporate Performance Report including a summary of Council's progress in completing Community Plan actions, good governance actions, 2023-2024 capital work program items and Council's financial performance to 31 March 2024.
- The draft Interim Management Letter for the year ending 30 June 2024.
- Compliance and governance matters as detailed in the ARC annual work plan.

To provide transparency and to comply with the requirements of the ARC Charter, the unconfirmed meeting minutes is provided at Attachment 1 for noting of Council.

### **Instrument of Delegation (s6) to Members of Council Staff**

The Instrument of Delegation to Members of Council Staff ensures staff are exercising the correct powers, duties and functions on behalf of Council.

Delegations are made to positions, not to individuals ensuring they do not become obsolete or ineffective in the event of a position being vacant or a delegate being absent on leave. In such instances, delegated powers are automatically transferred to staff acting in their positions.

The Instruments of Delegations are subject to bi-annual review and reflect the recent changes in the Acts and organisational structural changes across Council. The Instrument of Delegation to Members of Council Staff was last reviewed and adopted by Council on 27 June 2022.

The most recent review and updated Instrument of Delegation to Members of Council Staff included:

- One Act inclusion - s149B of the *Planning and Environment Act 1987*. This section delegates the power to apply to the Tribunal for a declaration concerning any matter which may be the subject of an application to the Tribunal under the *Planning and Environment Act 1987* or anything done by a responsible authority under the *Planning and Environment Act 1987*. This power is proposed to be delegated to the Chief Executive Officer and Director Planning and Development.
- Various changes to position titles as a result of recent position realignments.

### Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

#### High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

### Considerations of *Local Government Act (2020)* Principles

#### Financial Management

The cost is included in the current budget.

#### Community Consultation and Engagement

No community consultation or engagement is required in relation to this report.

### Other Principles for Consideration

#### Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
- (i) The transparency of Council decisions, actions and information is to be ensured.

#### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.
- (b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

## Council Policy Considerations

### Environmental Sustainability Considerations

No implications.

### Social, Cultural and Health

No implications.

### Economic

No implications.

### Legal, Resource and Strategic Risk Implications

The review of the Instrument of Delegation to Members of Council Staff assists in mitigating Strategic Risk 12: Regulatory Compliance.

The Instrument of Delegations are reviewed in accordance with Council's lawyers recommendations.

## Implementation Strategy

### Communication

Once adopted, the Instrument of Delegation to Members of Council Staff will be uploaded into Council's delegations register and communicated to all staff.

### Critical Dates

There are no immediate critical dates associated with the unconfirmed Minutes of the Audit and Risk Committee or the Instrument of Delegation to Members of Council Staff.

## Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Attachments

1. Unconfirmed Minutes of Audit and Risk Committee Meeting on 14 May 2024 [5.6.1 - 24 pages]
2. Instrument of Delegation from Council to Members of Council [5.6.2 - 91 pages]




Unconfirmed

# Minutes

AUDIT & RISK COMMITTEE

Tuesday 14 May 2024 at 2:30 pm

Councillors' Room at Civic Centre,  
25 Ferres Boulevard, South Morang



Minutes - Audit & Risk Committee 14 May 2024

## Attendees

### Present

### Members

### Independent

Geoff Harry, Chairperson  
Bruce Potgieter  
Dr Marco Bini

### Administrators:

Christian Zahra, Administrator (virtual)

### Council Officers:

Craig Lloyd, Chief Executive Officer (left the meeting 4:25pm, returned 4:57pm)  
Sarah Renner, Director Customer & Corporate Services  
Jacinta Stevens, Executive Manager Office of Council CEO  
Bobbie Bright, Unit Manager Governance  
Aaron Gerard, Chief Financial Officer

### Invited Guests:

Sharon Durantini, Chief People Officer  
Brett Davidson, Unit Manager Risk  
Agata Chmielewski, Director Community Wellbeing  
Jim Karabinis, Manager Assets and Facilities  
Michael Johnston, Unit Manager Asset Management  
Alessandra San Vincente, Unit Manager Corporate Planning  
Jordan Glancy, Chief Customer Officer  
Sarah Rowe, Acting Chief Customer Officer

### External Attendees:

Richard Wilson, Director Pitcher Partners  
Jordan McFadden, Manager Pitcher Partners

### Minutes:

Ilker Destan, Compliance and Audit Officer

### Apologies

Lydia Wilson, Chair of Council  
Jen Johanson, Independent Member



## Minutes - Audit &amp; Risk Committee 14 May 2024

## Register of Interests

<b>City of Whittlesea Audit and Risk Committee Personal Interests Register</b>		
<b>Geoff Harry</b>	Department of Government Services	ARC Chair
	Agriculture Services Victoria ARC	Board Member & ARC Chair
	Bayside City Council ARC	Chair
	Brimbank City Council ARC	Chair
	Chisholm Institute of TAFE	Board Member & ARC Chair
	City of Greater Dandenong ARC	Chair
	City of Kingston ARC	Independent Member
	City of Knox ARC	Chair
	City of Melbourne ARC	Chair
	City of Whittlesea ARC	Chair
	Department of Premier & Cabinet ARC	Chair
	Independent Broad-Based Anti-Corruption Commission ARC	Chair
	GD & JD Harry Superannuation Fund	Member
	JDH Investments Australia Pty Ltd	Director
	One Roslyn Street Brighton	Chairman & Manager
PricewaterhouseCoopers (retired 31 December 2006)	Retired Partner	
<b>Jen Johanson</b>	Bayside City Council ARC	Independent Member
	Brimbank City Council ARC	Independent Member
	City of Hume ARC	Chair
	City of Melbourne ARC	Independent Member
	City of Stonnington ARC	Independent Member
	City of Greater Dandenong ARC	Independent Member

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	Education Services Australia, Finance Audit & Risk Committee	Board Member and Chair, Finance Risk & Audit Committee
	Generation Life Limited	Board Member
	iAM OMNI	Advisory Board Member
	Independent Broad-Based Anti-Corruption Commission ARC	Independent Member
	Life Without Barriers - Risk Management Committee	Independent Member
	South Gippsland Shire Council ARC	Chair
<b>Dr Marco Bini</b>	Darebin City Council ARC	Independent Member
	Governance Institute of Australia	Victorian State Council Member
	Royal Australian College of GPs	Senior Legal Business, Partner, Data Privacy & Compliance
<b>Bruce Potgieter</b>	City of Hume ARC	Independent Member
	Kingston City Council ARC	Independent Member
	Maroondah City Council ARC	Independent Member
	Melton City Council ARC	Independent Member
	Bass Coast Shire Council ARC	Independent Member
	RSM Australia (resigned Sept 2012)	Senior Manager
	Yarriambiack Shire Council ARC	Chair
<b>Lydia Wilson</b>	Department of Energy, Environment and Climate Change	Chair Integrated Water Management Forum (Dandenong)
	Reaper Enterprises Pty Ltd (Lydia Wilson Consulting)	Trust Beneficiary
	Reaper Family Superannuation Fund	Beneficiary
<b>Christian Zahra AM</b>	Impact Partners	Partner/Member
	KPMG Strategy Practice	Former Director
	Regional Australia Institute	Chair and Non-Executive Director

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Unconfirmed

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**1 In-Camera Discussion**

The meeting commenced at 2:23pm with attendance of the members of the Audit and Risk Committee only.

In-camera session with the CEO, Executive Manager Office of Council & CEO commenced at 2:37pm.

Director Corporate and Customer Services, Chief Customer Officer and Unit Manager Technology Infrastructure & Support attended the in-camera discussion between 2:37pm and 2:46pm.

All other officers and externals listed in attendance joined the meeting at 2:51pm.

Pitcher Partners representatives provided an update on the following:

- change in the organisational structure of Pitcher Partners;
- a new independent firm will be established taking effect from 1 July 2024 and will maintain delivering of the internal audit service;
- administrative due diligence on the contract to be undertaken by Council;
- the new firm will be named Aster Advisory;
- the new firm will be owned by the three partners moving across from Pitcher Partners;
- Aster Advisory will continue to operate under the Pitcher Partners name as a network from of Pitcher Partners; and
- the change in ownership relates only to the Victorian business of Pitcher Partners.

The Chair commenced the open section of the meeting by welcoming all those in attendance.

The following discussions and disclosures were made to be reflected in the Personal Interests Register:

Bruce Potgieter:

- appointment to Melton City Council Audit and Risk Committee;
- appointment to Bass Coast City Shire Council Audit and Risk Committee;
- term at Kingston City Council Audit and Risk Committee to end in June 2024.

The Chair disclosed that he was appointed as Chair of the ARC at the Department of Governance Services effective from 1 May 2024 as a state government department. Administrator Zahra noted a formatting error that the disclosure of membership and partnership at Impact Partners was his, not Administrator Wilson, and requested this be corrected in future reporting.

Key Actions	Responsible Officer
Interest register to be updated as noted in the minutes of the 14 May 2023 meeting.	Compliance and Audit Officer

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## 2 Previous Meeting

### 2.1 Confirmation of Minutes of Previous Meeting

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to provide the Audit and Risk Committee with the meeting minutes from the 13 February 2024 Committee meeting for review and confirmation.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

**The 13 February 2024 Audit and Risk Committee meeting minutes were confirmed as correct.**

**Moved: Bruce Potgieter**

**Second: Administrator Zahra**

**CARRIED**

### 2.2 Matters Arising from Previous Meetings

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to provide the Audit and Risk Committee the progress any actions arising during previous meetings that are either complete or in progress.

#### Matters Discussed

The report was taken as read.

The Chair noted the following had progressed and were completed out of session:

- The Committee review of the Committee Charter;
- The Bi-Annual Committee Activity Report was presented at the April Council meeting by the Chair;
- The Committee conducted the Performance Assessment Survey;

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- The Chair meet with the internal auditors to provide input to the for the preparation of 2024-25 Internal Audit Plan;
- The Committee received an update on the Oracle CMS data breach;
- The Committee received the penetration test results of December 2023; and
- The Committee used the Questions and Notice process to share their questions on the meeting pack prior to the meeting and a summary of QoN with management responses were received by members prior to the May meeting.

### Committee Resolution

The Audit and Risk Committee noted the status of actions arising from previous Audit and Risk Committee meetings.

**CARRIED**

## 3 Audit & Risk Committee Work Plan

### 3.1 Progress of Annual Work Plan

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to provide the Audit and Risk Committee an update on their Annual Work Plan (AWP) and to inform Committee members of the AWP's progress.

#### Matters Discussed

The Unit Manager Governance noted that the Annual Work Plan will be reviewed in the next reporting period and presented to the Committee at its September 2024 meeting.

The Committee requested clarification on "as required" reporting requirement of "breach of legislation" in the Annual Work Plan. Clarity provided that it represents a summary report on actual breaches for the reporting period, not "as required" by legislation.

### Committee Resolution

The Audit and Risk Committee noted:

1. The status of the Annual Work Plan.
2. The Annual Work Plan continues to be on track.
3. The 2024-2025 Annual Work Plan will be included in the September 2024 Audit and Risk Committee meeting for consideration and adoption.

**CARRIED**



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## 4 CEO's Update

### 4.1 CEO Update

**Responsible Officer:** Chief Executive Officer

This report has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. The report contains information regarding potential regulatory proceedings.

#### Purpose

The purpose of this report is to provide the CEO's update to be given verbally and the quarterly CEO questionnaire to the Committee.

#### Matters Discussed

The report was taken as read.

There was an administrative oversight in the CEO questionnaire with the inclusion of 'yes' against significant claims made in the past quarter. It should have stated 'no'.

#### Committee Resolution

The Audit and Risk Committee noted the CEO questionnaire and verbal update.

**CARRIED**

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## 5 Internal Audit

### 5.1 Internal Audit Report

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to provide the Audit and Risk Committee an update on the following:

- The Strategic and Annual Internal Audit Plan
- The Internal Audit Program
- Completed internal audits
- Audit actions status
- Performance assessment of Internal Auditor

#### Matters Discussed

The Unit Manager Governance and internal auditors provided an update on the 2024-25 Annual Internal Audit Plan. The Committee discussed and advised:

- Previously reported comprehensive Financial Reports over the previous two years that had highlighted significant adjustments to financial performance arising from poorly functioning controls and systems to be considered in the Review of Core Financial Controls
- Annual Internal Audit Plan to capture information about the meeting dates of the internal audit reports to be presented to the Committee, and
- Inclusion of the review of asset capitalisation in the Internal Audit Plan for the year ending 30 June 2025.

The Unit Manager Governance and the internal auditors provided an update on the progress of the Internal Audit Program for the year ending 30 June 2024. The CEO provided a further update on the complexity of the wat djerring Animal Facility internal audit due to the fact that Council is in partnership with two other Councils in regard to the facility.

The Chair noted that new global internal audit standards will come into effect soon and requested an update on its impact to the Audit and Risk Committee and Council's Internal Audit Program.

The Committee received an update on the highlights, management actions and implementation timeframes of internal audit reports resulting from reviews of Council's Payroll and Special Rates & Charges functions. The Committee requested the management comments in future audit reports be clearer and directly respond to the recommendations.

The Committee received an update on the audit actions status report capturing the progress of audit actions relating to internal, external, internal assurance and management initiatives.

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The Chair noted that he shared a reporting template with management for reporting of open actions out of meeting in future reporting.

The performance assessment report of the internal auditor was taken as read. The Committee discussed the internal audit KPI relating to recommendations as being ineffective.

Key Actions	Responsible Officer
Annual Internal Audit Plan to capture the meeting dates the internal audit reports will be presented to the Committee	Pitcher Partners
An update to be provided on the global internal audit standards and the impacts to the Audit and Risk Committee and Councils Internal Audit Program.'	Pitcher Partners & Unit Manager Governance
New reporting structure for open audit actions to be implemented in future reporting.	Compliance and Audit Officer

**Committee Resolution**

The Audit and Risk Committee:

1. **Approved the 2024-2025 Annual Internal Audit Plan.**
2. **Noted the Internal Audit Status Report.**
3. **Noted the internal audit reports of:**
  - a) **Payroll**
  - b) **Special Rates and Charges**
4. **Noted the status report of internal audit actions.**
5. **Noted the performance assessment report of the internal auditor.**

**CARRIED**

**6 Risk Management**

**6.1 Risk Management Report – Quarter Ending 31 March 2024**

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Risk

**Purpose**

The purpose of this report is to provide the Audit and Risk Committee an update on the status of risk management activities during the period ending 31 March 2024.

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**Matters Discussed**

The Unit Manager Risk provided an update on the following:

- Planning for the next risk reviews including workshops, testings, and training
- Inclusion of the committee’s feedback into the Risk Report relating to the risk analysis and insights

The Committee discussed the following:

- The use of artificial intelligence in Council
- Strategic Risk 6 – Health, Safety & Welfare and its preventive controls
- Prior external findings at other Councils relating to aggressive behaviour of Council staff affecting the health, safety and welfare of fellow Council staff members.

The Committee requested public liability claims be reported in a table for future reporting.

Key Action	Responsible Officer
Public liability claims to be reported in a table for future reporting.	Unit Manager Risk

**Committee Resolution**

The Audit and Risk Committee:

1. Noted the commentary and provided feedback on Strategic Risk 6 – Health, Safety and Welfare
2. Noted the status of risk treatment plans.
3. Noted the Business Continuity Plan activities for the period ending 31 Marc 2024.
4. Noted the public liability insurance claims for the period ending 31 March 2024.

**CARRIED**

**6.2 Presentations on Directorate Risk Profiles**

**Director/Executive Manager:** Director Community Wellbeing  
Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Risk

**Purpose**

The purpose of this report is to verbally present the services risks of the Community Wellbeing Directorate.

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### Matters Discussed

Director Community Wellbeing presented the following:

- Directorate structure of Community Wellbeing
- Service risk overview
- Emerging risks, key challenges and management strategies

### Committee Resolution

The Audit and Risk Committee noted the verbal presentation provided by the Director, Community Wellbeing in relation to the Directorate Risk Profile.

**CARRIED**

## 6.3 Annual Review and Determination of Hot and Emerging Risks

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Risk

### Purpose

The purpose of this report is to inform the Audit & Risk Committee of potential 'Hot and Emerging Risks' that Council may encounter, and to seek ARC's feedback on any future reporting requirements, if any, that can be incorporated within the Committee's Annual Work Plan.

### Matters Discussed

The Committee discussed the following:

- Impacts of psychosocial reforms
- Corruption by elected officials in consideration of the Casey (Operation Sandon)
- Cost shifting from State to Local Government
- Hot and emerging risks to be considered as part of the Strategic Risk reviews
- Hot and Emerging Risks, which is separate reporting requirement, to be removed from Annual Work Plan and be incorporated into quarterly Risk Report
- "Hot and Emerging Risk" title to be change to "Emerging Risks"

Unit Manager Risk noted cost shifting from State to Local Government and the use of Artificial Intelligence will be provided as Emerging Risks as part of the Quarterly Risk Report at September 2024 meeting.

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Key Action	Responsible Officer
"Hot and Emerging Risk" to be incorporated into the Quarterly Risk Report and the title to be changed to "Emerging Risk"	Unit Manager Risk

### Committee Resolution

#### The Audit and Risk Committee:

1. Noted the details of the potential Hot and Emerging Risks.
2. Provided feedback to officers how a snapshot could be presented through future reporting requirements associated with the listed Hot and Emerging Risks.

**CARRIED**

## 7 Financial and Performance Reporting

### 7.1 Corporate Performance Reporting

**Director/Executive Manager:** Director Customer and Corporate Services

**Report Author:** Unit Manager Financial Strategy & Performance

#### Purpose

The purpose of this report is to present the Audit and Risk Committee the Corporate Performance Report for the quarter ended 31 March 2024.

#### Matters Discussed

The Committee was provided clarity around the March 2024 financial performance relating to the 2023-2024 Capital Works Program.

#### Committee Resolution

The Audit and Risk Committee noted the Corporate Performance Report for the period ended 31 March 2024.

**CARRIED**

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## 7.2 External Audit Report on Asset Management and Year Ending Preparation

**Director/Executive Manager:** Director Infrastructure and Environment

**Report Author:** Manager Assets and Facilities

### Purpose

The purpose of the report is to provide the Audit and Risk Committee an update to the changes in Council’s asset management methodology.

### Matters Discussed

The Committee was provided clarity on the purpose of this report in response to the Committee’s feedback on Council’s year-end preparation and presented a progress report for VAGO Road Audits reporting of ownership of infrastructure assets (Roads).

The Committee was provided an update on Council’s approach to asset capitalisation and revaluation. The Committee requested an out of session update on the re-assessment of the assets useful life span

Key Action	Responsible Officer
Provide an out of session update to the Committee on the re-assessment of the assets useful life span.	Chief Financial Officer & Manager Assets and Facilities & Unit Manager Asset Management

### Committee Resolution

The Audit and Risk Committee noted findings of the report.

**CARRIED**



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### 7.3 Local Government Performance Reporting Framework – Quarter 2 2023-2024 Update

**Director/Executive Manager:** Director Customer and Corporate Services

**Report Author:** Unit Manager Corporate Planning

#### Purpose

The purpose of this report is to inform the Audit & Risk Committee about key performance areas of Council, to enable timely interventions where these are required to improve Council performance.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

The Audit and Risk Committee noted the Local Government Performance Reporting Framework – Quarter 2 2023-2024 Update Report.

**CARRIED**

## 8 Systems of Internal Control

### 8.1 Instrument of Delegations

**Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Compliance and Audit Officer

#### Purpose

The purpose of this report is to provide an annual update on the operation and oversight of Council's delegations as required under the Audit & Risk Committee Annual Work Plan.

#### Matters Discussed

The Executive Manager Office of Council & CEO provided an update on the progress of the delegations review being undertaken.

#### Committee Resolution

The Audit and Risk Committee noted the Instrument of Delegations update.

**CARRIED**

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## 9 Internal Assurance

### 9.1 Internal Assurance Report

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Compliance and Audit Officer

#### Purpose

The purpose of this report is to provide the Audit & Risk Committee an update on the progress of the 2023–2024 Internal Assurance Plan.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

The Audit and Risk Committee noted the update on the Internal Assurance Plan.

**CARRIED**

## 10 External Audit

### 10.1 Review External Audit Management Letters and Council's Response

**Director/Executive Manager:** Director Customer and Corporate Services

**Report Author:** Chief Financial Officer

#### Purpose

The purpose of this report is to present Audit and Risk Committee the Draft Interim Management Letter for the year ending 30 June 2024.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

The Audit and Risk Committee noted the Draft Interim Management Letter for year ending 30 June 2024.

**CARRIED**

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## 11 Compliance

### 11.1 Review Key Personal Expenses

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to provide the Audit & Risk Committee continued oversight and monitoring of Council's fraud and corruption risk through key functions including the Key Personnel Expenses report.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

The Audit and Risk Committee noted:

1. Key personnel expenses incurred for the period 1 January to 31 March 2024.
2. Reimbursements and expenses incurred during the reporting period as detailed within the Administration Expenses at Table 2 of the officer report were presented in accordance with Section 40(2) of the *Local Government Act 2020*.

CARRIED

### 11.2 Monitor Results of Follow Up of Any Instances of Significant Non-Compliance

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to detail any instances of actual or suspected instances or significant non-compliance to the Audit and Risk Committee.

#### Matters Discussed

The report was taken as read.

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### Committee Resolution

The Audit and Risk Committee noted the non-compliance related to biannual personal interest returns outlined under the Key Information heading of the officer report and result and actions taken by management.

CARRIED

## 11.3 Compliance Framework

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

### Purpose

The purpose of this report is to present the draft Compliance Management Framework (Framework) to the Audit & Risk Committee for their review and feedback.

### Matters Discussed

The Committee discussed the report and provided feedback on the Draft Compliance Framework for the consideration of management.

### Committee Resolution

The Audit and Risk Committee reviewed the draft Compliance Management Framework and provided feedback to officers for consideration.

CARRIED

## 11.4 Unreasonable Complaint Conduct Guidelines

**Director/Executive Manager:** Director Customer and Corporate Services  
**Report Author:** Chief Customer Officer

### Purpose

The purpose of this report is to update the Audit and Risk Committee on Unreasonable Complaint Conduct Guidelines.

### Matters Discussed

Chief Customer Officer highlighted the key changes in the Guidelines.

20 | 24

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The Committee was provided details relating to the numbers of incidents noted in the report.

The Committee complimented the management on implementing proactive and decisive guidelines.

**Committee Resolution**

**The Audit and Risk Committee:**

1. Reviewed and noted the Guidelines and Template.
2. Acknowledged the Guidelines have been endorsed by ELT for a 3-year period until 2027 with the agreement that Officers may update links to relevant policies and processes in the Guidelines if required.
3. Noted that ELT have endorsed the Unreasonable Complaint Template for a 3-year period until April 2027.

**CARRIED**

**12 Governance**

**12.1 Integrity Body Reports**

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Unit Manager Governance

**Purpose**

The purpose of this report is to provide the Audit and Risk Committee with a summary of published integrity body articles and reports between January - March 2024.

**Matters Discussed**

The Chair recommended management assess on one or two reports which are particularly relevant to Council and to provide a briefing paper with brief comments about how Council is considering these in terms of any actions Council officers are taking arising from those items.

**Committee Resolution**

**The Audit & Risk Committee noted:**

1. The integrity body report for the period January to March 2024.
2. Relevant staff have been provided sections of the summary report as they relate to their respective areas for information and/or consideration.

**CARRIED**

Key Action	Responsible Officer
Officers to assess on one or two integrity reports which are particularly relevant to Council and provide a briefing paper with brief comments about how Council is considering these in terms of any actions Council officers are taking arising from those items	Unit Manager Governance

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## 12.2 Committee Charter

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

### Purpose

The purpose of this report is to present the revised Audit and Risk Committee Charter (Charter) to the Audit and Risk Committee for final consideration and endorsement prior to presenting the Charter to Council for approval at its 18 June 2024 meeting.

### Matters Discussed

The report was taken as read.

### Committee Resolution

**The Audit & Risk Committee:**

1. Endorsed the revised Audit & Risk Committee Charter.
2. Noted subject to endorsement by the Audit & Risk Committee, the revised Charter will be presented to Council at its 18 June 2024 meeting for consideration and approval.

**CARRIED**

## 12.3 Review Outcomes of Performance Assessment

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

### Purpose

The purpose of this report is to present the outcome of Audit & Risk Committee self-assessment.

### Matters Discussed

The Committee was provided the number of participants to the survey who are non-Committee members.

### Committee Resolution

**The Audit and Risk Committee noted:**

1. The Audit and Risk Committee Self-Assessment.
2. The survey results of regular attendees to Audit and Risk Committee meetings.

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- 3. There are no significant improvement actions the Committee needs to implement however, the Committee will reflect on each meeting at the end of meetings.

**CARRIED**

Key Action	Responsible Officer
Reflections at the end of each meeting to be included in future agenda's and running sheets.	Compliance and Audit Officer

### 12.4 Report on Council on Committee Activities

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to present the final Audit & Risk Committee's Biannual Report for the period 6 September 2023 to February 2024 for noting.

#### Matters Discussed

The report was taken as read.

#### Committee Resolution

The Audit and Risk Committee noted the Audit and Risk Committee's Biannual Report for the period 6 September 2023 to February 2024.

**CARRIED**

### 12.5 Review Committee Membership

**Director/Executive Manager:** Executive Manager Office of Council & CEO  
**Report Author:** Unit Manager Governance

#### Purpose

The purpose of this report is to present the current membership terms of the Audit & Risk Committee members and possible options for extension of two independent members.

#### Matters Discussed

The report was taken as read.

Both Jen Johanson (via email) and Bruce Potgieter provided their support in having their appointments extended.

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### Committee Resolution

The Audit and Risk Committee noted, Jen Johanson and Bruce Potgieter have confirmed their support in having their appointments extended to 30 September 2027, and officers will present a report at the May Council meeting seeking formal approval to extend their respective appointments for a further 3 years.

CARRIED

### 13 Other Matters

Nil

The Chair closed the meeting at 5:27 pm.

Unconfirmed





**Instrument of Delegation  
From Council to  
Members of Council Staff**

**(s6)**

**18 June 2024**

Version 0.1

## Instrument of Delegation

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

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

Title	Position
CDCI	Coordinator Development Contributions & Infrastructure
CEH	Coordinator Environmental Health
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CPPI	Coordinator Planning Policy & Implementation
CSLUP	Coordinator Strategic Land Use Planning
DCCS	Director Customer & Corporate Services
DCW	Director Community Wellbeing
DIE	Director Infrastructure & Environment
DPD	Director Planning & Development
EHO	Environmental Health Officer
EMPA	Executive Manager Public Affairs
LPGAP	Lead Principal Growth Area Planner
LPP	Lead Principal Planner
MAF	Manager Assets & Facilities
MBP	Manager Building & Planning
MBS	Municipal Building Surveyor
MCD	Manager Capital Delivery
MCEH	Manager Compliance & Environmental Health
MMO	Manager Maintenance & Operations
MSE	Manager Sustainable Environment
MSF	Manager Strategic Futures
MUDT	Manager Urban Design & Transport
PEO	Planning Enforcement Officer
PO	Planning Officer
PP	Principal Planner
SO	Subdivision Officer
SP	Senior Planner
SPO	Strategic Planning Officer
SSO	Senior Subdivisions Officer
SSP	Senior Strategic Planner
UMANM	Unit Manager Animal Management
UMCM	Unit Manager Conservation Management
UMEH	Unit Manager Environmental Health
UMGAP	Unit Manager Growth Areas Planning
UMPCF	Unit Manager Parks & City Forest
UMPE	Unit Manager Planning Enforcement
UMS	Unit Manager Subdivisions
UMSTPL	Unit Manager Strategic Planning
UMSTP	Unit Manager Statutory Planning

**Group Title**

<b>Title</b>	<b>Position</b>
SPEG	DPD, MBP, PLA, PEO
SPG	CDCI, CPPI CSLUP, LPP, MBP, MSF, PO, PP, LPGAP, SP, SSP, UMGAP, UMSTP, UMSTPL, SPO
SSG	DPD, MBP, SO, SSO, UMGAP, UMS, UMSTP
STLG	CDCI, CPPI, CSLUP, UMGAP, UMPE, UMS, UMSTP, UMSTPL

- 3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on date; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
    - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council;
    - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**DATED**

**THE COMMON SEAL of** )  
**WHITTLESEA CITY COUNCIL** )  
was affixed in the presence of )

..... Chair of Administrators

..... Chief Executive Officer

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<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	Council in its capacity as the Trustee	
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	DPD	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	DPD	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DPD	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	Council in its capacity as the Trustee	
s 15(4)	Duty to keep records of delegations	DPD	
s 17(1)	Power to employ any persons necessary	Council in its capacity as the Trustee	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	Council in its capacity as the Trustee	
s 17(3)	Power to determine the terms and conditions of employment or engagement	Council in its capacity as the Trustee	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DPD	
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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18C	Power to determine the membership of the governance committee		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18D	Power to determine procedure of governance committee		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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.		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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>		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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))		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 19	Power to carry out or permit the carrying out of works	DPD, DIE, MMO, UMPCF	
s 20(1)	Duty to set aside areas for the interment of human remains	DPD	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DPD	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	DPD	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	Council in its capacity as the Trustee	
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	MBS	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	DPD	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DPD	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Council in its capacity as the Trustee	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DPD	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DPD	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DPD	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DPD	
s 60(2)	Power to charge fees for providing information	DPD	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DPD	
s 64B(d)	Power to permit interments at a reopened cemetery	DPD	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DPD	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	DPD	
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	DPD	
s 70(2)	Duty to make plans of existing place of interment available to the public	DPD	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DPD	
s 71(2)	Power to dispose of any memorial or other structure removed	DPD	
s 72(2)	Duty to comply with request received under s 72	DPD	
s 73(1)	Power to grant a right of interment	DPD	
s 73(2)	Power to impose conditions on the right of interment	DPD	
s 74(3)	Duty to offer a perpetual right of interment	DPD	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DPD	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DPD	
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	DPD	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DPD	
s 80(2)	Function of recording transfer of right of interment	DPD	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DPD	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 83(2)	Duty to pay refund on the surrender of an exercised right of interment	DPD	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DPD	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DPD	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DPD	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	DPD	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	DPD	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	DPD	
s 84I(6)(a)	Power to remove any memorial on the place of interment	DPD	
s 84I(6)(b)	Power to grant right of interment under s 73	DPD	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DPD	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	DPD	Does not apply where right of interment relates to remains of a deceased veteran.

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DPD	The Delegate must only proceed where there is no reasonable opportunity for the matter to be reported to Council for resolution
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DPD	
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	DPD	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DPD	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	DPD	
s 86(5)	Duty to provide notification before taking action under s 86(4)	DPD	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DPD	
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	DPD	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DPD	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DPD	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DPD	
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	DPD	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DPD	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DPD	
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	DPD	
s 100(1)	Power to require a person to remove memorials or places of interment	DPD	
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)	DPD	
s 100(3)	Power to recover costs of taking action under s 100(2)	DPD	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	MBS	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	MBS	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	MBS	
s 103(1)	Power to require a person to remove a building for ceremonies	MBS	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MBS	
s 103(3)	Power to recover costs of taking action under s 103(2)	DPD	
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	DPD	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DPD	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DPD	
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	DPD	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MBS	
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	MBS	
s 108	Power to recover costs and expenses	DPD	
s 109(1)(a)	Power to open, examine and repair a place of interment	DPD	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	DPD	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	DPD	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	Council in its capacity as the Trustee	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	Council in its capacity as the Trustee	
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	Council in its capacity as the Trustee	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DPD	
s 112	Power to sell and supply memorials	DPD	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DPD	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DPD	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DPD	
s 119	Power to set terms and conditions for interment authorisations	DPD	
s 131	Function of receiving an application for cremation authorisation	DPD	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DPD	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DPD	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DPD	Subject to the approval of the Secretary

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DPD	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	Council in its capacity as the Trustee	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DPD	
s 151	Function of receiving applications to inter or cremate body parts	DPD	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DPD	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DPD	
sch 1 cl 8(8)	Power to regulate own proceedings	DPD	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DPD	Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	DPD	Where Council is a Class A cemetery trust Subject to cl 8 City of Whittlesea is currently a Class B cemetery trust

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DPD, MCEH, UMANM	Council may delegate this power to a Council authorised officer

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DPD, MCEH, UMEH, CEH, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DPD, MCEH, UMEH, CEH, EHO	If s 19(1) applies

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD, MCEH, UMEH, CEH, 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).	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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, DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DPD, MCEH, UMEH	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
---	Power to register or renew the registration of a food premises	DPD, MCEH, UMEH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	DPD, MCEH, UMEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	DPD, MCEH, UMEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DPD, MCEH, UMEH, CEH, 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)	DPD, MCEH, UMEH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DPD, MCEH, UMEH, CEH	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DPD, MCEH, UMEH	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	DPD, MCEH, UMEH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	DPD, MCEH, UMEH, CEH, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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>	DPD, MCEH, UMEH, CEH, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DPD, MCEH, UMEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DPD, MCEH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, DPD, MCEH	
s 40F	Power to cancel registration of food premises	CEO, DPD, MCEH	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEO, DPD, MCEH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	DPD, MCEH, UMEH	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	DPD, MCEH, UMEH	Where Council is the registration authority
s 45AC	Power to bring proceedings	DPD, MCEH, UMEH	

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD, MCEH, UMEH	Where Council is the registration authority

<b>HERITAGE ACT 2017</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DPD	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO <sup>1</sup>	

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	CEO, DPD, MBP, MSF, UMSTPL	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	CEO, DPD	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CEO, DPD	
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements	CEO, SPG	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DPD	<p>The Delegate only authorised to apply to the Minister to prepare amendments to planning schemes which:</p> <p>a) relate to the correction of anomalous provisions and planning scheme errors or provides for minor changes to update the planning scheme to accord with the Victoria Planning Provisions;</p> <p>b) are of genuine economic significance to the municipality and where the amendment will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known; and</p> <p>c) relate to the interim protection of individual heritage places having local or State significance which are proposed for demolition.</p> <p>The Delegate must only proceed under b) and c) above where there is no reasonable opportunity for the matter to be reported to Council for resolution. Where delegations under b) and c) are exercised reports must be provided to the next available Council meeting.</p>
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DPD	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DPD	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 12B(1)	Duty to review planning scheme	CEO, STLG, DPD, MBP, MSF, UMSTPL	Revised planning scheme must be referred to Council for adoption.
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DPD, MBP, MSF, UMSTPL	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DPD	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, SPG	
s 17(2)	Duty of giving copy s 173 agreement	CEO, SPG	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, SOG	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, SPG	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, STLG, DPD, MBP, MSF, UMSTPL	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, STLG, DPD, MBP, MSF, UMSTPL	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DPD, MBP, MSF	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, SPG	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CEO, SPG	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, SPG	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, SPG, STLG, DPD, MSF	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DPD, MSF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DPD	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, SPG, STLG,	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, SPG	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, SPG	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DPD	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DPD	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, DPD	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, DPD	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, SPG	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, SPG	
s 32(2)	Duty to give more notice if required	CEO, SPG	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, SPG	
s 36(2)	Duty to give notice of approval of amendment	CEO, SPG	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, SPG	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, SPG	
s 40(1)	Function of lodging copy of approved amendment	CEO, SPG	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, SPG	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, SPG	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, SPG	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	CEO, SPG	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CEO, DPD, MSF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CEO	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO	Where Council is a responsible public entity

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, SPG, SSG, DPD	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	Council	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DPD, MSF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GP	Function of receiving a notice under s 46GO	CEO, DPD, MSF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DPD, MSF	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, DPD, MSF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DCCS, CFO, DPD, MSF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DCCS, CFO, DPD, MSF, UMSTPL, CDCI	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DCCS, CFO, DPD, MSF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DCCS, CFO, DPD, MSF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DCCS, CFO, DPD, MSF	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, DPD, MSF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, DCCS, CFO, DIE, MAF, DPD, MSF, UMSTPL, CDCI	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DPD, MSF	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, SPG, SSG, DPD	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, SPG, SSG, DPD	Where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DPD, MSF	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, DPD, MSF, MBP, STLG	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, DCCS, DPD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, DCCS, DPD	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, DCCS, DPD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DCCS, DPD	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, DCCS, DPD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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 2020</i>	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is a development agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, DCW, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, DCCS, DPD, CFO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DCCS, DPD	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, DPD, DCCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	CEO, DPD, DCCS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CEO, DPD, DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, DPD, DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, DPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, DPD, DCCS, CFO, MSF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, DPD, DCCS	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, DPD, MSF, UMSTPL, CDCI	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, SPG, SSG	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, SPS, SSG	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DPD, MBP, MSF	Power to reduce or waive infrastructure levy is limited to DPD. Note separate requirements under s.46P(2) for agreements relating to provision of land, works, services or facilities.
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DPD, MBS, MBP, MSF	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DPD, MBP, MSF	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, SPG, SSG	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DPD, MBP, MSF	To be signed by two delegates
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCCS, CFO, DPD, MSF	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, DCCS, DPD, CFO	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, DPD, MSF, DCCS, CFO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DPD, MBP, MSF, DCSS, CFO	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, DCCS, CFO, DPD, MBP, MSF	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DPD, MSF	Must be done in accordance with Part 3

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DCCS, DPD, MSF, CFO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DCCS, DPD, MSF, CFO	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DCCS, CFO, DPD, MSF, DIE, MAF, UMSTPL, CDCI	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	CEO, SPG	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	CEO, SPG	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	CEO, SPG	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	CEO, SPG	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, SPG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, SPG, SSG	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, SPG	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, SPG	
s 50(4)	Duty to amend application	CEO, SPG, SSG	
s 50(5)	Power to refuse to amend application	CEO, SPG, SSG	
s 50(6)	Duty to make note of amendment to application in register	DPD, MBP	
s 50A(1)	Power to make amendment to application	CEO, SPG, SSG	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, SPG	
s 50A(4)	Duty to note amendment to application in register	CEO, SPG, SSG	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, SPG, SSG	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, SPG, SSG	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, SPG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, SPG, SSG	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, SPG, SSG	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, SPG, SSG	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, SPG, SSG	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, SPG, SSG	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, SPG, SSG	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, SPG, SSG	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, SPG, SSG	
s 54(1)	Power to require the applicant to provide more information	CEO, SPG, SSG	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, SPG, SSG	
s 54(1B)	Duty to specify the lapse date for an application	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, SPG, SSG, DPD	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, SPG, DPD, MBP, UMS, SSO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, SPG, DPD, MBP, UMS, SSO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DPD, MBP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, SPG, DPD, MBP, UMS, SSO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(5)	Power to refuse to amend application	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(6)	Duty to note amendments to application in register	CEO, DPD, MBP, UMGAP, UMSTP, MSF, UMSTPL, CSLUP, CPPI	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, SPG, SSG	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, SPG, SSG	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, SPG, SSG	
s 58	Duty to consider every application for a permit	CEO, SPG, SSG	
s 58A	Power to request advice from the Planning Application Committee	CEO, DPD	
s 60	Duty to consider certain matters	CEO, SPG, SSG	
s 60(1A)	Duty to consider certain matters	CEO, SPG, SSG	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, SPG, SSG, DPD, MBP, MSF	<p>The application must be reported to Council if 10 or more objections are received; if a petition or group objection with 10 signatories is received; for one of the following</p> <ul style="list-style-type: none"> <li>• More than 3 storeys in height, or</li> <li>• Major non-residential use in a residential area; or</li> <li>• Large land subdivision with more than 100 lots where there is no approved Development Plan.</li> </ul>



PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, STLG, DPD, MSF, MBP, UMSTP, SP, PP	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>Power to grant permit or provide notice of decision to grant a permit only if less than 5 objections are received. IF the application must be reported to Council if 5 or more objections are received, for any application within established urban residential areas that significantly changes the nature and character of the area; and for any application that has given rise to substantial public interest or where appears likely to do so; or at least 2 Councillors Administrators(call in) make a request in writing to the CEO, DPD, MDAMB in writing for the application must be reported to Council.</p> <p>The delegate has the power to refuse the permit unless at least 2 Councillors Administrators (call in) make a request in writing to the CEO, DPD, or MDA in writing that the application must be reported to Council (excluding procedural matters).</p> <p>Applications involving the complete or partial demolition of buildings within a Heritage Overlay that are not subject to the VicSmart pathway or involving the removal of two or more river red gum trees that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground level must be reported to Council for a decision, unless Council has already made a decision on those trees through a strategic planning process. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, SPG, SSG	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, SPG, SSG	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, SPG, SSG	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, SPG, SSG	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, SPG, SSG	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, SPG, SSG	
s 62(2)	Power to include other conditions	CEO, SPG, SSG	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, SPG, SSG	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, SPG, SSG	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, SPG, SSG	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, SPG, DPD, MBP, UMS, SSO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, SPG, DPD, MBP, UMS, SSO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, SPG, DPD, MBP, UMS, SSO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, SPG, DPD, MBP, UMS, SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, SPG, DPD, MBP, UMS, SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, SPG, DPD, MBP, UMS, SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, SPG, DPD, MBP, UMS, SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, SPG, DPD, MBP, UMS, SSO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, SPG, SSG	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, SPG, SSG	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, SPG, SSG	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, SPG, SSG	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, SPG, SSG	
s 69(2)	Power to extend time	CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP	The delegate has the power to approve the extension of time request. The delegate can refuse an extension of time request unless at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing that the application must be reported to Council.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	
s 71(1)	Power to correct certain mistakes	CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP	
s 71(2)	Duty to note corrections in register	CEO, SPG, SSG, DPD, MBP, UMS, SSO, UMSTP, PP	
s 73	Power to decide to grant amendment subject to conditions	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, CPG, SSG	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, SPG	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, SPG, SSG	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO SPG	
s 83	Function of being respondent to an appeal	CEO, SPG	
s 83B	Duty to give or publish notice of application for review	CEO, SPG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO	<p>Power to decide position only if less than 5 objections are received or there is a petition or group objection with less than 5 signatories, the matter is of a procedural nature or has already been before Council for a decision as part of a strategic planning process.</p> <p>If 5 or more objections are received, a petition or group objection with 5 or more signatories is received or the application sought the removal of two or more river red gums that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground, for any application that has given rise to substantial public interest or appears likely to do so; or where at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing, the application must be reported to Council.</p> <p>If timelines do not permit for any of the above triggers, the delegate must decide the application and report the matter to the next Council meeting for information.</p>
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, SPG	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, SPG	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, SPG	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, SPG	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DPD, MBP	Applications for a cancellation of a permit must be referred to the CEO. Applications for an amendment of a permit must be referred to DPD and/or MBP.
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, SPG, SSG	
s 91(2)	Duty to comply with the directions of VCAT	CEO, SPG, SSG	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, SPG, SSG	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, SPG, SSG	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, SPG, SSG	
s 95(3)	Function of referring certain applications to the Minister	CEO, SPG, SSG	
s 95(4)	Duty to comply with an order or direction	CEO, SPG, SSG	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, SPG, SSG	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DPD, MBP, MSF	Must be reported to Council for decision



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DPD, MBP, MSF	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, SPG	
s 96F	Duty to consider the panel's report under s 96E	CEO, SPG	
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> )	CEO, DPD, MBP, MSF	Must be reported to Council for decision
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, SPG	
s 96J	Duty to issue permit as directed by the Minister	CEO, SPG	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, SPG	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, SPG	
s 97C	Power to request Minister to decide the application	CEO, DPD, MBP, MSF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DPD, SPG, SSG	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, SPG, SSG,	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, SPG, SSG,	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, SPG, SSG	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DPD, MBP, MSF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DPD	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, SPG, SSG	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, SPG, SSG	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, SPG, SSG	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, SPG, SSG	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, SPEG, SPG, SSG, DPD, MBP, UMSTP, SSO, PO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, SPG	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DPD, MBP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, SPG	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DPD, MBP, MSF	
s 107(1)	Function of receiving claim for compensation	CEO, SPG	
s 107(3)	Power to agree to extend time for making claim	CEO, SPG	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DPD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, SPG	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DPD	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DPD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DPD	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	CEO, DPD	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applies on an application to the Tribunal.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 129	Function of recovering penalties	CEO, SPEG, DPD, MBP	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DPD, MBP, MSF	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DPD, MBP, MSF	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DPD, MBP, MSF	
s 149B	Power to apply to the Tribunal for a declaration.	CEO, DPD	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DPD, MBP, MSF, UMSTPL	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 171(2)(g)	Power to grant and reserve easements	DPD, MBP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO	Where Council is a development agency specified in an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DPD, MBP, MSF	Note limitations for agreements relating to works in kind for development or infrastructure levies under s. 46GX(1) and 46P(2)
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DPD, MBP, MSF	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	CEO, STLG, DPD, MSF, MBP, PP, LPP	
---	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	CEO, STLG, DPD, MSF, MBP, PP, LPP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DPD	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, STLG, DPD, MBP, MSF	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, SPG, SSG	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, SPG, SSG	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, SPG, SSG	
s 178A(5)	Power to propose to amend or end an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, SPG, SSG	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, SPG, SSG	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, STLG, DPD, MSF, MBP, PP, LLP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, SPG, SSG	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, SPG, SSG	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DPD, MBP, MSF	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DPD, MBP, MSF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, SPG, SSG, MBP, MSF	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, SPG, SSG	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DPD, MBP, MSF, UMSTPL	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL	
s 182	Power to enforce an agreement	CEO, SPG, SSG	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, SPG, SSG	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, STLG, DPD, MBP, MSF	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, SPG, SSG	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, SPG, SSG	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, SPG, SSG	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, SPG, SSG	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, SPG, SSG	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, SPG, SSG	
s 198(1)	Function to receive application for planning certificate	CEO, SPG, SSG	
s 199(1)	Duty to give planning certificate to applicant	CEO, SPG, SSG	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, STLG, DPD, MBP, MSF	
s 201(3)	Duty to make declaration	CEO, DPD, MBP, MSF	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, STLG, DPD, MBP, MSF	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, STLG, DPD, MBP, MSF	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, STLG, DPD, MBP, MSF	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DPD, MBP, MSF	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DPD, MBP, MSF	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 522(1)	Power to give a compliance notice to a person	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 525(4)	Duty to issue identity card to authorised officers	CEO, DCW, DPD	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DPD, MCEH, UMEH, CEH, EHO	
s 526A(3)	Function of receiving report of inspection	DPD, MCEH, UMEH, CEH, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DIE, MU DT	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DCCS, EMPA	
s 11(9)(b)	Duty to advise Registrar	CEO, DIE, MU DT	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DIE, MU DT	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DIE, MU DT	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DIE, MU DT	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, DCCS, DIE	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DIE	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DIE, MU DT	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(10)	Duty to notify of decision made	CEO, DIE, MUDT	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, DIE, MUDT	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DIE, MUDT	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DIE, MUDT	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DIE, MUDT	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DIE, MUDT	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, DIE, MUDT	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DIE, MUDT	
s 16(8)	Duty to enter details of determination in public roads register	CEO, DIE, MUDT	
s 17(2)	Duty to register public road in public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DIE, MUDT	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DIE, MUDT	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, DIE, MUDT	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, DIE, MUDT	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, DIE, MUDT	
s 21	Function of replying to request for information or advice	CEO, DIE, MUDT	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DIE, MUDT	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DIE, MUDT	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DIE, MUDT	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(1)	Duty to inspect, maintain and repair a public road	CEO, DIE, MUDT, MMO, MCD	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DIE, MUDT, MMO, MCD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DIE, MUDT, MCD	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DIE, MUDT	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DIE, MUDT	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, DIE, MUDT	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DIE, MUDT	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, DIE, MUDT	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, DIE, MUDT	
s 49	Power to develop and publish a road management plan	CEO, DIE, MUDT	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DIE, MUDT	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DIE, MUDT	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DIE, MUDT	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DIE, MUDT	
s 54(6)	Power to amend road management plan	CEO, DIE, MUDT	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DIE, MUDT	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DIE, MUDT	
s 63(1)	Power to consent to conduct of works on road	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, DIE, MUDT	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 67(3)	Power to request information relating to distributor	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 68(2)	Power to request information relating to depositor	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DIE, MUDT, MMO	
s 72	Duty to issue an identity card to each authorised officer	CEO, DIE, MUDT, MMO	
s 85	Function of receiving report from authorised officer	CEO, DIE, MUDT, MMO	
s 86	Duty to keep register re s 85 matters	CEO, DIE, MUDT	
s 87(1)	Function of receiving complaints	CEO, DIE, MUDT	
s 87(2)	Duty to investigate complaint and provide report	CEO, DIE, MUDT	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DIE, MUDT	
s 112(2)	Power to recover damages in court	CEO, DIE, MUDT	
s 116	Power to cause or carry out inspection	CEO, DIE, MUDT	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DIE, MUDT	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DIE, MUDT	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, DIE, MUDT	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DIE, MUDT	
s 122(1)	Power to charge and recover fees	CEO, DIE, MUDT	
s 123(1)	Power to charge for any service	CEO, DIE, MUDT	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DIE, MUDT	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DIE, MUDT	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DIE, MUDT	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DIE, MUDT	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DIE, MUDT	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DIE, MMO	Where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DIE, MMO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DIE, MMO	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	CEO, DIE, MMO	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	CEO, DIE, MMO	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	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DIE, MUDT, MMO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DIE, MUDT	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DIE, MUDT	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DIE, MU DT	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DIE, MU DT	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DIE, MU DT	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DIE, MU DT	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DIE, MU DT	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DIE, MU DT	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DPD, CFO	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DPD, CFO	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DPD, CFO	
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	DPD, CFO, DIE, MSE, UMCM	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	DPD, CFO, DIE, MSE, UMCM	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	DPD, CFO	
r 30(2)	Power to release cremated human remains to certain persons	DPD, CFO	
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	DPD, CFO	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	DPD, CFO	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	DPD, CFO	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	CFO	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DPD, CFO	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DPD	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DPD	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a) (b)	DPD	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	DPD	
r 40	Power to approve a person to play sport within a public cemetery	DPD, DIE, MSE, UMCM	
r 41(1)	Power to approve fishing and bathing within a public cemetery	DPD, DIE, MSE, UMCM	
r 42(1)	Power to approve hunting within a public cemetery	DPD, DIE, MSE, UMCM	
r 43	Power to approve camping within a public cemetery	DPD, DIE, MSE, UMCM	



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 45(1)	Power to approve the removal of plants within a public cemetery	DPD, DIE, MSE, UMCM, MMO, UMPCF	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DPD, DIE, MSE, UMCM	
r 47(3)	Power to approve the use of fire in a public cemetery	DPD, DIE, MSE, UMCM	
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	DPD, DIE, MSE, UMCM, MMO, UMPCF	
Note: sch 2 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	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DPD, DIE, MSE, UMCM	See note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	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	MBS, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	MBS, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DPD, DIE, MSE, UMCM, MMO, UMPCF	See note above regarding model rules

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
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	CEO, SPG, SSG	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	CEO, SPG, SSG	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	CEO, SPG, SSG	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 in accordance with the public availability requirements	CEO, SPG, SSG	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	CEO, SPG, SSG	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, STLG, DPD, MBP, MSF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, STLG, DPD, MBP, MSF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	CEO, SPG, SSG	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DPD, MCEH, UMEH	
r 10	Function of receiving application for registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 11	Function of receiving application for renewal of registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, DPD, MCEH, UMEH	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, DPD, MCEH, UMEH	
r 14(1)	Function of receiving notice of transfer of ownership	CEO, DPD, MCEH, UMEH	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 14(3)	Power to determine where notice of transfer is displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, DPD, MCEH, UMEH	
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, DPD, MCEH, UMEH	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 17	Duty to keep register of caravan parks	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 18(6)	Power to determine where certain information is displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEO, DPD, MCEH, UMEH, CEH, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 22(2)	Duty to consult with relevant emergency services agencies	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, DPD, MCEH, UMEH	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, DPD, MCEH, UMEH	
r 41(4)	Function of receiving installation certificate	CEO, DPD, MCEH, UMEH	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, DPD, MCEH, UMEH, CEH, EHO	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, DPD, MCEH, UMEH, CEH, EHO	



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, DIE, MUDT, MMO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DIE, MUDT, MMO	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DIE, MUDT, MMO	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, DIE, MUDT, MMO	
r 16(3)	Power to issue permit	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DIE, MUDT, MMO	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DIE, MUDT, MMO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DIE, MUDT, MMO	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DIE, MU DT	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, DIE, MU DT	Where Council is the coordinating road authority

## 5.7 Q3 Community Grants Update

**Director/Executive Manager:** Acting Director Customer & Corporate Services

**Report Author:** Grants Coordinator

**In Attendance:** Unit Manager - Change  
Grants Coordinator

### Executive Summary

This report is to provide an update on the grant applications in Q3 2023-2024 as part of the community grants program. Please refer to the enclosed document at Attachment 1 which provides an updated report for the:

1. Approved Community Grants.
2. Funding Agreements issued to date.

The approval rate of the applications submitted for this quarter is still slightly improving where it has increased from 47% last quarter to 48% this quarter.

The overall approval rate of the applications are currently sitting at 48%, an increase of 1% from Quarter 2. A rudimentary review of the reasons for applications being declined was conducted and found that some applications failed across many areas of the Grant Guidelines with the top 3 reasons for being declined or not approved as follows:

- 14% did not include quotes or legitimate quotes;
- 13% applied for 'what cannot be funded'; and
- 12% seeking grants for core business – not eligible under the Guidelines.

### Officers' Recommendation

**THAT Council note the community grants overview of applications received and decision for funding at Attachment 1.**

## Background / Key Information

In June 2022, all Council grants offered to the Community were centralised to the ePMO. A new Community Grant Program was adopted by Council in July 2023 with an increase 33% commitment to community by allocating a total of \$2.6 million to support community through:

- Continuing support through Centralised Grants:
  - Community Wellbeing
    - Arts, Events and Culture
    - Female Inclusion in Sport
    - Neighbourhood Houses
    - Seniors
  - Economic Development
    - HWLLEN
  - Emergency Management and Regulatory Programs
    - CFAs Brigades
    - Districts
    - SES
- Offering new grant categories:
  - Individual
  - Emergency
  - Unincorporated Groups
  - Small
  - Medium
  - Large

The new community grants were officially open for applications from 1 August 2023 and is still in its infancy as it has been in operation for 10 months with 2 quarterly reports already submitted to Council.

For the Q3 2023-2024 period (1 January 2024 to 31 March 2024) a total of 67 applications for funding were processed across eight Grant Programs. This is a reduction of 41% from the previous quarter. It is assumed that the reduction could be due to the following:

- It is outside the general festival or events season.
- Slow period during January.

The ePMO team have been working collaboratively with the Community and Wellbeing team to deliver grant information sessions as requested by Community members and groups.

## Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

### High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

## Considerations of *Local Government Act (2020)* Principles

### Financial Management

The cost is included in the current budget.

### Community Consultation and Engagement

The following additional grant information sessions have been delivered in Q3:

- 17 and 18 January 2024 to the Cultural Heritage Network.
- 15 February 2024 Grant Information Session at Mernda.
- 6 March 2024 at the Kindergarten Information Evening.
- 14 March 2023 at the Northern Metro Volunteers Network Group (in collaboration with Whittlesea Community Connections).

The last Grant Writing workshop was delivered online on 22 February 2024.

## Other Principles for Consideration

### Overarching Governance Principles and Supporting Principles

- (i) The transparency of Council decisions, actions and information is to be ensured.

### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

## Council Policy Considerations

### Environmental Sustainability Considerations

No implications.

### Social, Cultural and Health

The grant applications record key target groups for the grant.

### Economic

The first round of the Business Relocation and Growth Program grant was delivered during this period.

### **Legal, Resource and Strategic Risk Implications**

Review of the Neighbourhood House Service Agreements were considered by the Grant Management Steering Group.

### **Implementation Strategy**

#### **Communication**

This report outlines the community grant applications that have been approved during Q3 FY2024.

#### **Critical Dates**

Council Meeting on 18 June 2024.

### **Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### **Attachments**

1. Attachment 1 Council Q3 Community Grants Report [5.7.1 - 10 pages]



**Quarter 3  
2023-2024  
Community Grants Report  
1 January 2024 to 31 March 2024**

Executive Summary .....2  
Background .....2  
Applications Summary .....3  
Approval and Notification Process .....5  
January – March 2024 Applications Overview .....6  
Grants Approved .....9  
Funding Agreements .....10





## Executive Summary

### Background

In June 2022, all Council grants offered to the Community were centralised to the ePMO following recommendations of two audits, one completed by internal auditors and the other completed through Spark Strategy, an external auditor.

A new team was formed in the ePMO to oversee the Community Grants and develop and implement a new Community Grant Program. In July 2023, the new Community Grants program was adopted by Council. In addition, Council increased its commitment to community through grants by 33% with an allocation of \$2.6 million for the 2023-2024 financial period.

The new Community Grants Program was updated and amended to offer the following;

- **Ongoing commitment through the Centralised Grants;**
  - Community Wellbeing
    - Active & Creative Participation,
    - Ageing Well,
    - Community & Place,
  - Economic Development
  - Emergency Management & Regulatory Programs

and

- **Adopting the following new grant categories;**
  - Individual
  - Emergency
  - Unincorporated Groups
  - Small
  - Medium
  - Large.

To celebrate and launch the new community grants, Council offered the Community Food Relief Grant from 1 July 2024 for organisations and groups offering food relief services to City of Whittlesea families and individuals.

The new community grants were officially open for applications from 1 August 2023 and is still in its infancy and delivered in the last 10 months with 2 quarterly reports already submitted to Council.

To date the approval rate for the Community Grants is at 48%. A rudimentary review of the reasons for the high number of applications not approved or declined are summarised at *Figure 1* below.

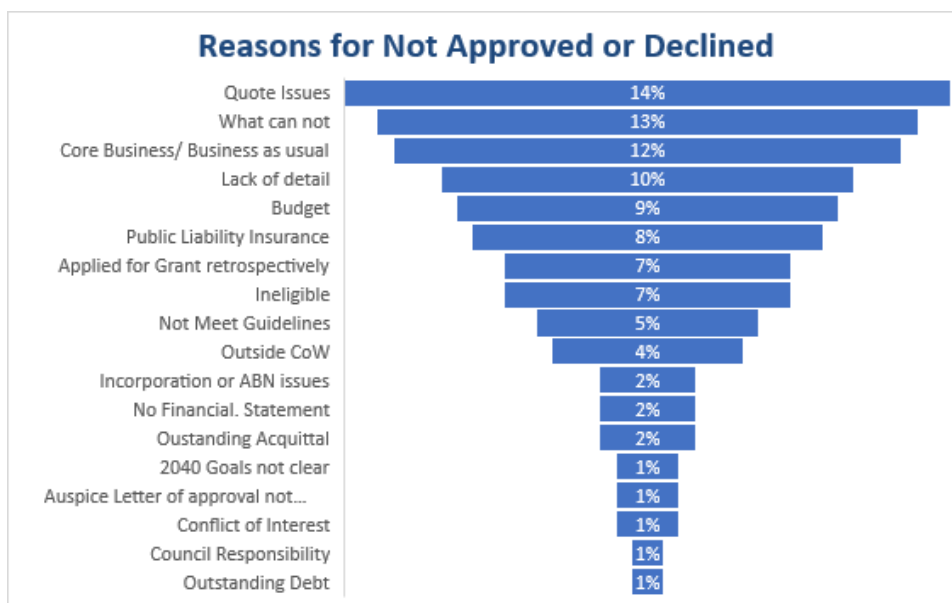


Figure 1 Year To Date – Reasons for Not Approved or Declined.

## Applications Summary

This report is to provide both a brief overview of the grants applied and allocated for the current year to date since 1 July 2023 and then more specific reporting for Quarter 3 of the 2023-2024 Financial Year (January to March 2024).

In summary, for this **year to date**, a total of 206 applications were received as follows;

Program Type	No. of Applications	Total Amount Requested	Total Amount Allocated
Shopfront Improvement Program (Round 2)	23	\$ 83,292.70	\$ 26,353.10
Business Relocation and Growth Program	4	\$ 243,452.36	
Emergency Grants	3	\$ 2,500.00	\$ -
Female Participation in Sport	12	\$ 31,647.52	\$ 25,647.52
Funding Agreements	5	\$ 127,900.00	\$ 127,900.00
Individual Grants	14	\$ 15,051.00	\$ 4,700.00
Small Grants	33	\$ 92,449.48	\$ 18,069.86
Medium Grant	28	\$ 377,839.81	\$ 102,516.31
Large Grant	11	\$ 482,819.49	\$ 48,970.00
Seniors Group	73	\$ 271,116.45	\$ 271,116.45
<b>Totals</b>	<b>206</b>	<b>\$ 1,728,068.81</b>	<b>\$ 625,273.24</b>



The remainder of this report will highlight grants submitted for the period 1 January 2024 to 31 March 2024 under the new community grants framework with specific metrics provided for the Small, Medium and Large Grants.

For Quarter 3, the Centralised Grants team have processed the following.

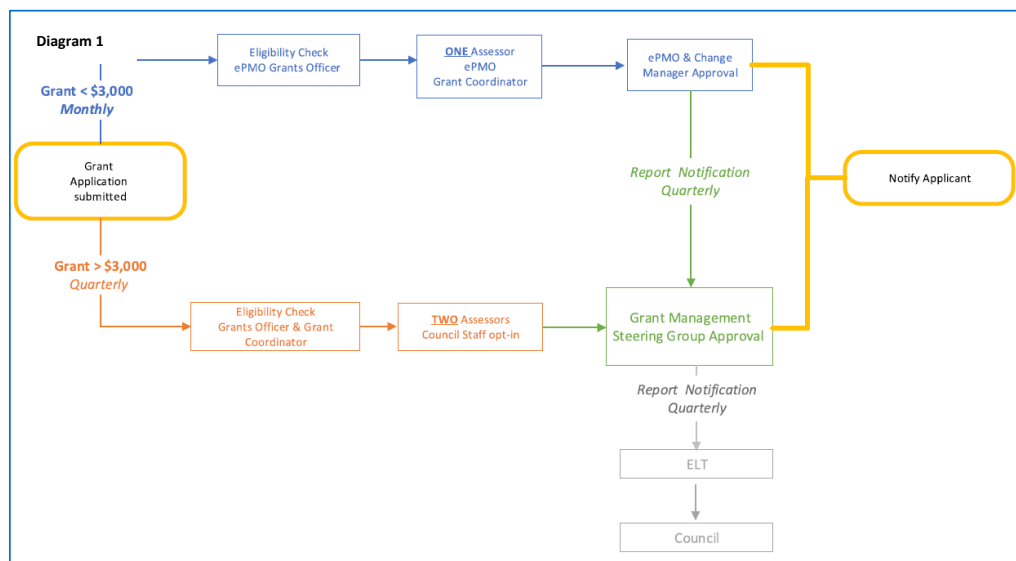
Grant Programs	No. Applications	Amount Requested	Amount Allocated
Emergency Grants	2	\$ 2,000.00	
Shopfront Improvement (Round 2)	23	\$ 83,292.70	\$ 26,353.10
Business Relocation and Growth Program	4	\$ 243,452.36	<b>TBC</b>
Female Inclusion in Sport 2023-2024	11	\$ 28,647.52	\$ 22,647.52
Individual Grants	3	\$ 2,700.00	\$ 2,650.00
Small Grants	17	\$ 38,641.48	\$ 16,335.36
Medium Grants	6	\$ 71,018.00	
Large Grants	1	\$ 39,015.00	
<b>Grand Total</b>	<b>60</b>	<b>\$ 496,309.26</b>	<b>\$ 67,985.98</b>

The last section of this report is a list of all the Grant Applications approved and will be uploaded to the Community Grants webpage section of Approved Grants.



### Approval and Notification Process

Diagram 1 below provides an overview of the grant approval and notification process according to the amount allocated. Community have been advised that the assessment and approval process will take approximately 6 weeks from the time a round of grants is closed.



For applications under \$3,000.00, the ePMO have managed to maintain the 6 week turnaround timeframe for the Individual and Small Grants this quarter.

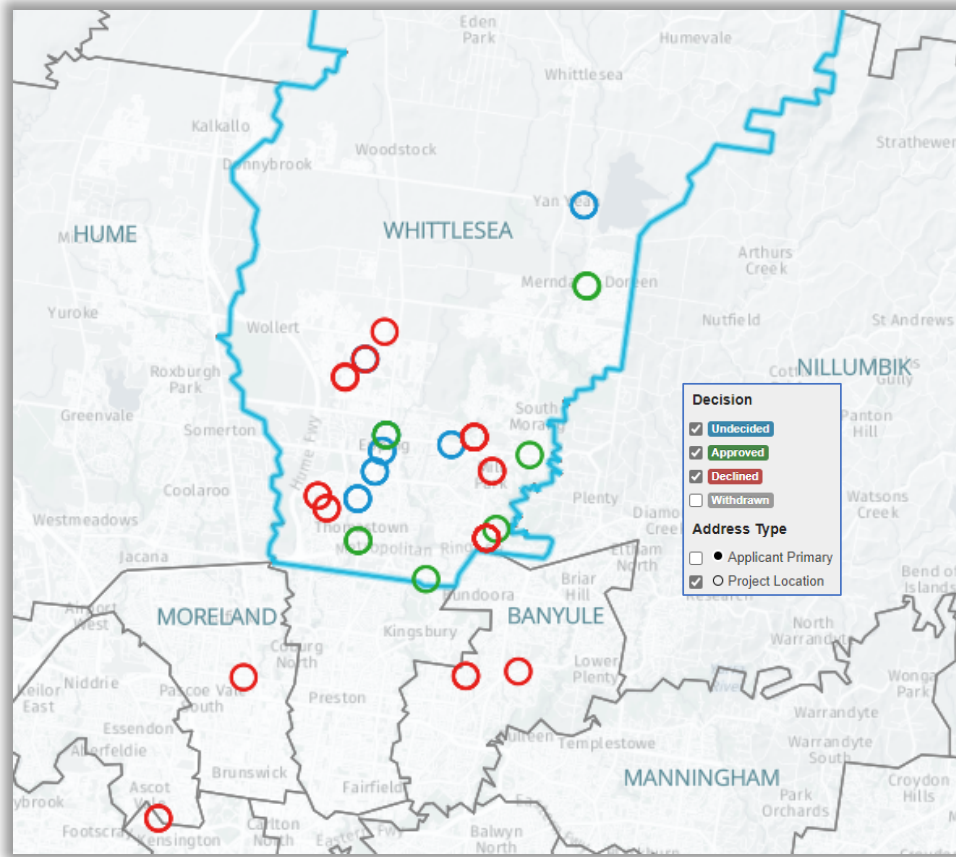
For applications over \$3,000.00, a total of 7 applications were received for Medium and Large Grants. Assessment of the Medium and Large Grants were completed by 9 staff members as noted in the table below.

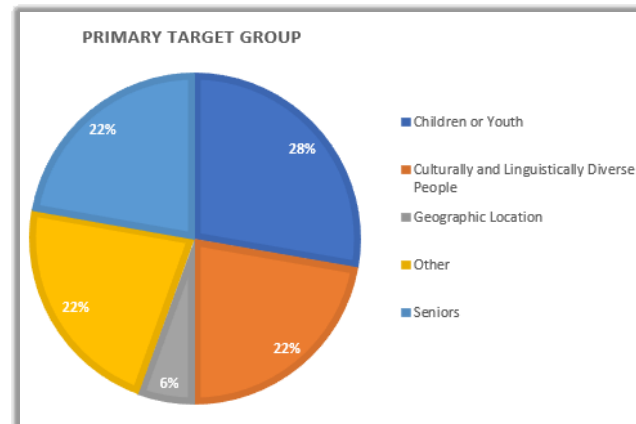
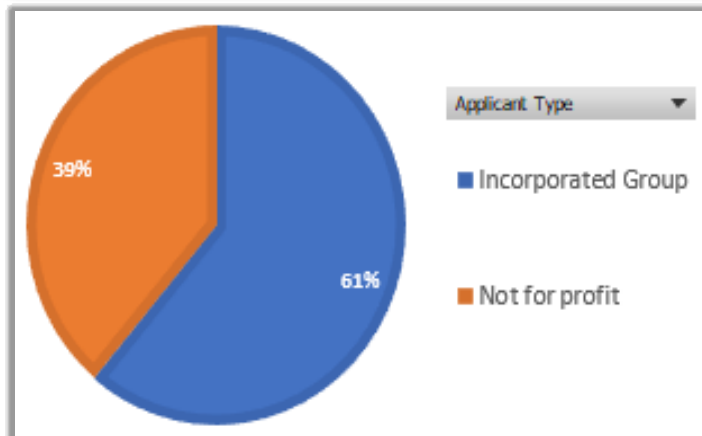
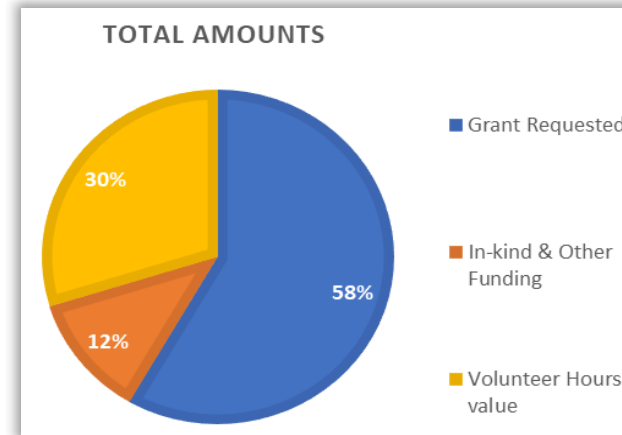
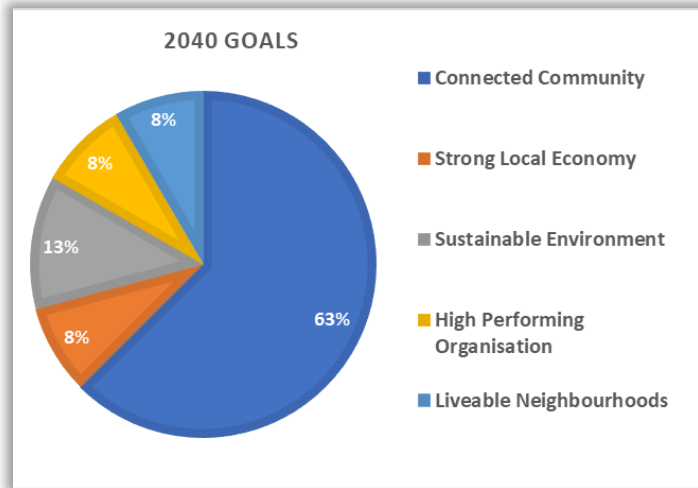
Directorate/ Department	Agreed to Assess	Assessed Q3
Community Wellbeing	7	6
Infrastructure and Environment	1	1
Planning & Development	3	2

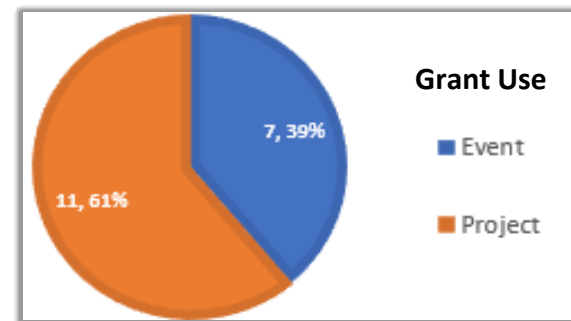
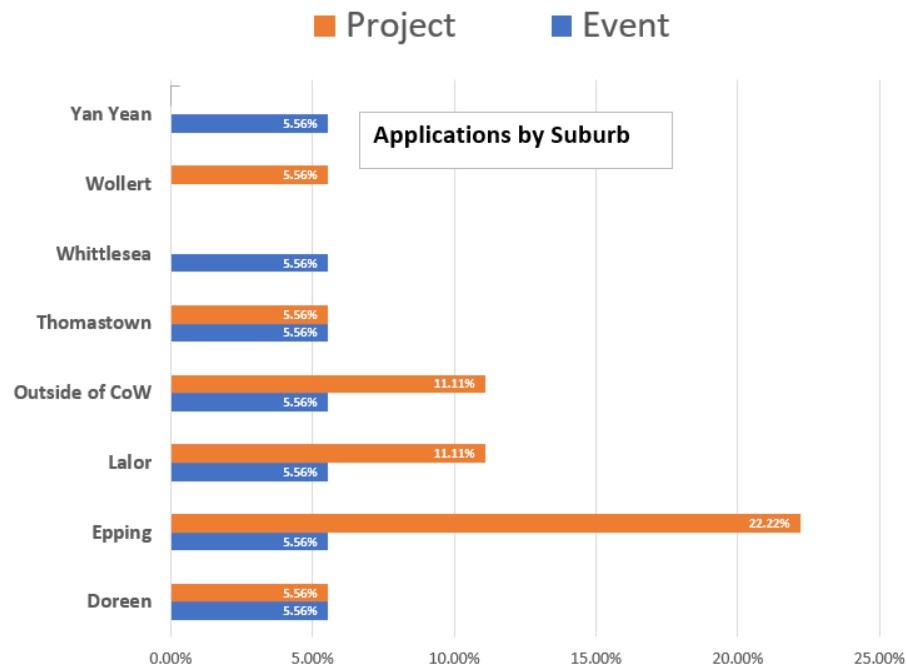


## January – March 2024 Applications Overview

Locations – Individual, Small, Medium & Large Grants







Grant Type	No. Applications	Amount Requested
Individual Grants	3	\$ 2,700.00
Small Grants	17	\$ 38,641.48
Medium Grant	6	\$ 71,018.00
Large Grant	1	\$ 39,015.00
<b>Grand Total</b>	<b>27</b>	<b>\$ 151,374.48</b>



## Grants Approved

Grant Type	Grant Recipient	Project Title	Amount Approved
Business Relocation & Growth Program	Tro Pacific	Victoria Branch Launch	\$ 40,000.00
Business Relocation & Growth Program	Edlyn Foods Pty Ltd	Direct product feed from Kettles to Packing - Edlyn Foods	\$ 35,993.00
Female Inclusion in Sport Grant	Yan Yean Tennis Club	Player Development & Skills Program	\$ 3,000.00
Female Inclusion in Sport Grant	South Morang Football Netball Club	Subsidised fee and equipment to boost female participation in AFL	\$ 3,000.00
Female Inclusion in Sport Grant	Mill Park Titans Basketball Club	Coaching Courses and Club Kits Subsidy to Increase Female Participation.	\$ 1,903.90
Female Inclusion in Sport Grant	Mernda Junior Football Club	Subsidised uniforms to reduce cost and increase youth female participation	\$ 2,515.52
Female Inclusion in Sport Grant	Mernda Football Netball Club	Reduced fees for Senior Women's Teams	\$ 3,000.00
Female Inclusion in Sport Grant	Mill Park Football Club	Showcasing female players and volunteers at Mill Park Football Club	\$ 1,499.60
Female Inclusion in Sport Grant	Whittlesea Ranges Football Club	Womens Coaching Development	\$ 2,940.00
Female Inclusion in Sport Grant	Thomastown United Cricket Club	On Side: Supporting Opportunities for Girls in Community Cricket	\$ 3,000.00
Female Inclusion in Sport Grant	Plenty Valley Netball Association	Upskilling representative players	\$ 2,991.00
Female Inclusion in Sport Grant	Phoenix Junior Netball Club	Coaching Initiative	\$ 1,797.50
Shopfront Improvement Grant	Nudelicious	Nudelicious Shopfront Improvement	\$ 1,680.00
Shopfront Improvement Grant	Care Dental Group	Facade Refresh - Repairs, Painting & Signage	\$ 2,000.00
Shopfront Improvement Grant	Kim Oanh Asian Grocery	Kim Oanh Asian Grocery	\$ 2,000.00
Shopfront Improvement Grant	House of Luxe Pty Ltd	House of Luxe Salon Front	\$ 1,945.10
Shopfront Improvement Grant	Blue Essence SPA	shop front door and light box	\$ 2,000.00
Shopfront Improvement Grant	Ray White Mill Park	Shop Frontage Improvement	\$ 2,000.00
Shopfront Improvement Grant	Chu Quy Vietnamese Cuisine	Shopfront improvement program	\$ 1,000.00
Shopfront Improvement Grant	LALOR PLAZA TATTERSALS/ NEWS	LALOR PLAZA NEWSAGENCY	\$ 2,000.00
Shopfront Improvement Grant	Whittlesea Foot & Ankle Clinic	Shopfront Improvement Grant	\$ 610.00
Shopfront Improvement Grant	Spicy N Taste Pty Ltd	Front Door Automation	\$ 2,000.00



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Shopfront Improvement Grant	Sandy's Pizza	3D Illuminated Fabricated LED illuminated Board	\$ 2,000.00
Shopfront Improvement Grant	Superior Meat & Poultry Supplies	Butcher Shop Shopfront Upgrade	\$ 2,000.00
Shopfront Improvement Grant	MERENDA VILLAGE FERGUSON PLARRE	mernda ferguson plarre bakehouse shopfront	\$ 2,000.00
Shopfront Improvement Grant	Bundoora Medical Centre	Front signage and light box	\$ 1,168.00
Shopfront Improvement Grant	Jahd Salon Pty Ltd	to renovate	\$ 1,950.00
Individual Grant	J Tan	International Dance Championship	\$ 1,000.00
Individual Grant	J Cauchi	Flag Football	\$ 650.00
Individual Grant	N Lohner	ICU Dance World Championships	\$ 1,000.00
Small Grant	NORTHERN TIGERS SOCIAL CLUB	Thai Pongal 2024	\$ 1,297.00
Small Grant	Doreen Baby Boomers Seniors Group	Baby Boomers Biggest Morning Tea for the Cancer Council	\$ 1,500.00
Small Grant	Butterflies Arts and Cultural Association Inc	Vishu Celebration	\$ 2,250.00
Small Grant	Mernda Dragons Rugby League Club	Promote and grow our junior rugby league club with a strong focus on female children and youth	\$ 2,590.86
Small Grant	WHITTLESEA BICYCLE USERS GROUP (BUG) INC.	Bicycle Maintenance Workshops	\$ 2,740.00
Small Grant	Valley Presbyterian Church	Easter Sunday in the Park	\$ 2,957.50
Small Grant	SANSKRITI COMMUNITY GROUP	"Smile Together: A Cultural Celebration of Oral Health"	\$ 3,000.00
Medium Grant	Lalor and District Men's Shed Incorporated	BBQ Trailer	\$ 8,446.00
Medium Grant	Victorian Skateboard Association (VSA)	Promoting Whittlesea Skateable Spaces	\$ 17,200.00

## Funding Agreements

The following organisations have been approved for 3 year Funding Agreements due to being funded already for 2023-2024.

The effective period these two organisations will be funded for are from 2024 – 2027

Applicant Name	Event Title	2024-2025 Funding Allocation
Epping RSL	Epping RSL ANZAC Day Dawn Service	\$9,000
Whittlesea Chinese Association Inc	Chinese New Year	\$2,400



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**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Urgent Business

**8 Reports from Council Representatives and CEO Update**

**9 Confidential Business**

**9.1 Close Meeting to the Public**

There are no confidential agenda items for consideration in accordance with section 66(2) of the *Local Government Act 2020* which allows Council to close the meeting to the public.

**10 Closure**