

# COUNCIL MEETING



## AGENDA

(Open to the public)

**6.30pm, Monday 22 April 2024**

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 12 April 2024

Please note: No audio, video, photographic or any other recording of proceedings at Council or Delegated Committee meetings is permitted without written authority from Council.

## Order of Business

- 1 Adoption and confirmation of the minutes for the Council meetings held on 25 March 2024**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Deputations, presentations, petitions and public submissions**
- 4 Informal Meetings of Councillors**
- 5 Public question time**
- 6 Notices of motion**
- 7 Presentation of officer reports**
  - 7.1 Revised Instrument of Delegation - Council to Council Staff
  - 7.2 Instrument of Appointment and Authorisation - Environment Protection Act 2017 & Planning and Environment Act 1987
  - 7.3 Proposal to take title to land remaining unsold from a previously discontinued road - Rear 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew
  - 7.4 Contract No 2023/231 Michael Tuck Stand Structural Rectification Works
  - 7.5 February 2024 Monthly Financial Report
- 8 General business**

**9 Urgent business**

**10 Confidential business**

**11 Close of meeting**

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## 4 Informal Meetings of Councillors

Chapter 6 of the Council Governance Rules requires that a summary of matters discussed at an Informal Meeting of Councillors be reported to a Council meeting as soon as practicable.

The attached record of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with the requirements of the Governance Rules.

### Officers' recommendation

That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes.



## Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>4 March 2024</b>	Cr Hollingsworth Cr Parke Cr Sinfield Cr Gault Cr Gillies Cr Addis Cr Watson Cr Biggar Cr Thompson	Phillip Storer (CEO) Daniel Freer (DPS) Scott Walker (DUL) Mary-Anne Palatsides (EMPCD) Shaun Martin (MACP) Bryan Wee (MGL) Kirstin Ritchie (CG) Liam Merrifield (SGO)	<ul style="list-style-type: none"> <li>Road Materials Policy</li> </ul>	Nil
Councillor Briefing & Discussion <b>18 March 2024</b>	Cr Hollingsworth Cr Parke Cr Sinfield Cr Gault Cr Addis Cr Watson Cr Biggar Cr Thompson Cr Franco Cr Stavrou	Phillip Storer (CEO) Kate McCaughey (DCS) Scott Walker (DUL) David Cowan (MCF) Bryan Wee (MGL) David Shepard (MESOS) Kirstin Ritchie (CG) Jessica Donaldson (PSP) Corrinne Williamson (SLA) Liam Merrifield (SGO)	<ul style="list-style-type: none"> <li>Vic Roads Site, Kew - Urban Design Framework</li> <li>Draft Myrtle and Macleay Parks Master Plan</li> <li>External Publications in Council Offices</li> <li>Community planning workshops</li> </ul>	Nil
Councillor Planning and Budget Workshop <b>22 March 2024</b>	Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Franco (arrived at 10:55am)	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Amy Montalti (CFO) Mary-Anne Palatsides (EMPCD) Bryan Wee (MGL) Joanne Truman (CTTO) Shaun Martin (MACP) Nicole White (MSP) David Shepard (MESOS) Sapphire Allan (MA) Kaitlyn Yeomans (CSPR)	<ul style="list-style-type: none"> <li>Understanding of the Long Term Financial Plan and operating budget position N/A</li> <li>Receive Councillor feedback on budget feedback received in response to 2023-24 budget viewing period (draft Budget 2024-25)</li> <li>Receive Councillor feedback on Tree Canopy Strategy (draft Budget 2024-25)</li> <li>Receive Councillor in principle agreement on bids to be included in the upcoming budget (draft Budget 2024-25)</li> <li>Endorse in principle the proposed waste fees and charges (draft Budget 2024-25)</li> <li>In principle endorsement of the proposed changes to the 2024-25 Capital Works Renewal Program (draft Budget 2024-25)</li> <li>Endorse in principle support for the major initiatives (draft Budget 2024-25)</li> </ul>	Cr Gault - Boroondara Greens

## Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>25 March 2024</b>	Cr Addis Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Thompson Cr Watson Cr Gillies Cr Franco	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Amy Montalti (CFO) Bryan Wee (MGL) Fiona Brown (MCPD) David Shepard (MESOS) Tina Bourekas (MLS) Michelle Forster (MLC) Nicole White (MSP) Katherine Wright (SCSPR) Aileen Carter (CLOCS) Bronwyn Davies (CSP) Janine Cooper (SRATL) Melissa Reid (POL) Georgina Wignall (SL) Michael Williams (SCSPO) Elizabeth Manou (SGIO) Eren Cakmakkaya (MAS) Tanya Styles (SRA) Liz O'Loughlin (SIPPO)	<ul style="list-style-type: none"> <li>Boroondara Community Plan Renewal</li> <li>Community Request for Flags</li> <li>Belmore Road Footpath Widening</li> <li>Outcomes of Gardiners Creek No Glyphosate Trial</li> <li>Procurement Policy Amendments</li> <li>Councillor correspondence</li> </ul>	Nil
Councillor Briefing & Discussion <b>8 April 2024</b>	Cr Addis Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Thompson Cr Watson Cr Gillies Cr Franco	Phillip Storer (CEO) Kate McCaughey (DCS) Scott Walker (DUL) Daniel Freer (DPS) Bryan Wee (MGL) Mary-Anne Palatsides (EMPCD) Sapphire Allan (ACFO) Nicole White (MSP) Daniel Murphy (AC) Chris Spencer (TLUPF)	<ul style="list-style-type: none"> <li>Tree Protection Local Law Update</li> <li>Outcomes and Outstanding Items - 22 March 2024 Council Planning and Budget Workshop</li> <li>Venue fees for MPs</li> <li>Kew Rec Centre</li> <li>Media coverage - asbestos</li> </ul>	Nil

## 7 Presentation of officer reports

### 7.1 Revised Instrument of Delegation - Council to Council Staff

#### Executive Summary

##### Purpose

This report seeks Council's review and approval of the Instrument of Delegation to Members of Council Staff (the Instrument) under the *Local Government Act 2020* (the Act).

##### Background

Council is empowered by section 11 of the Act to delegate its powers, duties or functions with some strategic exemptions (such as the setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget).

Delegations are needed to facilitate the effective function of Council, enabling day-to-day decisions to be made about routine administrative and operational matters.

##### Key Issues

The Instrument includes any legislative amendments and changes to staff titles and delegates since the last Instrument was adopted by Council in December 2023.

##### Next Steps

The Instrument will be circulated to officers following adoption so that the organisation is aware of any changes to delegations.

The Instrument is reviewed by officers and presented to Council biannually, to ensure any new legislative or staff changes are captured. Officers expect another report to be presented to Council in mid-2024.

#### Officers' recommendation

In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation, Boroondara City Council (Council) resolves that:

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

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**Responsible director:**     **Phillip Storer, Chief Executive Officer**

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## **1. Purpose**

This report sets out proposed updated delegations from Council to Council staff under the *Local Government Act 2020* (the Act), and seeks a resolution from Council to refresh those delegations.

The proposed Instrument of Delegation from Council to Members of Council Staff with changes tracked is at **Attachment 2** and a clean copy is at **Attachment 1**.

## **2. Policy implications and relevance to community plan and council plan**

Reviewing the Instrument relates to Priority Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instrument is also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

## **3. Background**

Council is empowered by section 11 of the Act to delegate powers, duties or functions. Officers note some powers cannot be delegated such as setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget.

Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.

In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers. A delegate must comply with the conditions of delegation, as well as any policies of Council and any legislative framework.

Council can still exercise any delegated power, duty or functions itself by resolution.

## **4. Outline of key issues/options**

Updates to the Instrument are as follows:

- Sections 125 and 149B of the *Planning and Environment Act 1987* have been inserted.
- As recommended by Maddocks Lawyers, the inclusion of the Chief Executive Officer as a delegate where other positions in the organisation have been delegated a power, duty or function.
- Administrative amendments, including updates to position titles.

## **5. Consultation/communication**

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

Consultation with the senior leadership team of the organisation has taken place in the preparation of the Instrument.

## **6. Financial and resource implications**

The costs to prepare and adopt the revised Instrument are within the current Governance and Legal departmental budget.

## **7. Governance issues**

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

## **8. Social and environmental issues**

Effective and efficient delegations will reinforce public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance within the municipality.

**Manager:**                    **Bryan Wee, Manager Governance and Legal**

**Report officer:**        Kirstin Ritchie, Coordinator Governance



## **Boroondara City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

## Instrument of Delegation

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

- 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;
- record that references in the Schedule are as follows:

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Urban Planning Department and the City Futures Department
<b>All Road and Path Maintenance Staff</b>	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
<b>All Traffic and Transport Staff</b>	means	All staff in the Traffic and Transport Department
<b>All Urban Planning Forestry Staff</b>	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
<b>AOHS</b>	means	Authorised Officer Health Services
<b>AP&amp;P</b>	means	All staff in Asset Protection and Permits Team
<b>CCO</b>	means	Chief Customer Officer
<b>CD</b>	means	Coordinator Drainage
<b>CDM&amp;C</b>	means	Coordinator Drainage Maintenance & Cleaning
<b>CEO</b>	means	Chief Executive Officer
<b>CFO</b>	means	Chief Financial Officer
<b>CHP&amp;P</b>	means	Coordinator Health, Projects & Prosecutions
<b>CP</b>	means	Counter Planner or Planning Liaison Officer
<b>CPA&amp;PA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>CPLAC</b>	means	Coordinator Parking Local Laws Animal Management and School Crossings
<b>CRPS</b>	means	Coordinator Revenue and Property Services
<b>CSTP</b>	means	Coordinator Strategic Planning
<b>CT</b>	means	Coordinator Traffic
<b>CTM</b>	means	Coordinator Transport Management
<b>CUP</b>	means	Coordinator Urban Planning
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DE</b>	means	Drainage Engineer
<b>DPS</b>	means	Director Places & Spaces
<b>DTE</b>	means	Development Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
<b>DUL</b>	means	Director Urban Living
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<b>LCO</b>	Means	Landscape Compliance Officer
<b>LMPI</b>	means	Lead Major Project Interface
<b>MACP</b>	means	Manager Asset and Capital Planning
<b>MBS</b>	means	Manager Building Services
<b>MCP</b>	means	Manager Capital Projects
<b>MCS</b>	means	Manager Civic Services
<b>MF&amp;I</b>	means	Manager Facilities, Waste and Infrastructure

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<b>MPP</b>	means	Manager City Futures, Manager Urban Planning
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>P&amp;A</b>	means	All Permits and Appeals Staff
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PO</b>	means	Prosecutions Officer
<b>PP</b>	means	Principal Urban Planner
<b>PPM</b>	means	Principal Project Planner Major Project Interface
<b>PSO</b>	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning
<b>PSTP</b>	means	Principal Strategic Planner, Principal Heritage Planner
<b>SDO</b>	means	Senior Drainage Engineer
<b>SO</b>	means	Subdivision Officer or Senior Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer or Urban Planner
<b>Specific Urban Planning Officers</b>	means	MPP, CUP, PAC, PP, SSP, SP, SO and CP
<b>SSP</b>	means	Senior Urban Planner
<b>SSTP</b>	means	Senior Strategic Planner, Senior Strategic Planner Heritage
<b>STP</b>	means	Strategic Planner, Strategic Planner Heritage
<b>Supervising Urban Planning Officers</b>	means	MPP, CUP, PAC and PP
<b>SUPF</b>	means	Senior Urban Planning Forester
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>TLUPF</b>	means	Team Leader Urban Planning Forestry
<b>UPF</b>	means	Urban Planning Forester



3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 22 April 2024; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately after 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) strategyadopted 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.
  - 3.4 As a principle of delegation, no delegation has been assigned to a member of Council staff where that delegation has not also been assigned to the Chief Executive Officer, the relevant Director(s) and their line manager, subject to any other specific requirements or statutory provisions to the contrary.

The Common Seal of the Boroondara  
City Council was hereunto affixed  
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DUL, DPS, DCT, CHP&P, TLHS, MCS, CPLAC	

<b>FOOD ACT 1984</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 &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	CEO, DUL, MCS, CHP&P, TLHS, 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	CEO, DUL, MCS, CHP&P, TLHS, 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	CEO, DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises.
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DUL, MCS, CHP&P, TLHS, 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	CEO, DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 19(6)(b)	Duty to give written notice of a revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority  Note: sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.
s 19AA(4)(c)	Power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, DUL, MCS, CHP&P, TLHS, EHO	Note: the power to direct the matters under s19AA(4)(a) and (b) is not capable of delegation and so such directions must be made by a prior Council resolution
s 19AA(7)	Duty to revoke an order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request a copy of records	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority  Note: Refers to records of the proprietor of the food premises

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19GB	Power to request the proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, DUL, MCS, CHP&P, TLHS, 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))

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority. Proprietors of food premises generally engage private companies or individuals to conduct food safety audits, although councils still have the power to do so
s 19N(2)	Function of receiving notice from the auditor	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DUL, MCS, CHP&P, TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DUL, MCS, CHP&P, TLHS, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39  Fees are determined in the Council's annual budget process

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DUL, MCS, CHP&P, TLHS, 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	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
---	Power to register, or renew the registration of a food premises	CEO, DUL, MCS, CHP&P, TLHS, EHO	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 an online portal.	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority  Note: This provision commences on 1 July 2021, unless proclaimed earlier

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 36B	Duty to pay the charge for use of an online portal.	CEO, DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DUL, MCS, CHP&P, TLHS, 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)	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, DUL, MCS CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	CEO, DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, DUL, MCS CHP&P, TLHS, 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	CEO, DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority

<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 38E(2)	Power to register the food premises on a conditional basis	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority;  not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require the proprietor to comply with the requirements of this Act	CEO, DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, DUL, MCS, CHP&P, TLHS, 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	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CEO, DUL, MCS, CHP&P, TLHS, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, MCS, CHP&P	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, DUL, MCS, CHP&P, TLHS, EHO	

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<b>FOOD ACT 1984</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DUL, MCS, CHP&P	Where Council is the registration authority Subject to the prior approval of the DUL or MCS
s 40E	Duty to comply with direction of the Secretary	CEO, DUL, MCS, CHP&P, TLHS, EHO	
s 40F	Power to cancel the registration of food premises	CEO, DUL, MCS, CHP&P, TLHS	Where Council is the registration authority Subject to the prior approval of the DUL or MCS. The delegation to the TLHS only applies in the absence of the CHP&P
s 43	Duty to maintain records of registration	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority

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<b>FOOD ACT 1984</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing the registration of a component of a food business	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet the requirements in Division 3 and the power to refuse to register the components that do not meet the requirements	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, DUL, MCS, CHP&P, TLHS, EHO, PO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DUL, MCS, CHP&P, EHO, TLHS	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	CEO, DUL	Must first obtain the Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 4H	Duty to make amendments to the VPP available	CEO, DUL MPP, SSTP, CSTP, PSTP, STP		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
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, DUL, MPP, CSTP, PSTP, SSTP, STP		
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, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(1)	Duty to review the planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(2)	Duty of giving copy s 173 agreement	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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 the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP,	Until the end of 2 months after the amendment comes into operation or lapses	
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DUL, All Planning Officers		
s 26(1)	Power to make reports available for inspection	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL, All Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(4)	Duty to make notice of the decision available on Council's	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 32(2)	Duty to give more notice if required	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 36(2)	Duty to give notice of approval of amendments	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 40(1)	Function of lodging a copy of an approved amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</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, DUL, MPP, CSTP, PSTP, SSTP, STP		
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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42(2)	Duty to make copy of the planning scheme available in accordance with the public availability requirements	CEO, DUL, All Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the 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, DUL, MPP, CSTP, PSTP, SSTP, STP	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	
s 46AW	Function of being consulted by the Minister	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers,	Where Council is a responsible public entity	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP, CSTP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP, CSTP, Supervising Urban Planning Officers		
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, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GR(2)	Power to consider a late submission.  Duty to consider a late submission if directed to do so by the Minister.	CEO, DUL, MPP, CSTP. Supervising Urban Planning Officers		
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, DUL, MPP, CSTP. Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
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, DUL, MPP, CSTP, Supervising Urban Planning Officers		

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s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
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, DUL, MPP, CSTP, Supervising Urban Planning Officers		
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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, DUL, All Planning Officers	Where Council is the collecting agency	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DUL, All Planning Officers	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, DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	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	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency	
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	CEO, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, DUL, MPP, CSTP, Supervising Urban Planning Officers	<p>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)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>	
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>	
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, DUL, All Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DUL, MPP, CSTP and Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DUL, MPP, CSTP, CFO, MCP, CRPS, SO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, CFO, MCP, CRPS, SO, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, DUL, MPP, CSTP, CFO, CRPS. Supervising Urban Planning Officers, CFO, MCP, CRPS	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Function of receiving proceeds of a sale	CEO, DUL, MPP, CSTP, CFO, CRPS. Supervising Urban Planning Officers, CFO, MCP, CRPS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, CFO, MCP, CRPS	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, CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, CFO, MCP, CRPS	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a collecting agency or development agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, MCP, CRPS	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, CFO, MCP, CRPS		
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	CEO, DUL, Specific Urban Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DUL, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DUL, Supervising Urban Planning Officers		
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	CEO, DUL, Supervising Urban Planning Officers		
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DUL, Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DUL, Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DUL, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DUL, CFO, Supervising Urban Planning Officers		
s 46Q(1A)	Duty to forward to a 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, DUL, Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the 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, DUL, Supervising Urban Planning Officers		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DUL, MPP	Only applies when levy is paid to Council as a 'development agency'	

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s 46Q(4)(c)	Duty to pay an amount to the 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, DUL, MPP	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, DUL, CSTP, MPP, Supervising Urban Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DUL, MPP	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, DUL, MPP		

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s 46QD	Duty to prepare report and give a report to the Minister	CEO, DUL, Supervising Urban Planning Staff	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, DUL		
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			

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s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it			
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			
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DUL, Supervising Urban Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		

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s 49(2)	Duty to make the Register available for inspection	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 50(4)	Duty to amend applications	CEO, DUL, Specific Urban Planning Officers		
s 50(5)	Power to refuse to amend applications	CEO, DUL, Specific Urban Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	CEO, DUL & Specific Urban Planning Officers, TLPP, PSO		
s 50A(1)	Power to make amendments to applications	CEO, DUL, Specific Urban Planning Officers		
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	CEO, DUL, Specific Urban Planning Officers		

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s 50A(4)	Duty to note amendments to applications in the Register	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 51	Duty to make copies of applications available for inspection	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
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, DUL, Specific Urban Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	CEO, DUL, Specific Urban Planning Officers		

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s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DUL, Specific Urban Planning Officers		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	CEO, DUL, Specific Urban Planning Officers		
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, DUL, Specific Urban Planning Officers		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	CEO, DUL, Specific Urban Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a	CEO, DUL, Specific Urban		

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	registered restrictive covenant	Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DUL, Specific Urban Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DUL, Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DUL, Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	CEO, DUL, Specific Urban Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DUL, Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	CEO, DUL, Specific Urban Planning Officers		

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s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DUL, MPP, Specific Urban Planning Officers	Power to refuse to extend time is limited to CEO, DUL, MPP and Supervising Urban Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	CEO, DUL, Specific Urban Planning Officers		
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	CEO, DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DUL, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	CEO, DUL, Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	CEO, DUL, Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	CEO, DUL, Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DUL, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DUL, Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	CEO, DUL, Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	CEO, DUL, Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	CEO, DUL, MPP	Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.	
s 60	Duty to consider certain matters	CEO, DUL, Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	CEO, DUL, Specific Urban Planning Officers		

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s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	CEO, DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	CEO, DUL, Specific Urban Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has objected to the grant of the permit on any specified ground; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</li> </ul> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL, Specific Urban Planning Officers		<p>The following guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Compliance with the objectives of the Boroondara Planning Scheme and adopted Council Policies</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL, Specific Urban Planning Officers	<p>The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC)</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or DUL, and Specific Urban Planning Officers for any Council application under Clause 67</p>	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	CEO, DUL, Specific Urban Planning Officers	Delegates must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the Planning and Environment Act 1987 or Regulations under that Act  Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning/Manager City Futures (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC)	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DUL, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP, Specific Urban Planning Officers	The Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DUL, Specific Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DUL, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DUL, Specific Urban Planning Officers		
s62(2)	Power to include other conditions	CEO, DUL, Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DUL, Specific Urban Planning Officers		
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DUL, Specific Urban Planning Officers		
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, DUL, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DUL, Specific Urban Planning Officers		
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, DUL, Supervising Urban Planning Officers		
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, DUL, Specific Urban Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	CEO, DUL, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	CEO, DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s57	CEO, DUL, Specific Urban Planning Officers		
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		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, DUL, Specific Urban Planning Officers, TLPP, PSO		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

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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 section 64 or 65	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		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 applications for extensions of time of permits	CEO, DUL, Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	CEO, DUL, MPP, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 69(2)	Power to extend time	CEO, DUL, Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> <li>· whether the time originally allowed was reasonable; or</li> <li>· whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or</li> <li>· whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or</li> <li>· the probability that a fresh application, if made, would be granted.</li> </ul>	
s 70	Duty to make copies of permits available for inspection	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 71(1)	Power to correct certain mistakes	CEO, DUL, Supervising Urban Planning Officers		

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s 71(2)	Duty to note corrections in the Register	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MPP, Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> <li>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</li> </ol> <p>The original application was:</p> <ol style="list-style-type: none"> <li>a. determined by the Urban Planning Delegated Committee; or</li> <li>b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> <li>· no objections to the application for amendment; or</li> <li>· between one (1) and 12 objections received, inclusive, to the application for amendment.</li> </ul> </li> </ol>	Compliance with the Boroondara Planning Scheme and adopted Council Policies.

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			<p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Urban Planning (MPP) and/or Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC )before exercising their delegation</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision</p>	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL, Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	CEO, DUL, Specific Urban Planning Officers, PSO		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority	
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO	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, DUL, Specific Urban Planning Officers, TLPP, PSO	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	

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s 76D	Duty to comply with a direction of the Minister to issue amended permit	CEO, DUL, Specific Urban Planning Officers		
s 83	Function of being the respondent to an appeal	CEO, DUL, Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	CEO, DUL, Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	CEO, DUL, Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	CEO, DUL, Supervising Urban Planning Officers, SSP		

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s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO	Note: "Principal Registrar" means the Principal Registrar of VCAT	
s 84(6)	Duty to issue permits on receipt of advice within 3 business days	CEO, DUL, Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DUL, Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	CEO, DUL, Specific Urban Planning Officers		
s 87(3)(a)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DUL, Supervising Urban Planning Officers		

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s 87(3)(b)(c)(d) and (e)	Power to make a decision relating to the conduct of an application to amend a permit under section 87 (3)(b)(c)(d) and (e) before VCAT, including a decision to settle a proceeding by consent.	CEO, DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• there are twelve (12) or less objector parties to the application;</li> <li>• if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC.</li> </ul>	

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s 87A(2)(a) and (b)	Power to make a decision relating to the conduct of an application to amend a permit under section 87A (2)(a) and (b) before VCAT, including a decision to settle a proceeding by consent.	CEO, DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>there are twelve (12) or less objector parties to the application;</li> <li>if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC</li> </ul>	
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	CEO, DUL and Specific Urban Planning Officers	Officers must exercise delegation in accordance with delegations afforded under Section 61(1) in this Instrument	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	CEO, DUL, Specific Urban Planning Officers		

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s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	CEO, DUL, Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	CEO, DUL, Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	CEO, DUL, Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DUL, MPP		

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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, DUL, MPP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
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, DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96J	Duty to issue permits as directed by the Minister	CEO, DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, MPP		
s 97C	Power to request the Minister to decide the application	CEO, DUL, MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	CEO, DUL, MPP, Specific Urban Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	CEO, DUL, MPP, Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DUL, MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DUL, MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DUL, MPP		
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DUL, MPP, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DUL, MPP, Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DUL, MPP, Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DUL, MPP, Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DUL, MPP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 101	Function of receiving claims for expenses in conjunction with claim	CEO, DUL, MPP		
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DUL, MPP	Note: refers to small claims, ie: a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107	
s 107(1)	Function of receiving claims for compensation	CEO, DUL, MPP		
s 107(3)	Power to agree to extend the time for making claim	CEO, DUL, MPP		
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes			

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DUL, MPP, Supervising Urban Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DUL, MPP, Supervising Urban Planning Officers, SSP, PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DUL, MPP, Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	CEO, DUL, MPP, Supervising Urban Planning Officers		
s 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			

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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, DUL, MPP, Supervising Urban Planning Officers	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applies on an application to the Tribunal	
s 129	Function of recovering penalties	CEO, DUL, MPP		
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DUL and MPP, Supervising Urban Planning Officers, PIO		
s 148B	Power to apply to the Tribunal for a declaration.	CEO, DUL, MPP, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DUL, MPP, Supervising Urban Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DUL, MPP, Supervising Urban Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement 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) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DUL, MPP, SSP, SSTP, STP, CSTP, PSTP	Where council is the relevant planning authority	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DUL, MPP, MACP		
s 171(2)(g)	Power to grant and reserve easements	CEO, DUL, MPP, MACP		
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DUL, DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, DUL, DPS	Where Council is a collecting agency specified in an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CUP, PAC	Subject to a prior Council resolution.	
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, DUL, DCS, MPP, Supervising Urban Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		
---	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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		
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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, CUP, PAC		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, CUP, PAC		
s 178A(1)	Function of receiving an application to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, DE, CD, SDO, CDM&C, Specific Urban Planning Officers, TLPP, PSO		
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, CDM&C, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, SPP, DE, CD, SDO, PSTP, STP, Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTPP, DE, CD, SDO, STP, Specific Urban Planning Officers		
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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDO, Specific Urban Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		

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s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	Must consider matters in s 178B

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	After considering objections, submissions and matters in s 178B

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision	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, CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, Supervising Urban Planning Officers		
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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DUL, DCT, DCS, DPS, MPP, MCS, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, Supervising Urban Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, PSTP, SSTP, STP, DE, CD, SDE.CDM&C, Specific Urban Planning Officers, TLPP, PSO		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP MPP, MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
s 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
s 182	Power to enforce an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, DE, CD, SDO, Supervising Urban Planning Officers and PIO		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
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, DUL, DCT, DCS, DPS, MPP, MCS		
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, DUL, DCT, DCS, DPS, MPP, MCS		

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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, DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP, SO		
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, DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP, SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</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, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 198(1)	Function to receive application for planning certificate	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 199(1)	Duty to give planning certificate to applicant	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DUL, MPP, Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 201(3)	Duty to make declaration	CEO, DUL, MPP and Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	CEO, DUL, MPP, Specific Urban Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• there are no objector parties;</li> <li>• all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference;</li> <li>• if the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul> <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;</li> </ul>	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<ul style="list-style-type: none"> <li>DUL, MPP and Supervising Urban Planning Officers if all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference.</li> <li>If the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul>	

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		
-	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, DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO		
-	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, DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
-	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, DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry Staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers, SSP, All Urban Planning Forestry Staff, PIO		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DUL, MPP, Supervising Urban Planning Officers		
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers		

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<b>RESIDENTIAL TENANCIES ACT 1997</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 &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, DUL, MCS, MPP, MBS	
s 522(1)	Power to give a compliance notice to a person	CEO, DUL, MCS, MPP, MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DUL, MCS, MPP, MBS	
s 525(4)	Duty to issue identity cards to authorised officers	CEO, DUL, MCS, MPP, MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	CEO, DUL, MCS, MPP, MBS	

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s 526A(3)	Function of receiving reports of inspections	CEO, DUL, MCS, MPP, MBS CHP&P, TLHS, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DUL, MCS, MPP, MBS	

<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DPS, MCP, MT&T, MACP	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, DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road
s 11(9)(b)	Duty to advise Registrar	CEO, DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	CEO, DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(2)	Power to discontinue road or part of a road	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copies of notices of proposed discontinuances	CEO, DPS, DCT, MACP,  MCP, MT&T	Power of the 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		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee
s 12(6)	Function of hearing a person in support of their written submission		Function of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee
s 12(7)	Duty to fix day, time and place of the meeting under subsection (6) and to give notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies

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ROAD MANAGEMENT ACT 2004			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(10)	Duty to notify of decision made	CEO, DPS, MCP, MT&T, MACP	Duty of the 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 the Victoria Government Gazette	CEO, DPS, MCP, MT&T, MACP	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, DPS, MT&T, MACP, MFW&I	
s 14(7)	Power to appeal against a decision of the Head, Transport for Victoria	CEO, DPS, MCP, MWI, MT&T, MACP	

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, DPS, MCP, MFW&I, MT&T, MACP	
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, DPS, MCP, MFW&I, MT&T, MACP	
s 15(2)	Duty to include details of an arrangement in the public roads register	CEO, DPS, MT&T, MACP	
s 16(7)	Power to enter into an arrangement under section 15	CEO, DPS, MCP MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	CEO, DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	CEO, DPS, MACP	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in the public roads register	CEO, DPS, MCP, MT&T, MACP	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		Where Council is the coordinating road authority, the power remains with the Council.
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s 18(3)	Duty to record designations in the public roads register	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority
s 19(1)	Duty to keep a register of public roads in respect of which it is the coordinating road authority	CEO, DPS, MT&T, MACP	

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
s 19(4)	Duty to specify details of discontinuances in the public roads register	CEO, DPS, CRPS, MACP	
s 19(5)	Duty to ensure the public roads register is available for public inspection	CEO, DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA, CTM, CT, AP&P, DTO, LMPI, PPM, All Traffic and Transport Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA, AP&P	
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, DPS, MCP, MT&T, MACP	

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ROAD MANAGEMENT ACT 2004			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22(5)	Duty to give effect to a direction under s 22	CEO, DPS, MCP, MT&T, MACP	
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, AP&P, CPA&PA, DTE	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, AP&P, MCS	

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I, CTM, CT, LMPI, CPA&PA, AP&P, MCS	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies  Note: "controlled access road" means a public road in respect of which a declaration is in force under section 42
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof.  Note: "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority

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ROAD MANAGEMENT ACT 2004			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DPS, MT&T, MCP, MACP, MFW&I	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.  Note: section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified 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, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff, DTE	Note: the section refers to bus stopping points and bus stop infrastructure
s 49	Power to develop and publish a road management plan	CEO, DPS, MCP, MACP	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DPS, MCP, MACP	
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	CEO, DPS, MCP, MACP	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at	CEO, DPS, MCP, MACP	

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	prescribed intervals		
s 54(6)	Power to amend a road management plan	CEO, DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	CEO, DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	CEO, DPS, MCP, MT&T, MACP, CT, CTM, LMPI, PPM, All Traffic and Transport Staff, MCS, CPA&PA, AP&P, DTE	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, DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, AP&P, DTE	Where Council is the infrastructure manager

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DPS, MCP, MT&T & MACP	Where Council is the infrastructure manager or works manager  Schedule 7 relates to infrastructure and works on roads. Clause 13 of Schedule 7 requires the works manager to give notice the relevant coordinating authority of the completion of works
s 66(1)	Power to consent to structures etc	CEO, DPS, MCP, MACP, AP&P, CPA&PA, MCS	Where Council is the coordinating road authority  Sections 66 to 79 refer to advertising signs on roads
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	CEO, DPS, MCP, MACP, MCS, CP&PA, P&A, AP&P	Where Council is the coordinating road authority  Note: the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve
s 67(3)	Power to request information	CEO, DPS, MCP, MACP, MCS, P&A, AP&P	Where Council is the coordinating road authority

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68(2)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DPS, DUL, CFO, EMPCD	
s 72	Duty to issue an identity card to each authorised officer	CEO, EMPCD	
s 85	Function of receiving reports from authorised officers	CEO, DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	CEO, DPS, MCP, MT&T, MACP & MCS	Exercising a notice of entry and keeping a register
s 87(1)	Function of receiving complaints	CEO, DPS, MACP, MCP, MT&T & MCS, CPA&PA, P&A, AP&P	
s 87(2)	Duty to investigate complaints and provide reports	CEO, DPS, MCP, MT&T, MACP & MCS, CTM, CT, LMPI, CPA&PA, P&A, AP&P	

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<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DPS, MCP, MT&T, MACP & MCS, CPA&PA, PA&, AP&P	
s 112(2)	Power to recover damages in court	CEO, DPS, MCP, MT&T, MACP & MCS, CPA&PA, P&A, AP&P	Note: the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road
s 116	Power to cause or carry out inspection	CEO, DPS, MCP, MT&T & MACP, AP&P, CPA&PA, P&A,	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DPS, MACP, MT&T & MCP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DPS, MCP, & MACP, CPA&PA, AP&P	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP, AP&P, CPA&PA	Note: fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2020/21, a fee unit is \$14.81
s 123(1)	Power to charge for any service	CEO, DPS, MACP & MCP, AP&P, CPA&PA, P&A, AP&P	Note: <ul style="list-style-type: none"> <li>a) fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</li> <li>b) the charge can include costs relating to <ul style="list-style-type: none"> <li>• supplying a service, product or commodity; or giving information.</li> </ul> </li> </ul>

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DPS, MCP, MACP, CP&PA, AP&P	Note: "controlled access road" means a public road in respect of which a declaration is in force under section 42
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	CEO, DPS, MCP, MACP	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DPS, MCP, MACP	
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, DPS, MCP, MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DPS, MCP, MACP	Where Council is the infrastructure manager or works manager

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
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, DPS, MCP, MACP, CPA&PA, AP&P	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, DPS, MCP, MACP, AP&P, CPA&PA	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, DPS, MCP, MACP, CPA&PA, AP&P	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, DPS, MCP, MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DPS, MCP, MACP, AP&P, CPA&PA, MT&T,	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	CEO, DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DPS, MCP, MACP, AP&P, CPA&PA	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, DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the infrastructure manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
sch 7 cl16(6)	Power to set reasonable conditions on consent	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DPS, MCP, MACP, MCS, CPA&PA, CPAP, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff,	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, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DPS, MCP, MACP, MCS, CPA&PA, P&P	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DPS, MCP, MACP, MT&T, CTM, CT, All Traffic and Transport Staff	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

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<b>ROAD MANAGEMENT ACT 2004</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 &amp; LIMITATIONS</b>
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DPS, MCP, MACP	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, DPS, MCP, MACP	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, DPS, MCP MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<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, DUL, MPP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority
r 21	Power of the 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, DUL, MPP, CUP, PAC, SSP, CP, PSP, PO, SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) in accordance with the public availability requirements	CEO, DUL, MPP	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, DUL, MPP	Where Council is not the responsible authority but the relevant land is within Council's municipal district

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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, DUL, MPP	<p>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or</p> <p>Where the amendment will amend the planning scheme to designate Council as an acquiring authority</p>
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<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</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 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DUL, MPP, CSTP	Where Council is the planning authority  Note: the grounds for waiving or rebating a fee include:  a) where the application is withdrawn and a new application is submitted;  b) the amendment combines separate items from multiple requests for an amendment; and  c) the amendment is intended to remove anomalies in the planning scheme
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MPP, CUP, PAC, PSP	Note: the grounds for waiving or rebating a fee include:  a) where the application is withdrawn and a new application is submitted;  b) the application relates to land used for charitable purposes; and  c) the fee is not warranted due to the minor nature of the application
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r. 19 or 20	CEO, DUL, MPP, CSTP, PSP, PP, PAC, CUP	Where Council is the responsible authority or planning authority

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<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</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 &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, DPS, MCP, MACP	
r 9(2)	Duty to produce a written report of the review of the road management plan and make the report available	CEO, DPS, MCP, & MACP	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendments which relate to the standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DPS, MCP, MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	CEO, DPS, MCP, MACP	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendment	CEO, DPS, MCP, MACP	
r 16 (3)	Power to issue permits	CEO, DPS, MCP, MT&T, & MACP, CPA&PA, AP&P	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</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 &amp; LIMITATIONS</b>
r 18(1)	Power to give written consent regarding damage to roads	CEO, DPS, MCP, MACP, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority
r 23(2)	Power to make submissions to the Tribunal	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P, PO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	CEO, DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DPS, MCP, MACP, MCS, CPA&PA, AP&P	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, DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DPS, MCP & MACP, CPA&PA, AP&P, PO	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CEO, DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	CEO, DPS, MCPMACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority

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## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

## Instrument of Delegation

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

- 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;
- record that references in the Schedule are as follows:

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Urban Planning Department and the City Futures Department
<b>All Road and Path Maintenance Staff</b>	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
<b>All Traffic and Transport Staff</b>	means	All staff in the Traffic and Transport Department
<b>All Urban Planning Forestry Staff</b>	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
<b>AOHS</b>	means	Authorised Officer Health Services
<b>AP&amp;P</b>	means	All staff in Asset Protection and Permits Team
<b>CCO</b>	means	Chief Customer Officer
<b>CD</b>	means	Coordinator Drainage
<b>CDM&amp;C</b>	means	Coordinator Drainage Maintenance & Cleaning
<b>CEO</b>	means	Chief Executive Officer
<b>CFO</b>	means	Chief Financial Officer
<b>CHP&amp;P</b>	means	Coordinator Health, Projects & Prosecutions
<b>CP</b>	means	Counter Planner or Planning Liaison Officer
<b>CPA&amp;PA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>CPLAC</b>	means	Coordinator Parking Local Laws Animal Management and School Crossings
<b>CRPS</b>	means	Coordinator Revenue and Property Services
<b>CSTP</b>	means	Coordinator Strategic Planning
<b>CT</b>	means	Coordinator Traffic
<b>CTM</b>	means	Coordinator Transport Management
<b>CUP</b>	means	Coordinator Urban Planning
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DE</b>	means	Drainage Engineer
<b>DPS</b>	means	Director Places & Spaces
<b>DTE</b>	means	Development Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
<b>DUL</b>	means	Director Urban Living
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<b>LCO</b>	Means	Landscape Compliance Officer
<b>LMPI</b>	means	Lead Major Project Interface
<b>MACP</b>	means	Manager Asset and Capital Planning
<b>MBS</b>	means	Manager Building Services
<b>MCP</b>	means	Manager Capital Projects
<b>MCS</b>	means	Manager Civic Services

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<b>MFW&amp;I</b>	means	Manager Facilities, Waste and Infrastructure
<b>MPP</b>	means	Manager City Futures, Manager Urban Planning
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>P&amp;A</b>	means	All Permits and Appeals Staff
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PO</b>	means	Prosecutions Officer
<b>PP</b>	means	Principal Urban Planner
<b>PPM</b>	means	Principal Project Planner Major Project Interface
<b>PSO</b>	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning
<b>PSTP</b>	means	Principal Strategic Planner, Principal Heritage Planner
<b>SDO</b>	means	Senior Drainage Engineer
<b>SO</b>	means	Subdivision Officer or Senior Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer or Urban Planner
<b>Specific Urban Planning Officers</b>	means	MPP, CUP, PAC, PP, SSP, SP, SO and CP
<b>SSP</b>	means	Senior Urban Planner
<b>SSTP</b>	means	Senior Strategic Planner, <del>Senior Strategic Planner</del> <u>Heritage</u>
<b>STP</b>	means	Strategic Planner, <del>Strategic Planner</del> <u>Heritage Planner</u>
<b>Supervising Urban Planning Officers</b>	means	MPP, CUP, PAC and PP
<b>SUPF</b>	means	Senior Urban Planning Forester
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>TLUPF</b>	means	Team Leader Urban Planning Forestry
<b>UPF</b>	means	Urban Planning Forester

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3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~25 March 2024~~ 22 April 2024 and
- 3.2 the delegation:
- 3.2.1 comes into force immediately after 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) strategyadopted 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.
- 3.4 As a principle of delegation, no delegation has been assigned to a member of Council staff where that delegation has not also been assigned to the Chief Executive Officer, the relevant Director(s) and their line manager, subject to any other specific requirements or statutory provisions to the contrary.

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The Common Seal of the Boroondara  
City Council was hereunto affixed  
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	<u>CEO</u> , DUL, DPS, DCT, CHP&P, TLHS, MCS, CPLAC	

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<b>FOOD ACT 1984</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 &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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of a revocation under s 19(6)(a) if satisfied that an order has been complied with	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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)	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority. Note: sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.

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<b>FOOD ACT 1984</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 &amp; LIMITATIONS</b>
s 19AA(4)(c)	Power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Note: the power to direct the matters under s19AA(4)(a) and (b) is not capable of delegation and so such directions must be made by a prior Council resolution
s 19AA(7)	Duty to revoke an order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority-
s 19CB(4)(b)	Power to request a copy of records	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority- Note: Refers to records of the proprietor of the food premises-
s 19E(1)(d)	Power to request a copy of the food safety program	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority-
s 19EA(3)	Function of receiving copy of revised food safety program	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19GB	Power to request the proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority-
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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))

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority. Proprietors of food premises generally engage private companies or individuals to conduct food safety audits, although councils still have the power to do so.
s 19N(2)	Function of receiving notice from the auditor	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39. Fees are determined in the Council' s annual budget process.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
---	Power to register, or renew the registration of a food premises	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	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 an online portal.	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 36B	Duty to pay the charge for use of an online portal.	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, 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)	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority.

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<b>FOOD ACT 1984</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 &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	<u>CEO</u> , DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority.
s 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	<u>CEO</u> , DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	<u>CEO</u> , DUL, MCS CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38F(3)(b)	Power to require the proprietor to comply with the requirements of this Act	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, 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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, AOHS	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	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	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	<u>CEO</u> , MCS, CHP&P	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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>	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority.
s 40D(1)	Power to suspend or revoke the registration of food premises	<u>CEO</u> , DUL, MCS, CHP&P	Where Council is the registration authority. Subject to the prior approval of the <u>DUL or MCS</u> .
s 40E	Duty to comply with direction of the Secretary	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	
s 40F	Power to cancel the registration of food premises	<u>CEO</u> , DUL, MCS, CHP&P, TLHS	Where Council is the registration authority <del>Note: This provision commences on 1 July 2021, unless proclaimed earlier.</del> Subject to the prior approval of the <u>DUL or MCS</u> . The delegation to the TLHSA only applies in the absence of the CHP&P.
s 43	Duty to maintain records of registration	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing the registration of a component of a food business	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43F(7)	Power to register the components of the food business that meet the requirements in Division 3 and the power to refuse to register the components that do not meet the requirements	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	<u>CEO</u> , DUL, MCS, CHP&P, TLHS, EHO, PO	
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	<u>CEO</u> , DUL, MCS, CHP&P, EHO, TLHS	Where Council is the registration authority

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HERITAGE ACT 2017			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	<u>CEO</u> , DUL	Must first obtain the Executive Director's written consent.  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.

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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 4H	Duty to make amendments to the VPP available	<u>CEO</u> , DUL MPP, SSTP, CSTP, PSTP, STP		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(5)	Function of receiving notice of the Minister's decision	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
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	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
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	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(1)	Duty to review the planning scheme	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(2)	Duty to review planning scheme at direction of Minister	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(1)	Duty of giving copy amendment to the planning scheme	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(2)	Duty of giving copy s 173 agreement	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		

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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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 the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP,	Until the end of 2 months after the amendment comes into operation or lapses	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	<del>CEO</del> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	<del>CEO</del> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	<del>CEO</del> , DUL, All Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 26(1)	Power to make reports available for inspection	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL, All Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	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, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(4)	Duty to make notice of the decision available on Council's	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 30(4)(a)	Duty to say if amendment has lapsed	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(b)	Duty to provide information in writing upon request	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 32(2)	Duty to give more notice if required	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 33(1)	Duty to give more notice of changes to an amendment	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 36(2)	Duty to give notice of approval of amendments	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 38(5)	Duty to give notice of revocation of an amendment	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 40(1)	Function of lodging a copy of an approved amendment	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	<del>CEO</del> , DUL, MPP, CSTP, PSTP, SSTP, STP		
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	<del>CEO</del> , DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42(2)	Duty to make copy of the planning scheme available in accordance with the public availability requirements	<del>CEO</del> , DUL, <del>-</del> & All Planning Officers		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the 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	<del>CEO</del> , DUL, MPP, CSTP, PSTP, SSTP, STP	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.	
s 46AW	Function of being consulted by the Minister	<del>CEO</del> , DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers,	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	<u>CEO</u> , DUL, MPP, CSTP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	<a href="#">CEO</a> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GR(2)	Power to consider a late submission.  Duty to consider a late submission if directed to do so by the Minister.	<a href="#">CEO</a> , DUL, MPP, CSTP. Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<u>CEO</u> , DUL, MPP, CSTP. Supervising Urban Planning Officers		
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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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)	<u>CEO</u> , DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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)	<u>CEO</u> , DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	

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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	<u>CEO, DUL</u> , MPP, CSTP, SO, Supervising Urban Planning Officers		
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	<u>CEO, DUL</u> , MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	<u>CEO, DUL</u> , MPP, CSTP, SO, Supervising Urban Planning Officers	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	<u>CEO, DUL</u> , MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	<u>CEO, DUL</u> , All Planning Officers	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>	<u>CEO, DUL</u> , All Planning Officers	Where Council is the collecting agency	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<u>CEO</u> , DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	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	<u>CEO</u> , DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where the Council is the planning authority.  This duty does not apply where Council is also the collecting agency.	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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	<u>CEO</u> , DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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)	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency	
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	CEO, DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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, DUL, MPP, CSTP, Supervising Urban Planning Officers	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	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(9)	Function of receiving the fee simple in the land	<u>CEO, DUL</u> , MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	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	<u>CEO, DUL</u> , All Planning Officers	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>	<u>CEO, DUL</u> , MPP, CSTP, Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	<u>CEO, DUL</u> , MPP, CSTP, Supervising Urban Planning Officers	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	<u>CEO, DUL</u> , MPP, CSTP, Supervising Urban Planning Officers	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)	<u>CEO, DUL</u> , MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	

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s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	<u>CEO</u> , DUL, MPP, CSTP and Supervising Urban Planning Officers	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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	<u>CEO</u> , DUL, MPP, CSTP, CFO, MCP, CRPS, SO, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency	

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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)	<u>CEO, DUL, MPP, CSTP, Supervising Urban Planning Officers</u>	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	<u>CEO, DUL, MPP, CSTP, CFO, MCP, CRPS, SO, Supervising Urban Planning Officers</u>	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)  <del>Function of receiving proceeds of a sale</del>	<u>CEO, DUL, MPP, CSTP, CFO, CRPS. Supervising Urban Planning Officers, CFO, MCP, CRPS</u>	Where Council is the development agency under an approved infrastructure contributions plan  <del>Where Council is the collection agency under an approved infrastructure contributions plan</del>  <del>This provision does not apply where Council is also the development agency</del>	
<u>s 46GZF(3)</u>	<u>Function of receiving proceeds of a sale</u>	<u>CEO, DUL, MPP, CSTP, CFO, CRPS. Supervising Urban Planning Officers, CFO, MCP, CRPS</u>	<u>Where Council is the collection agency under an approved infrastructure contributions plan</u>  <u>This provision does not apply where Council is also the development agency</u>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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)	<u>CEO</u> , CFO, MCP, CRPS	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)	<u>CEO</u> , CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	<u>CEO</u> , CFO, MCP, CRPS	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	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers	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	<u>CEO</u> , MCP, CRPS	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)	<u>CEO</u> , CFO, MCP, CRPS		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	<u>CEO</u> , DUL, CFO, Supervising Urban Planning Officers		

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s 46Q(1A)	Duty to forward to a 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	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the 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.	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	<u>CEO</u> , DUL, MPP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the 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)	<u>CEO</u> , DUL, MPP	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	<u>CEO</u> , DUL, CSTP, MPP, Supervising Urban Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	<u>CEO</u> , DUL, MPP	With the consent of, and in the manner approved by, the Minister	

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s 46QC	Power to recover any amount of levy payable under Part 3B	<u>CEO, DUL</u> , MPP		
s 46QD	Duty to prepare report and give a report to the Minister	<u>CEO, DUL</u> , Supervising Urban Planning Staff	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	<u>CEO, DUL</u>		
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			
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it			
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			

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s 46Y	Duty to carry out works in conformity with the approved strategy plan	<a href="#">CEO</a> , DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	<a href="#">CEO</a> , DUL, Supervising Urban Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	<a href="#">CEO</a> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 49(2)	Duty to make the Register available for inspection	<a href="#">CEO</a> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 50(4)	Duty to amend applications	<a href="#">CEO</a> , DUL, Specific Urban Planning Officers		
s 50(5)	Power to refuse to amend applications	<a href="#">CEO</a> , DUL, Specific Urban Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	<a href="#">CEO</a> , DUL & Specific Urban Planning Officers, TLPP, PSO		
s 50A(1)	Power to make amendments to applications	<a href="#">CEO</a> , DUL, Specific Urban Planning Officers		

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s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 51	Duty to make copies of applications available for inspection	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
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	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	<u>CEO</u> , DUL, Specific Urban Planning Officers		
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	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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s 54(1A)	Duty to give notice in writing of information required under s 54(1)	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers	Power to refuse to extend time is limited to <u>-CEO</u> , DUL, MPP and Supervising Urban Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		

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s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	<u>CEO</u> , DUL, MPP	Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.	

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s 60	Duty to consider certain matters	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	<u>CEO</u> , DUL, Specific Urban Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has objected to the grant of the permit on any specified ground; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</li> </ul> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>	

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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	<u>CEO</u> , DUL, Specific Urban Planning Officers		<p>The following guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Compliance with the objectives of the Boroondara Planning Scheme and adopted Council Policies.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p>

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	<u>CEO</u> , DUL, Specific Urban Planning Officers	<p>The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	<u>CEO</u> , DUL, Specific Urban Planning Officers	Delegates must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the Planning and Environment Act 1987 or Regulations under that Act.  Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning/Manager City Futures (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers	The Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s62(2)	Power to include other conditions	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	<u>CEO</u> , DUL, Specific Urban Planning Officers		
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	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	<u>CEO</u> , DUL, Specific Urban Planning Officers		
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)	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
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)	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	<u>CEO</u> , DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	<u>CEO</u> , DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	<u>CEO</u> , DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 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	<u>CEO</u> , DUL, Specific Urban Planning Officers		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 s57	<u>CEO</u> , DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		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	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		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

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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 section 64 or 65	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		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 applications for extensions of time of permits	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
s 69(2)	Power to extend time	<u>CEO</u> , DUL, Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> <li>· whether the time originally allowed was reasonable; or</li> <li>· whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or</li> <li>· whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or</li> <li>· the probability that a fresh application, if made, would be granted.</li> </ul>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 70	Duty to make copies of permits available for inspection	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 71(1)	Power to correct certain mistakes	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MPP, Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> <li>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</li> <li><del>2.</del> The original application was: <ol style="list-style-type: none"> <li>a. determined by the Urban Planning Delegated Committee; or</li> <li>b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> <li>· no objections to the application for amendment; or</li> <li>· between one (1) and 12 objections received, inclusive, to the application for</li> </ul> </li> </ol> </li> </ol>	Compliance with the Boroondara Planning Scheme and adopted Council Policies.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>amendment.</p> <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Urban Planning (MPP) and/or Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision</p> <p>3. _____</p>	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL, Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	CEO, DUL, Specific Urban Planning Officers, PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Urban Planning Officers, TLPP, PSO		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority	
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	<del>CEO</del> , DUL, Specific Urban Planning Officers, TLPP, PSO	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	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO	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 a direction of the Minister to issue amended permit	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 83	Function of being the respondent to an appeal	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	<u>CEO</u> , DUL, Supervising Urban Planning Officers, SSP		
s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO	Note: —“Principal Registrar” means the Principal Registrar of VCAT.	
s 84(6)	Duty to issue permits on receipt of advice within 3 business days	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	<u>CEO</u> , DUL, Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 87(3)(a)	Power to apply to VCAT for the cancellation or amendment of a permit	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 87(3)(b)(c)(d) and (e)	Power to make a decision relating to the conduct of an application to amend a permit under section 87 (3)(b)(c)(d) and (e) before VCAT, including a decision to settle a proceeding by consent.	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>there are twelve (12) or less objector parties to the application;</li> <li>if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor</li> </ul>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			nature only and the decision is consistent with previous decision of the UPDC.	
s 87A(2)(a) and (b)	Power to make a decision relating to the conduct of an application to amend a permit under section 87A (2)(a) and (b) before VCAT, including a decision to settle a proceeding by consent.	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>there are twelve (12) or less objector parties to the application;</li> <li>if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC</li> </ul>	
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	<u>CEO</u> , DUL and Specific Urban Planning Officers	Officers must exercise delegation in accordance with delegations afforded under Section 61(1) in this Instrument	
s 91(2)	Duty to comply with the directions of VCAT	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	<u>CEO</u> , DUL, Specific Urban Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	<u>CEO</u> , DUL, Specific Urban Planning Officers, TLPP, PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	<u>CEO</u> , DUL, Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 95(3)	Function of referring certain applications to the Minister	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	<u>CEO</u> , DUL, Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	<u>CEO</u> , DUL, MPP		
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	<u>CEO</u> , DUL, MPP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		

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s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	<u>CEO</u> , DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96J	Duty to issue permits as directed by the Minister	<u>CEO</u> , DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	<u>CEO</u> , DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
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	<u>CEO</u> , DUL, MPP		
s 97C	Power to request the Minister to decide the application	<u>CEO</u> , DUL, MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		

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	an application			
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	<u>CEO</u> , DUL, MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	<u>CEO</u> , DUL, MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	<u>CEO</u> , DUL, MPP		
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	<u>CEO</u> , DUL, MPP		
s 101	Function of receiving claims for expenses in conjunction with claim	<u>CEO</u> , DUL, MPP		
s 103	Power to reject a claim for compensation in certain circumstances	<u>CEO</u> , DUL, MPP	Note: <u>—</u> refers to small claims, ie: a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.	
s 107(1)	Function of receiving claims for compensation	<u>CEO</u> , DUL, MPP		
s 107(3)	Power to agree to extend the time for making claim	<u>CEO</u> , DUL, MPP		

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s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes			
s 114(1)	Power to apply to the VCAT for an enforcement order	<u>CEO, DUL, MPP, Supervising Urban Planning Officers</u>		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	<u>CEO, DUL, MPP, Supervising Urban Planning Officers, SSP, PIO</u>		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	<u>CEO, DUL, MPP, Supervising Urban Planning Officers</u>		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	<u>CEO, DUL, MPP, Supervising Urban Planning Officers</u>		
<u>s 123(2)</u>	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			
<u>s 125(1)</u>	<u>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.</u>	<u>CEO, DUL, MPP, Supervising Urban Planning Officers</u>	<u>Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.</u>	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 129	Function of recovering penalties	<del>CEO</del> , DUL, MPP		
s 130(5)	Power to allow person served with an infringement notice further time	<del>CEO</del> , DUL and MPP, Supervising Urban Planning Officers, <del>PIO</del>		
<u>s 148B</u>	<u>Power to apply to the Tribunal for a declaration.</u>	<u>CEO, DUL, MPP, Supervising Urban Planning Officers</u>		
s 149A(1)	Power to refer a matter to the VCAT for determination	<del>CEO</del> , DUL, MPP, Supervising Urban Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	<del>CEO</del> , DUL, MPP, Supervising Urban Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement 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) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	<del>CEO</del> , DUL, MPP, SSP, SSTP, STP, CSTP, PSTP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	<del>CEO</del> , DUL, MPP, MACP		
s 171(2)(g)	Power to grant and reserve easements	<del>CEO</del> , DUL, MPP, MACP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	<u>CEO, DUL</u> , DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	<u>CEO, DUL</u> , DPS	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)	<u>CEO, DUL</u> , DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	<u>CEO, DUL</u> , DCT, DCS, DPS, MACP, MPP, MCS, <u>CUP, PAC</u>	Subject to a prior Council resolution.	
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	<u>CEO, DUL</u> , DCS, MPP, Supervising Urban Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	<u>CEO, DUL</u> , DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
---	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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, <u>CUP</u> , <u>PAC</u>		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, <u>CUP</u> , <u>PAC</u>		
s 178A(1)	Function of receiving an application to amend or end an agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, DE, CD, SDO, CDM&C, Specific Urban Planning Officers, TLPP, PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, CDM&C, Supervising Urban Planning Officers		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, SPP, DE, CD, SDO, PSTP, STP, Specific Urban Planning Officers		
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTPP, DE, CD, SDO, STP, Specific Urban Planning Officers		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDO, Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178C(4)	Function of determining how to give notice under s 178C(2)	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision-	Must consider matters in s. 178B

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s. 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s. 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s. 178B

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision-	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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision-	After considering objections, submissions and matters in s. 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision-	After considering objections, submissions and matters in s. 178B

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	<u>CEO, CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, Supervising Urban Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, Supervising Urban Planning Officers		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		
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, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DUL, DCT, DCS, DPS, MPP, MCS, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, Supervising Urban Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, PSTP, SSTP, STP, DE, CD, SDE, CDM&C, Specific Urban Planning Officers, TLPP, PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 181	Duty to apply to the Registrar of Titles to record the agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP MPP, MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
<del>s</del> s 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
s 182	Power to enforce an agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, DE, CD, SDO, Supervising Urban Planning Officers and PIO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	<u>CEO</u> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP <del>and</del> SO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP <del>and</del> SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP <del>and</del> SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP <del>and</del> SO		
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	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 198(1)	Function to receive application for planning certificate	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 199(1)	Duty to give planning certificate to applicant	<u>CEO</u> , DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officers		
<u>s</u> 201(3)	Duty to make declaration	<u>CEO</u> , DUL, MPP and Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	<u>CEO</u> , DUL, MPP, Specific Urban Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• there are no objector parties;</li> <li>• all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference;</li> <li>• if the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul> <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;</li> <li>• DUL, MPP and Supervising Urban Planning Officers if all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference.</li> <li>• If the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul>	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		
-	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	<u>CEO</u> , DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO		
-	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	<u>CEO</u> , DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	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	<u>CEO</u> , DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry Staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	

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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to give written authorisation in accordance with a provision of a planning scheme	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers, SSP, All Urban Planning Forestry Staff, PIO		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	<u>CEO</u> , DUL, MPP, Supervising Urban Planning Officers		
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	<u>CEO</u> , DUL, MPP, CSTP, Supervising Urban Planning Officers		

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	<u>CEO</u> , DUL, MCS, MPP, MBS	
s 522(1)	Power to give a compliance notice to a person	<u>CEO</u> , DUL, MCS, MPP, MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	<u>CEO</u> , DUL, MCS, MPP, MBS	
s 525(4)	Duty to issue identity cards to authorised officers	<u>CEO</u> , DUL, MCS, MPP, MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	<u>CEO</u> , DUL, MCS, MPP, MBS	
s 526A(3)	Function of receiving reports of inspections	<u>CEO</u> , DUL, MCS, MPP, MBS CHP&P, TLHS, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	<u>CEO</u> , DUL, MCS, MPP, MBS	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	<u>CEO</u> , DPS, MCP, MT&T, MACP	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	<u>CEO</u> , DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	<u>CEO</u> , DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	<u>CEO</u> , DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	<u>CEO</u> , DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	<u>CEO</u> , DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copies of notices of proposed discontinuances	<u>CEO</u> , DPS, DCT, MACP, MCP, MT&T	Power of the 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		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(6)	Function of hearing a person in support of their written submission		Function of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.
s 12(7)	Duty to fix day, time and place of the meeting under subsection (6) and to give notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(10)	Duty to notify of decision made	CEO, DPS, MCP, MT&T, MACP	Duty of the 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 the Victoria Government Gazette	CEO, DPS, MCP, MT&T, MACP	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, DPS, MT&T, MACP, MFW&I	
s 14(7)	Power to appeal against a decision of the Head, Transport for Victoria	CEO, DPS, MCP, MWI, MT&T, MACP	
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, DPS, MCP, MFW&I, MT&T, MACP	
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, DPS, MCP, MFW&I, MT&T, MACP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 15(2)	Duty to include details of an arrangement in the public roads register	<u>CEO</u> , DPS, MT&T, MACP	
s 16(7)	Power to enter into an arrangement under section 15	<u>CEO</u> , DPS, MCP, MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	<u>CEO</u> , DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	<u>CEO</u> , DPS, MACP	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	<u>CEO</u> , DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in the public roads register	<u>CEO</u> , DPS, MCP, MT&T, MACP	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		Where Council is the coordinating road authority, <u>the</u> power remains with the Council.
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	<u>CEO</u> , DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	<u>CEO</u> , DPS, MT&T, MACP	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s 18(3)	Duty to record designations in the public roads register	<u>CEO</u> , DPS, MT&T, MACP	Where Council is the coordinating road authority
s 19(1)	Duty to keep a register of public roads in respect of which it is the coordinating road authority	<u>CEO</u> , DPS, MT&T, MACP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)	Duty to specify details of discontinuances in the public roads register	<u>CEO</u> , DPS, CRPS, MACP	
s 19(5)	Duty to ensure the public roads register is available for public inspection	<u>CEO</u> , DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	<u>CEO</u> , DPS, MCP, MT&T, MACP, MCS, CPA&PA, CTM, CT, AP&P, DTO, LMPI, PPM, All Traffic and Transport Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	<u>CEO</u> , DPS, MCP, MT&T, MACP, MCS, CPA&PA, AP&P	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	<u>CEO</u> , DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	<u>CEO</u> , DPS, MCP, MT&T, MACP	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, AP&P, CPA&PA, DTE	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, AP&P, MCS	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I, CTM, CT, LMPI, CPA&PA, AP&P, MCS	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies Note:- "controlled access road" means a public road in respect of which a declaration is in force under section 42.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof.  Note:— “specified road” means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DPS, MT&T, MCP, MACP, MFW&I	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.  Note:— section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified 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, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	<del>CEO</del> , DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff, DTE	Note <del>—</del> : the section refers to bus stopping points and bus stop infrastructure.
s 49	Power to develop and publish a road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 51	Power to determine standards by incorporating the standards in a road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 54(2)	Duty to give notice of proposal to make a road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	<del>CEO</del> , DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	<del>CEO</del> , DPS, MCP, MACP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(1)	Power to consent to conduct of works on road	CEO, DPS, MCP, MT&T, MACP, CT, CTM, LMPI, PPM, All Traffic and Transport Staff, MCS, CPA&PA, AP&P, DTE	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, DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, AP&P, DTE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DPS, MCP, MT&T & MACP	Where Council is the infrastructure manager or works manager  Schedule 7 relates to infrastructure and works on roads. Clause 13 of Schedule 7 requires the works manager to give notice the relevant coordinating authority of the completion of works
s 66(1)	Power to consent to structures etc	CEO, DPS, MCP, MACP, AP&P, CPA&PA, MCS	Where Council is the coordinating road authority  Sections 66 to 79 refer to advertising signs on roads
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	CEO, DPS, MCP, MACP, MCS, CP&PA, P&A, AP&P	Where Council is the coordinating road authority  Note: —the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 67(3)	Power to request information	<u>CEO</u> , DPS, MCP, MACP, MCS, P&A, AP&P	Where Council is the coordinating road authority.
s 68(2)	Power to request information	<u>CEO</u> , DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer	<u>CEO</u> , DPS, DUL, CFO, EMPCD	
s 72	Duty to issue an identity card to each authorised officer	<u>CEO</u> , EMPCD	
s 85	Function of receiving reports from authorised officers	<u>CEO</u> , DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	<u>CEO</u> , DPS, MCP, MT&T, MACP & MCS	Exercising a notice of entry and keeping a register
s 87(1)	Function of receiving complaints	<u>CEO</u> , DPS, MACP, MCP, MT&T & MCS, CPA&PA, P&A, AP&P	
s 87(2)	Duty to investigate complaints and provide reports	<u>CEO</u> , DPS, MCP, MT&T, MACP & MCS, CTM, CT, LMPI, CPA&PA, P&A, AP&P	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	<u>CEO</u> , DPS, MCP, MT&T, MACP & MCS, CPA&PA, PA&, AP&P	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 112(2)	Power to recover damages in court	CEO, DPS, MCP, MT&T, MACP & MCS, CPA&PA, P&A, AP&P	Note: — the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road
s 116	Power to cause or carry out inspection	CEO, DPS, MCP, MT&T & MACP, AP&P, CPA&PA, P&A,	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DPS, MACP, MT&T & MCP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DPS, MCP, & MACP, CPA&PA, AP&P	
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, DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP, AP&P, CPA&PA	Note: — fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2020/21, a fee unit is \$14.81.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(1)	Power to charge for any service	<u>CEO</u> , DPS, MACP & MCP, AP&P, CPA&PA, P&A, AP&P	Note: a) fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and b) the charge can include costs relating to • supplying a service, product or commodity; or giving information.
Sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	<u>CEO</u> , DPS, MCP, MACP, CP&PA, AP&P	Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42
sch 2 cl 3(1)	Duty to make policy about controlled access roads	<u>CEO</u> , -DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	- <u>CEO</u> , DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	<u>CEO</u> , DPS, MCP, MACP	
sch 2 cl 5	Duty to publish notice of declaration	<u>CEO</u> , DPS, MCP, MACP	
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	<u>CEO</u> , DPS, MCP, MACP	Where Council is the infrastructure manager or works manager

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	<u>CEO</u> , DPS, MCP, MACP	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	<u>CEO</u> , DPS, MCP, MACP, CPA&PA, AP&P	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	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA	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	<u>CEO</u> , DPS, MCP, MACP, CPA&PA, AP&P	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	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	<u>CEO</u> , DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA, MT&T,	Where Council is the coordinating road authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl12(5)	Power to recover costs	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA	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)	<u>CEO</u> , DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(5)	Power to consent to proposed works	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, CPAP, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff,	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	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

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sch 7 cl 18(1)	Power to enter into an agreement	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, P&P	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	<u>CEO</u> , DPS, MCP, MACP, MT&T, CTM, CT, All Traffic and Transport Staff	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	<u>CEO</u> , DPS, MCP, MACP	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	<u>CEO</u> , DPS, MCP, MACP	Where Council is the responsible road authority

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	<del>CEO</del> , DPS, MCP MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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PLANNING AND ENVIRONMENT REGULATIONS 2015			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	<del>CEO</del> , DUL, MPP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of the 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, DUL, MPP, CUP, PAC, SSP, CP, PSP, PO, SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) in accordance with the public availability requirements	<del>CEO</del> , DUL, MPP	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, DUL, MPP	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, DUL, MPP	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.

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PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	<u>CEO</u> , DUL, MPP, CSTP	Where Council is the planning authority. Note: <del>—</del> the grounds for waiving or rebating a fee include: a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	<u>CEO</u> , DUL, MPP, CUP, PAC, PSP	Note: <del>—</del> the grounds for waiving or rebating a fee include: a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	<u>CEO</u> , DUL, MPP, CSTP, PSP, PP, PAC, CUP	Where Council is the responsible authority or planning authority.

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	<u>CEO</u> , DPS, MCP, MACP	
r 9(2)	Duty to produce a written report of the review of the road management plan and make the report available	<u>- CEO</u> , DPS, MCP, & MACP	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	<u>CEO</u> , DPS, MCP, & MACP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendments which relate to the standard of construction, inspection, maintenance or repair under s 41 of the Act	<u>CEO</u> , DPS, MCP, MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	<u>CEO</u> , DPS, MCP, MACP	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendment	<u>CEO</u> , DPS, MCP, MACP	
r 16 (3)	Power to issue permits	<u>CEO</u> , DPS, MCP, MT&T, & MACP, CPA&PA, AP&P	Where Council is the coordinating road authority
r 18(1)	Power to give written consent regarding damage to roads	<u>CEO</u> , DPS, MCP, MACP, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23(2)	Power to make submissions to the Tribunal	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P, PO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	<u>CEO</u> , DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	<u>CEO</u> , DPS, MCP, MACP, MCS, CPA&PA, AP&P	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))	<u>CEO</u> , DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	<u>CEO</u> , DPS, MCP & MACP, CPA&PA, AP&P, PO	

S6 Instrument of Delegation to Members of Council Staff

~~December 20~~  
~~April 23~~  
~~March 2024~~  
 Page 101 of 102

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	<u>CEO</u> , DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	<u>CEO</u> , DPS, MCPMACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority

## 7.2 Instrument of Appointment and Authorisation - Environment Protection Act 2017 & Planning and Environment Act 1987

### Executive Summary

#### Purpose

This report brings to two Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* and the *Planning and Environment Act 1987* to consider executing. These Instruments propose to appoint and authorise staff in the Urban Living Directorate to regulate:

- On-site wastewater management systems not exceeding 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

#### Background

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and for relevant Instruments of Appointment and Authorisation to be refreshed regularly.

To ensure that the Instruments are up to date and account for staffing changes within the organisation, officers undertake a review of the Instruments bi-annually. The last review of this Instrument occurred in December 2023. Council last adopted an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* in February 2024.

There were no legislative changes relevant in the current review requiring change to the Instruments. The changes to the Instruments relate to staffing arrangements in the Urban Living Directorate.

#### Key Issues

Officers present a refreshed Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**), and an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 2**) for adoption.

#### Next Steps

The Instruments will be refreshed as needed to ensure any staffing changes within the Urban Living Directorate are captured.



## Officers' recommendation

1. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Boroondara City Council resolves that:
  - a) The members of Council staff referred to in the Instrument (**Attachment 1** as annexed to the minutes) be appointed and authorised as set out in the Instrument.
  - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
  - c) The Instrument be sealed.
2. That Council resolve, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, that:
  - a) The members of Council staff referred to in the Instrument of Appointment and Authorisation (**Attachment 2** as annexed to the minutes) be appointed and authorised as set out in the Instrument.
  - b) The Instrument of Appointment and Authorisation comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
  - c) The instrument of Appointment and Authorisation be sealed.

---

**Responsible director:** Phillip Storer, Chief Executive Officer

---

**1. Purpose**

The purpose of this report is for Council to review and adopt the Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**), and the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 2**).

**2. Policy implications and relevance to community plan and council plan**

The Instruments relate to Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instruments are also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

**3. Background**

Instrument of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration is based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers authorised under the *Planning and Environment Act 1987* and *Environment Protection Act 2017* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis. The Instruments are reviewed by Governance as required to ensure they are up to date. The previous reviews occurred in September and October of 2023.

The *Environment Protection Act 2017* and *Environment Protection Regulations 2021* came into effect on 1 July 2021.

Council received formal notifications from the EPA in June 2021 to advise that they had delegated new powers to councils under the Act. The delegation applies to the regulation of:

- On-site wastewater management systems not exceeding 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

**4. Outline of key issues/options**

By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council Staff.

Where Council has sub-delegated EPA powers and functions under s 437(2) of the Act, the members of Council staff must be authorised officers under s 242(2) of the Act. As such, an Instrument of Appointment and Authorisation authorising officers from the Civic Services Department has been prepared at **Attachment 1** to this report.

A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework. Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber. Further, authorised officers must exercise the powers in accordance with the EPA's approved Instrument of Direction.

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* authorises officers from the Planning and Placemaking Department. A copy of the Instrument is at **Attachment 2**.

The attached Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**) and Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 2**) are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

To ensure that the Instruments are up to date and account for staffing changes in the organisation, officers undertake a review of the Instruments bi-annually. There were no legislative changes relevant to the current review, as such the changes merely capture changes in staffing arrangements in the Urban Living Directorate.

#### **5. Consultation/communication**

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

Consultation with the Urban Living Directorate has taken place in preparation of the proposed Instruments.

#### **6. Financial and resource implications**

The costs to prepare and adopt the revised Instruments are minimal and will be met within the current Governance and Legal departmental budget.

#### **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

#### **8. Social and environmental issues**

Effective and efficient delegations and authorisations will reinforce public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance within the municipality.

**Manager:** Bryan Wee, Manager Governance and Legal

**Report officer:** Liam Merrifield, Senior Governance Officer

## **Boroondara City Council**

### **Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)**

## Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "**officer**" means -

Andre Peters	Parking and Traffic Team Leader
Alex Ilievski	Parking Officer
Alice Haskett	Prosecutions Officer
Anastasia Matete	Parking Officer
Andrew Salisbury	Senior Parking Officer
Brad McMahon	Supervisor Asset Protection Enforcement
Cailin Johnston	Senior Permits and Appeals Officer
Can Doruk	Parking Officer
Chris McKee	Parking Officer Casual
Ciaran Hartnett	Permits Officer
Danielle Facey	Permits Officer
Eileen Clinch	Animal Management Officer
Ellen Hill	Environmental Health Officer
Elita Schwab	Environmental Health Officer
Florin Boiciuc	Parking Officer
Gabriel Dorning	Animal Management Officer
Heidi Beecher	Asset Protection Enforcement Team Leader
Iona Mitchell	Permits Officer
Jai Ghotra	Permits Officer
James Sidonie	Animal Management Officer
Jamie Chinga	Parking Officer
Giuseppe (Joe) Luppino	Parking Officer
Joe Peluso	Parking Officer
John Privitelli	Local Laws Officer
Jorge Contreras	Parking Officer
Joseph Climacus	Parking Officer
Joseph Elbaum	Asset Protection Enforcement Officer
Junne Matondo	Technical Officer - Asset Protection
Karanvir Singh	Parking Officer
Katerina Sioulas	Environmental Health Officer
Leanne Roberts	Asset Protection Enforcement Officer
Leonardo (Leo) Manca	Coordinator Health, Projects and Prosecutions
Lorenzo Gullone	Environmental Health Officer
Matthew (Matt) Aitken	Prosecutions Lead
Matthew Juers	Environmental Health Officer
Michael Fraser	Permits Officer
Michael O'Connor	Senior Asset Protection Enforcement Officer
Michelle Cant	Parking Officer (Night)
Mirella Manfre	Coordinator Permits Appeals and Protection of Assets
Narmada Sarvajananarajan	Environmental Health Officer

Nigel Wright	Parking Officer
Nileshkumar Jani	Parking Officer
Nopphawoot Suravilas	Parking Officer
Paul Bryan Mitchelmore	Manager Civic Services
Paul Teiwes	Parking Officer
Penelope Anastasiadis	Environmental Health Officer
Rachael Oats	Parking Officer
Philippa Lee Treloar	Asset Protection Enforcement Officer
Philip Montalto	Environmental Health Officer
Robert Marshall	Parking Officer
Robert Weis	Team Leader Health Services
Roslyn Lawton	Animal Management Officer
Rosetta (Rose) Locke	Local Laws Officer
Rohit Markan	Parking Officer
Sam Joseph	Technical Officer - Asset Protection
Scott Walker	Director Urban Living
Sean Bell	Local Laws Officer
Shariq Ali	Parking Officer
Sharon Raju	Permits Officer
Shaun Whittle	Local Laws Officer
Stacey Sorrell	Local Laws Officer
Stephen Martonyi	Local Laws officer
Susie Bozinovska	Permits Officer
Tim O'Reilly	Parking Officer
Toolefua Samuelu	Technical Officer - Asset Protection
Tom Vandenbroek	Parking Officer
Virginie Geoffroy	Parking Officer (Night)
Warren Norton	Local Laws Officer
Will Carroll	Environmental Health Officer

**By this instrument of appointment and authorisation** Boroondara City Council –

1. under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.
2. under s 114(2) of the *Environment Protection Act 2017* - appoints the officers to be litter enforcement officers for the purposes of s 114(2) of the *Environment Protection Act 2017*.
3. under s 347(4) of the *Environment Protection Act 2017* authorises the officers to take proceedings against the *Environment Protection Act 2017* or the regulations under this Act.
4. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the *Environment Protection Act 2017*.
5. under s 170 of the *Environment Protection Act 2017* authorises the officers to take proceedings against certain offences under the *Environment Protection Act 2017* or the regulations under this Act.
6. under s 242(2) of the Environment Protection Act 2017 – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.

under –

- s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017*
- s 347(4) of the *Environment Protection Act 2017*
- s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021*
- s 347(7) of the *Environment Protection Act 2017*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

**It is declared that** this instrument -

- a) comes into force immediately upon its execution
- b) remains in force until varied or revoked
- c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* or the regulations under this Act to the members of Council staff named above, are revoked.

This instrument is authorised by a resolution of the Boroondara City Council on 25 March 2024.

The Common Seal of the Boroondara  
City Council was hereunto affixed  
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

## Boroondara City Council

### Instrument of Appointment and Authorisation

#### *(Planning and Environment Act 1987)*

Aileen Chin	Principal Urban Planner
Alice Haskett	Prosecutions Officer
Andrew McIlveen	Planning Investigations Officer
Amaya De Silva	Senior Urban Planner
Brendan Rea	Planning Investigations Officer
Calum Schwindt	Urban Planner
Cynthia Pizzati	Para Planning Officer
Cheng Chea	Para Planning Officer
Chiara Lorini	Senior Urban Planner
Christopher Spencer	Team Leader Urban Planning Forester
Damian Bu	Senior Urban Planner
Daniel Murphy	Planning Appeals Co-ordinator
Darshankumar (Darshan) Vachhani	Development Transport Engineer
Daniela Splitgerber	Senior Urban Planner
David Barclay	Development Drainage Engineer
David Cowan	Manager City Futures
Edward Howe	Urban Planner
Elizabeth Spanjer	Senior Urban Planner
Erin McCarthy	Coordinator Urban Planning
Gregory (Greg) Pocock	Para Planning Officer
Ida LaRocca	Para Planning Officer
Jack Richardson	Senior Urban Planner
Jessica Nedelkos	Para Planning Officer
Jennifer Estrada	Para Planning Officer
Joel Torresi	Urban Planner
Joel Elbourne	Manager Urban Planning

Jock Farrow	Principal Urban Planner
Jon Harper	Coordinator Urban Planning
Jordan Schonberg	Urban Planner
Karen Reid	Para Planning Officer
Kathy Fletcher	Urban Planner
Kelly Caporaso	Principal Urban Planner
Lachlan Waddell	Urban Planner
Lebon Ferri	Environmental Design Officer
Lucy Johnson	Principal Urban Planner
Matt Aitken	Prosecutions Lead
Michael Burton	Public Notice Officer
Mridula Krishna	Urban Planner
Nikhil Shah	Urban Planner
Scott Lipscombe	Senior Development Transport Engineer
Scott Walker	Director Urban Living
Shane Browne	Senior Urban planning Forester
Simon Elliott	Landscape Compliance Officer
Simon Quinn	Para Planning Officer
Sofia Skliris	Team Leader Para Planning
Stephanie Ng	Coordinator Urban Planning
Sylvia Georges	Urban Designer
Timothy Luckin	Senior Subdivision Officer/
Toni Johnson	Para Planning Officer
Vanessa Kwaczynski	Administration Officer
Zac Fisher	Urban Planner
Finbar Harrison	Urban Planner



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

In this instrument "**officer**" means -

Aileen Chin	Daniela Splitgerber	Joel Elbourne	Nick Hulston
Alice Haskett	David Barclay	Jon Harper	Nikhil Shah
Andrew McIlveen	David Cowan	Jonathan Welcome	Scott Lipscombe
Amaya De Silva	Edward Howe	Jordan Schonberg	Shane Browne
Brendan Rea	Elizabeth Spanjer	Justin Richardson	Simon Elliott
Calum Schwindt	Erin McCarthy	Karen Reid	Scott Walker
Cynthia Pizzati	Gregory (Greg) Pocock	Kathy Fletcher	Simon Quinn
Cheng Chea	Ida LaRocca	Kelly Caporaso	Sofia Skliris
Chiara Lorini	Jack Richardson	Lachlan Waddell	Stephanie Ng
Christopher Spencer	Jessica Nedelkos	Lebon Ferri	Sylvia Georges
Damian Bu	Jennifer Estrada	Lucy Johnson	Timothy Luckin
Daniel Murphy	Jock Farrow	Matt Aitken	Toni Johnson
Darshankumar (Darshan) Vachhani	Joel Torresi	Michael Burton	Vanessa Kwaczynski
		Mridula Krishna	Zac Fisher
			Finbar Harrison

### By this instrument of appointment and authorisation Boroondara City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

### It is declared that -

- (a) this instrument comes into force immediately upon its execution and remains in force until varied or revoked;
- (b) this instrument must not be exercised in a manner which is inconsistent with Council's corporate position.
- (c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation to the members of Council staff named above are revoked.

This instrument is authorised by a resolution of the **Boroondara City Council** on 25 March 2024.

The Common Seal of the Boroondara  
City Council was hereunto affixed  
in the presence of:

..... Chief Executive Officer

..... Councillor

..... Date

## 7.3 Proposal to take title to land remaining unsold from a previously discontinued road - Rear 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew

### Executive Summary

#### Purpose

This report is to consider a proposal for Council to take title to the land remaining unsold from a previously discontinued road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew, shown in **Attachment 2** as Lots 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 17 and 18 ("the Land").

#### Background

Council discontinued the 3.05m wide road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew in two separate discontinuances in July 1999 and May 2000. The discontinued road is shown hatched in **Attachment 1**.

None of the land from the discontinued road was sold at that time.

In 2011 Council canvassed the possible sale of the remaining unsold Land. As a result of these negotiations, four (4) lots were sold.

In 2022, Council again canvassed the possible sale of the remaining unsold lots, in accordance with Council's current policy. These recent negotiations have resulted in none of the property owners expressing an interest in acquiring any land.

At this time, property owners were informed of Council's intention to take title to any unsold Land, consistent with the current Discontinuance of Roads and Reserves Policy 2022. Further, property owners have been informed that as a result of this action, they would be precluded from pursuing an application at Land Use Victoria for title to the Land via adverse possession.

It is considered that owners have been provided with ample opportunity to decide over the course of negotiations whether or not to acquire the Land (or alternatively pursue an application to Land Use Victoria for title via adverse possession) and that Council should now proceed to uphold its intention to take title to the unsold Land.

#### Key Issues

- The Land is in the name of the original subdivider.
- The Land has been enclosed within the adjoining properties for in excess of 15 years.
- Following consultation and negotiations with the adjoining property owners on three occasions over several years, 12 parcels of Land remain unsold.
- Council's current policy provides that Council will take title to all unsold discontinued sections of road.
- Although it was not Council's policy to take title to unsold land when the road was originally discontinued, property owners were informed of this proposed action, and the consequence of this action, during the course of recent negotiations in 2022.
- Future sales of Land will be at market value.

## Officers' recommendation

That Council resolve to:

1. Take title to the Land remaining unsold from the previously discontinued road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew, shown as Lots 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 17 and 18 on Title Plan TP951943Y in **Attachment 2** and as annexed to the minutes ("the Land"), in accordance with clause 4.2.7 of Council's Discontinuance of Roads and Reserves Policy 2022 ("Council's Policy").
2. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation associated with Council taking title to the unsold Land, including making application to Land Use Victoria for title to the unsold Land.
3. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to commence the sale process under section 114 of the *Local Government Act 2020* for any unsold lots.

**Responsible director:** Phillip Storer, Chief Executive Officer

---

## 1. Purpose

This report is to consider a proposal for Council to take title to the land remaining unsold from a previously discontinued road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew, shown in **Attachment 2** as Lots 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 17 and 18 (“the Land”).

## 2. Policy implications and relevance to community plan and council plan

This matter is addressed under Council’s Discontinuance of Roads and Reserves Policy 2022 (“Council’s Policy”), specifically clause 4.2.7 which provides that Council will take title to all unsold lots.

This report is consistent with the Boroondara Community Plan 2021-31 (“BCP”), incorporating the 10-year Community Vision, Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25.

In particular, strategy 7.1 which states “Decision-making is transparent and accountable through open governance processes with timely communication and reporting” is applicable.

It also supports Strategic Objective 7 of BCP, to “Ensure decisions are financially and socially responsible through transparent and ethical processes”.

## 3. Background

Council discontinued the 3.05m wide road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew in two separate discontinuances in July 1999 and May 2000. The discontinued road is shown hatched in **Attachment 1**. The land at the rear of 56 First Avenue had already been acquired by adverse possession prior to the discontinuance and was not included as part of the process. None of the land from the discontinued road was sold at that time.

Since 2000, the owner of 28 Maitland Avenue, Kew acquired the former road at the rear of that property by adverse possession.

In 2011 Council canvassed the possible sale of the remaining unsold Land. As a result of these negotiations, the Land shown as Lots 1, 4, 15, 16 on **Attachment 2** were sold.

Following an enquiry from an abutting property owner in early 2022, Council again canvassed the possible sale of the remaining unsold Lots, in accordance with Council’s current policy. These recent negotiations have resulted in none of the property owners expressing an interest in acquiring any land.

It is noted that the owners of 48 First Avenue and 14 Maitland Avenue have confirmed that they have recently made application to Land Use Victoria for title to the Land in Lots 7 and 8 in Title Plan TP 95143Y, shown in **Attachment 2** via adverse possession.

These lots will be excluded from Council's proposal to take title to the Land, as will be any other lots if owners provide written evidence that they have made similar applications prior to Council making its application to Land Use Victoria for title to the Land.

#### 4. Outline of key issues/options

When the road was formally discontinued, easement rights were provided for Council drainage and Yarra Valley Water assets.

Following consultation and negotiations with the adjoining property owners on three occasions over several years, 12 parcels of Land remain unsold.

Property owners have been informed of Council's intention to take title to any unsold Land as part of its recent engagement and negotiations in 2022, consistent with the current policy. Furthermore, property owners have been informed that as a result of Council taking this action, they would be precluded from pursuing an application at Land Use Victoria for title to the Land via adverse possession.

It is considered that owners have been provided with ample opportunity to decide over the course of negotiations whether or not to acquire the Land (or alternatively pursue an application to Land Use Victoria for title via adverse possession) and that Council should now proceed to uphold its intention to take title to the unsold Land.

#### 5. Consultation/communication

As discussed above, as part of the recent consultation process in 2022 associated with the intended sale of the remaining parcels of Land from the discontinued road, all adjoining property owners were informed that Council would take title to any remaining unsold land in accordance with current policy. None of the owners has expressed interest in acquiring the land in accordance with Council policy.

As the road has already been formally discontinued and easements created, there has been no further requirement to seek formal feedback from other service authorities and internal Council departments.

#### 6. Financial and resource implications

If Council proceeds with taking title to the remaining unsold lots, it will have the ability to sell them to interested adjoining owners for market value, consistent with its policy.

In 2022 an updated valuation was completed. Using this information, the potential revenue from sale of the Land is provided in Table 1:

*Table 1: Potential Land sale revenue*

Item	Amount (GST inclusive)
Land sale price (395m <sup>2</sup> x \$1,633.50)	\$645,232.50
Council's remaining costs (estimate)	\$5,000.00
Potential revenue	\$640,232.50

Costs associated with Council proceeding to take title to the unsold Land will be met within Council's existing budget.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

The proposed to take title to the unsold Land is not expected to have a negative impact on the community, social wellbeing or the environment.

## **9. Evaluation and review**

Council's intended course of action has been reviewed from a legislative compliance perspective by Council's consultants Macquarie Local Government Lawyers and no issues have been identified.

## **10. Conclusion**

It is considered appropriate that Council take title to the Land remaining unsold from the discontinued road at the rear of 34 to 60 First Avenue and 2 to 30 Maitland Avenue, Kew, given that the abutting owners have not expressed interest in acquiring the Land over the years since the road was discontinued.

**Manager:** Amy Montalti, Chief Financial Officer


**Report officer:** Michael Hutchison, Head Strategic Property and Revenue

1. Attachment 1 - Site Plan [7.3.1 - 1 page]
2. Attachment 2 - Lot Plan T P 951943 Y [7.3.2 - 3 pages]



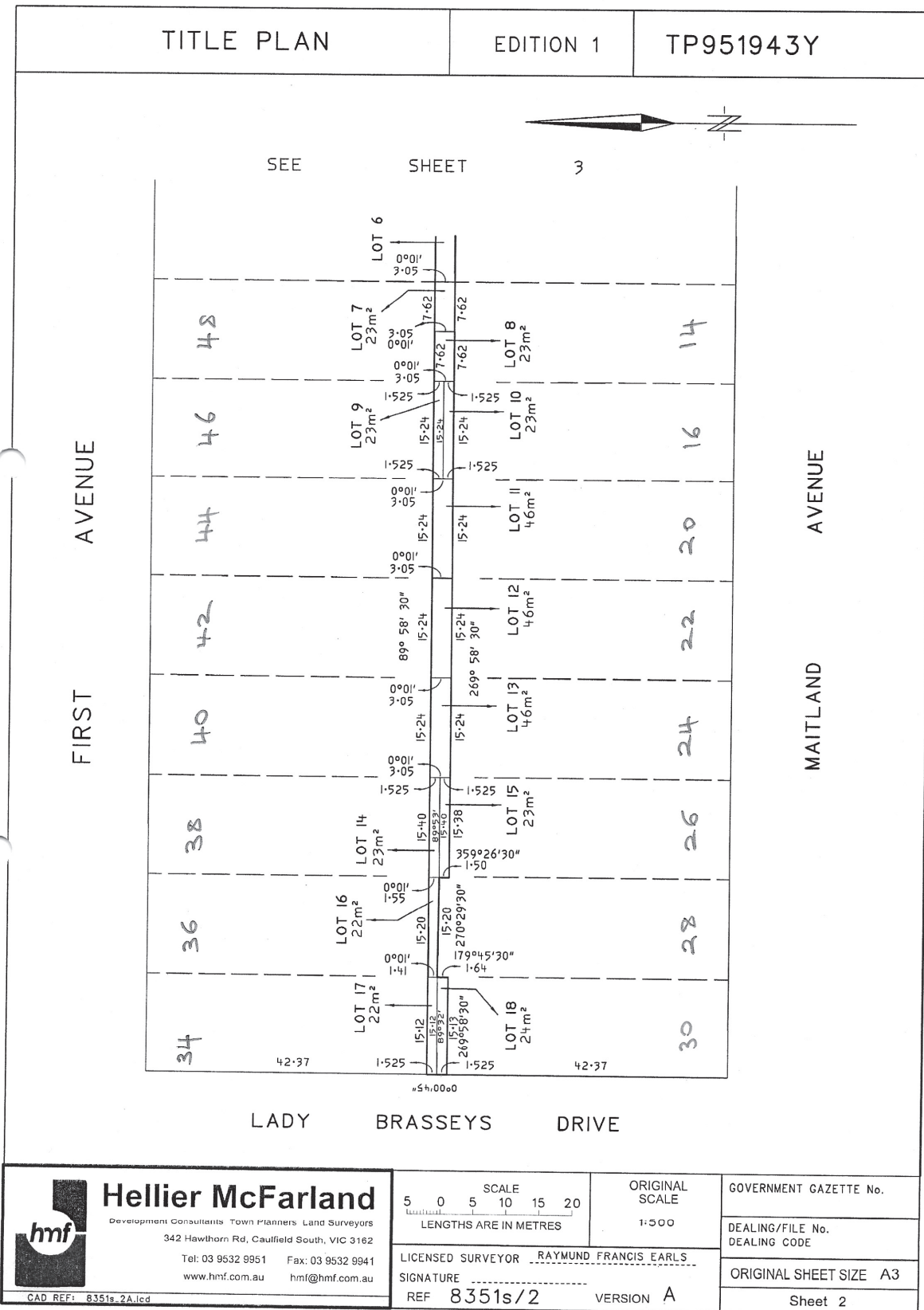
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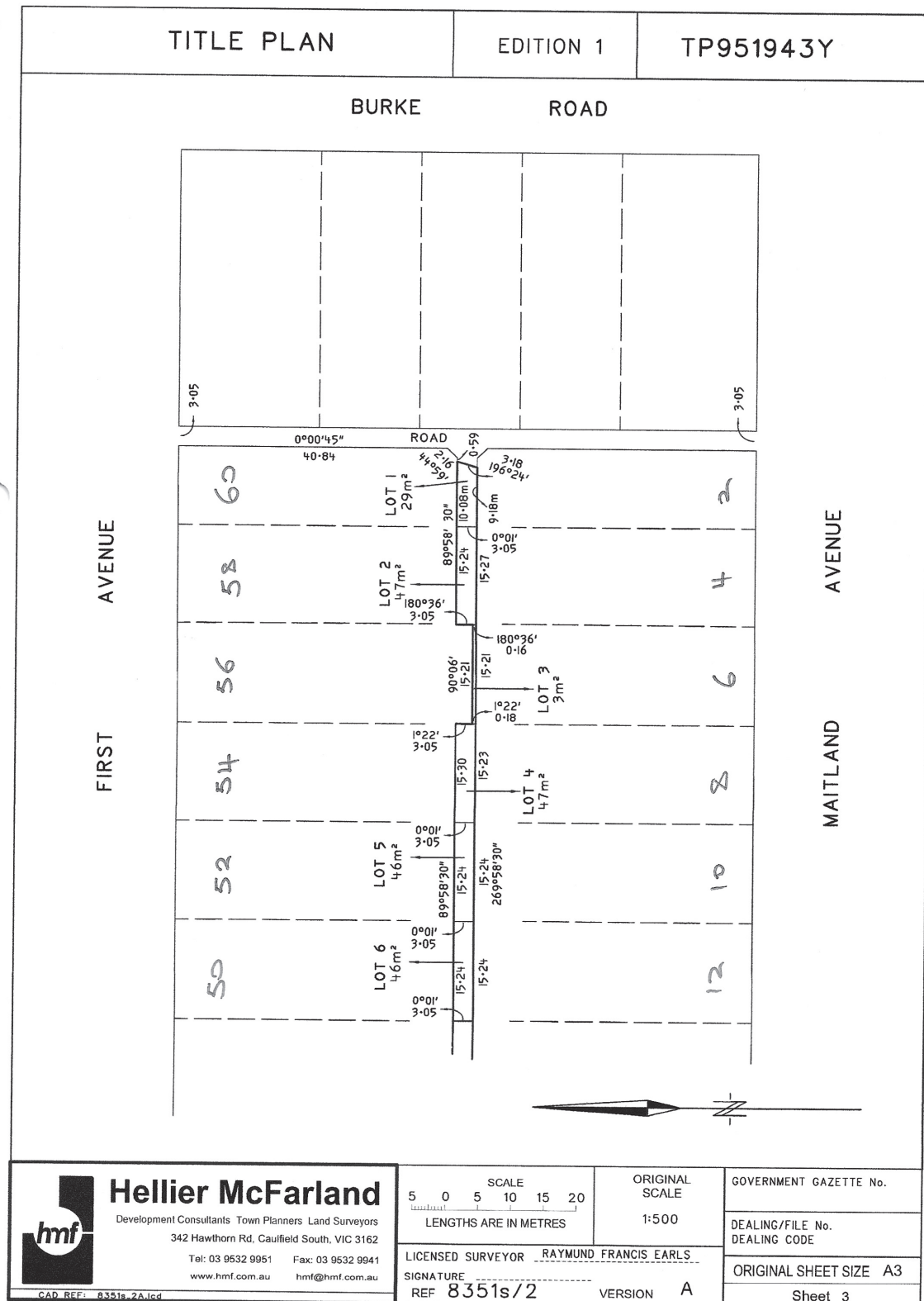
TITLE PLAN		EDITION 2		TP951943Y	
<b>LOCATION OF LAND</b> Parish: <u>BOROONDARA</u> Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: <u>84 (PART)</u> Last Plan Reference: Lot 1 on TP826495A (part) Derived From: Vol 3217 Fol 301 (part) Depth Limitation: DOES NOT APPLY			<b>Notations</b> WARNING: THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR UPDATED INFORMATION  THIS PLAN IS NOT BASED ON SURVEY ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN		
Easement Information					
<b>Legend:</b> A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of	
ALL THE LAND IN THIS PLAN	AS PROVIDED FOR IN Sec 207C LGA 1989	SEE DIAG	Sec 207C LGA1989	YARRA VALLEY WATER CORPORATION	
ALL THE LAND IN THIS PLAN	AS PROVIDED FOR IN Sec 207C LGA 1989	SEE DIAG	Sec 207C LGA1989	BOROONDARA CITY COUNCIL	
					THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Assistant Registrar of Titles
SEE SHEETS 2 & 3 FOR LOT DETAILS					
 <b>Helliier McFarland</b> <small>Development Consultants Town Planners Land Surveyors          342 Hawthorn Rd. Caulfield South, VIC 3162          Tel: 03 9532 9951 Fax: 03 9532 9941          www.hmf.com.au hmf@hmf.com.au</small>		LICENSED SURVEYOR <u>RAYMUND FRANCIS EARLS</u> SIGNATURE _____ DATE / / REF <u>8351s/2</u> VERSION <u>A</u> CAD REF: <u>8351e_2A.lcd</u>		GOVERNMENT GAZETTE No. _____ DEALING/FILE No. _____ DEALING CODE _____ Original sheet size A3 SHEET 1 OF 3	



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## 7.4 Contract No 2023/231 Michael Tuck Stand Structural Rectification Works

### Executive Summary

#### Purpose

This report seeks Council endorsement for the award of Contract No. 2023/233, Michael Tuck Stand Structural Rectification Works to the recommended tenderer Stokes Rousseau Pty Ltd for the sum of \$1,226,734.65 excluding GST.

#### Background

Council is seeking to redevelop the Michael Tuck Stand, which is located at Glenferrie Oval - 34 Linda Cres, Hawthorn. The Michael Tuck Stand was built on Council land in 1938 as the flagship facility for the Hawthorn Football Club, which played at Glenferrie Oval from 1903 to 1973. The club retained its presence from 1973 until 2006 as an administrative and training base, before relocating permanently to Waverley Stadium. The stand is an underutilised heritage asset (Victorian Heritage Register H0890) owned by the City of Boroondara.

The building has an internal ground floor area of 1,021m<sup>2</sup>, a first-floor area of 471m<sup>2</sup> and an additional 950m<sup>2</sup> of grandstand seating. The building has been deteriorating for some time and needs major renovation. Council has allocated \$27.98 million in its Long-Term Financial Strategy (LTFS) towards the revitalisation of the Michael Tuck Stand and Glenferrie Oval. Costs will be staged across multiple financial years.

Stage 1 of the redevelopment project has recently been completed, involving internal strip-out and non-structural demolition. The primary objective of Stage 1 was to uncover latent conditions crucial for upcoming design and construction activities. Throughout Stage 1, various structural issues were identified, some of which were classified as high or very high risk by structural engineers, requiring urgent rectification.

The purpose of the Structural Rectification works, as identified in this contract report, is to promptly address these high-risk or very high-risk structural issues.

The rectification works encompass various areas of the building, with the main scope including:

- Demolish and replace existing damaged concrete slab and brick wall to the south-west of building
- Repairs to masonry retaining walls including tanking
- Repairs to spalling concrete beams, columns and slabs,
- Waterproofing membrane to grandstand slab including repairs of joints.
- Replacing/repairing lintels

In accordance with Council's Procurement Policy 2021-25, Council invited public tenders from suitably qualified organisations, and a recommendation to award Contract No. 2023/231 Michael Tuck Stand Structural Rectification Works is presented for Council's consideration.

The works are expected to commence July 2024 and to be complete by December 2024.

The foreshadowed budget for the financial year of 2024-25 is \$1.75 million, which is sufficient to fund the award of this contract.

The total cost of this contract is \$1,226,734.65 excluding GST.

### Key Issues

The community was invited to provide feedback on the draft Vision and Design Brief to revitalise the Tuck Stand and Glenferrie Oval, from 14 August to 11 September 2023. Following community consultation, the Vision and Design Brief was updated and subsequently endorsed by Council in December 2024. The Vision and Design Brief document serves as a roadmap for Council to unlock the potential and bring new life into this unique heritage asset, incorporating a staged approach that includes Structural Rectification works.

Careful consideration has been given to the building's heritage significance. Heritage Victoria has granted a permit for the proposed structural rectification works. The recommended tenderer is registered with Victoria Heritage Services and has experience with the heritage projects.

Consideration has also been given to the impact of construction works to the amenity of the neighbouring residents. A site establishment plan has been prepared which outlines the following;

- Off-street contractor designated parking area;
- Designated on-site area for storage of materials, contractor office and amenities set up; and
- Appropriate hoarding will be securely installed to ensure community safety during the works.

### Next Steps

Upon award of the contract, Council will oversee the delivery of the building works for Contract No. 2023/231, Michael Tuck Stand Structural Rectification Works.

### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## Officers' recommendation

That Council resolve to

1. Award Contract No. 2023/231, Michael Tuck Stand Structural Rectification Works to:
  - Stokes Rousseau Pty Ltd (ABN 63 119 165 623) at a total cost of \$1,349,408.12 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$122,673.46) is \$1,226,734.65 excluding GST;
2. Authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council;
3. Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works; and
4. Note that expenditure under this contract is in accordance with Council's 2023/2024 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.

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**Responsible director:** Daniel Freer, Director Places and Spaces

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## 1. Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/231, Michael Tuck Stand Structural Rectification Works.

## 2. Policy implications and relevance to community plan and council plan

The Boroondara Community Plan is structured around the following seven priority themes:

- Community, Services and Facilities
- Parks and Green Spaces
- The Environment
- Neighbourhood Character and Heritage
- Moving Around
- Local Economy
- Leadership and Governance

The proposed contract for Michael Tuck Stand Structural Rectification aligns with the following theme and strategies in the Boroondara Community Plan:

Theme 1: Your Community, Services and Facilities

Strategy 1.1 - Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.

Strategy 1.2 - Health and wellbeing is improved through delivering, facilitating and advocating for services and programs that are accessible and affordable.

Strategy 1.5 - Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community.

This procurement process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

## 3. Background

Council requires a suitably qualified contractor to carry out proposed rectification works at Michael Tuck Stand building in accordance with the requirements of the specifications and tender drawings as documented by the consultancy team lead by Content Studio.

### Invitation to tender

In accordance with Council's Procurement Policy 2021-25, Council invited six tenders via VendorPanel, Council's e-tendering portal on 7 February 2024. The closing date for submissions was 4pm, 12 March 2024.

In response, Council received three submissions from:

1. Duratec Limited;
2. SIDA Construction Pty Ltd; and
3. Stokes Rousseau Pty Ltd.

#### **4. Outline of key issues/options**

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site compound plan has been prepared which outlines the following;

- Off-street contractor designated parking area
- Designated onsite area for storage of materials, contractor office and amenities set up.
- Appropriate hoarding will be securely installed to minimise impact on community sport and other passive uses at the reserve.

#### **Consultation/communication**

A community consultation process ran from 14 August to 11 September 2023 to invite feedback on the draft Vision and Design Brief for the Tuck Stand and Glenferrie Oval. A total of 475 people provided their feedback via the consultation survey. The majority of survey participants supported Council's draft Vision for the Michael Tuck Stand and Glenferrie Oval.

Following community consultation, the Vision and Design Brief was updated and subsequently endorsed by Council in December 2024. The Vision and Design Brief document serves as a roadmap for Council to unlock the potential and bring new life into this unique heritage asset, incorporating a staged approach that includes Structural Rectification works.

## Financial and resource implications

Council's 2022-23, 2023-24, 2024-25, 2025-26, 2026-27 and 2027-28 combined adopted and foreshadowed budgets contain a total allocation of \$27,984,260. A summary of the project budget is as follows:

Actual FY 2022/2023	\$141,604.00
Budget FY 2023/2024 (Amended Budget)	\$1,287,301.00
Budget FY 2024/2025 Foreshadowed Funding	\$1,750,000.00
Budget FY 2025/2026 Foreshadowed Funding	\$10,160,000.00
Budget FY 2026/2027 Foreshadowed Funding	\$10,710,001.00
Budget FY 2027/2028 Foreshadowed Funding	\$3,935,354.00
<b>Total Project Budget</b>	<b>\$27,984,260.00</b>
Less Actual Expenditure	
2022-23 Actuals	\$141,604.00
2023-2024 Actuals and commitments	\$489,058.00
<b>Total Available Budget</b>	<b>\$27,353,598.00</b>
Proposed Project Expenditure	
Contract Cost	\$1,226,734.65
Contract contingency	\$245,346.00
<b>Total Contract Cost</b>	<b>\$1,472,080.65</b>
<b>Remaining Budget</b>	<b>\$25,881,517.35</b>

## 5. Governance issues

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

This tender process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

## Social and environmental issues

Aligned with Council policies, the scope for Michael Tuck Stand project emphasises shared facilities among sporting and community groups to cater to diverse community needs. This project aims to optimise the utilisation of sport, recreation, and community facilities, ensuring they serve as valuable and sustainable assets with social, environmental and financial benefits.

Once completed, the revitalised Michael Tuck Stand will emerge as a dynamic community hub, providing co-located spaces for community engagement, and sports activities. The building will cater to a wide range of community members, spanning across different generations, and contribute to the social cohesion and vibrancy of the Boroondara community.



The proposed structural rectification stage is pivotal for maintaining the structural integrity of the building and facilitating its progression to subsequent revitalisation phases.

### **Evaluation and review**

The evaluation report is provided as **Confidential Attachment 1**.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2023/231, Michael Tuck Stand Structural Rectification Works to:

- Stokes Rousseau Pty Ltd (ABN 63 119 165 623)

at a total cost of \$1,349,408.12 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$122,673.46) is \$1,226,734.65 excluding GST;

**Manager:** Anthea Kypreos, Manager Capital Projects  
**Report officer:** Jay Seyedi, Senior Project Architect

## 7.5 February 2024 Monthly Financial Report

### Executive Summary

#### Purpose

The purpose of this report is to provide Council the Monthly Financial Report for February 2024. The Monthly Financial Report is designed to identify and explain major variances at an organisational level and is provided in **Attachment 1**.

#### Background

The year to date annual budget referred to in this report reflects the 2023-24 Amended Budget, approved by Council on 23 October 2023 which includes the carry forward funding for 2022-23 priority projects and capital works forward commitments.

#### Key Issues

##### **Year to date actuals vs. 2023-24 Amended Budget**

Council's favourable operating result against year to date budget of \$96.40 million is \$12.66 million or 15% above the 2023-24 Amended Budget of \$83.74 million primarily due to a number of factors which are outlined in **Section 2 of Attachment 1 - Financial Overview**.

Capital works actual expenditure of \$33.25 million which is \$7.01 million below year to date budget phasing of \$40.26 million. Priority projects expenditure of \$12.94 million is \$5.70 million below year to date budget of \$18.64 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of January Council's cash position stood at \$188.54 million or \$24.29 million above year to date budget.

### Officers' recommendation

That Council resolve to:

1. Receive and note the Monthly Financial Report for February 2024. (**Attachment 1**).

**Responsible director:** Phillip Storer, Chief Executive Officer

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## 1. Purpose

The purpose of this report is to provide Council the Monthly Financial Report for February 2024. The Monthly Financial Report is designed to identify and explain major variances at an organisational level and is provided in **Attachment 1**.

## 2. Policy implications and relevance to community plan and council plan

This report is consistent with the Boroondara Community Plan 2021-31, incorporating the 10-year Community Vision, Council Plan 2021-25 and Municipal Health and Wellbeing Plan 2021-25 (MPHWP). In particular, the Council Plan theme of Leadership & Governance and the strategy “Resources are responsibly allocated and used through sound financial and asset planning, procurement and risk management practices”.

## 3. Background

The year to date annual budget referred to in this report reflects the 2023-24 Amended Budget, approved by Council on 23 October 2023 which includes the carry forward funding for 2022-23 priority projects and capital works forward commitments.

## 4. Outline of key issues/options

### **Year to date actual vs. year to date 2023-24 Amended Budget**

The favourable operating result against year to date budget of \$96.40 million is \$12.66 million or 15% above the 2023-24 Amended Budget of \$83.74 million primarily due to a number of factors which are outlined in **Section 2 Financial Overview**.

### **Balance Sheet and Cash Flow Statement**

Cash and investment holdings are \$188.54 million as at 29 February 2024, or \$24.29 million higher than year to date budget of \$164.25 million. This represents an increase of \$42.29 million from 30 June 2023.

The Balance Sheet as at 29 February 2024 indicates a satisfactory result with total current assets of \$254.56 million and total current liabilities of \$65.43 million.

Please refer to **page 9 of Attachment 1** for further detail.

### **Capital Works**

Council's year to date performance in gross capital works expenditure is \$33.25 million which is \$7.01 million below year to date budget phasing of \$40.26 million. Year to date actual and commitments as at 29 February 2024 equates to \$69.06 million.

**Priority Projects**

Council's year to date performance in gross priority projects expenditure is \$12.94 million which is \$5.70 million below year to date phasing of \$18.64 million. Year to date actual and commitments as at 29 February equates to \$29.28 million.

Refer to page **3 and 4 of Attachment 1** for graphical representation of capital works and priority projects year to date budget, actual and committed expenditure.

**5. Consultation/communication**

The Executive Leadership Team has reviewed and approved the report.

**6. Financial and resource implications**

Council's current operating and cash flow position is sound. Council continues to monitor and review the financial impacts of COVID-19 on Council's operating budget.

**7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

**8. Social and environmental issues**

There are no direct impacts resulting from this report.

**Manager:** Sapphire Allan, Acting Chief Financial Officer

**Report officer:** Daniel Allen, Management Accountant



# Monthly Financial Report

February 2024



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## 1. Executive Overview

### 1.1 Introduction and overview

The Monthly Financial Report for February 2024 has been prepared in accordance with Australian Accounting Standards.

This monthly report is designed to identify major variations against the 2023-24 Amended Budget at an organisational level.

The year to date and annual budget referred to in this report reflects the 2023-24 Amended Budget adopted by Council on 23 October 2023 which includes the carry forward funding for final 2022-23 priority projects and capital works forward commitments.

### 1.2 Key financial highlights and overview

Key financial summary	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1) \$'000	YTD BUDGET (2) \$'000	YTD VARIANCE (1) - (2) \$'000	YTD VARIANCE (1) / (2) %	STATUS YTD VARIANCE	2023-24 AMENDED BUDGET (3) \$'000
<b>Surplus/(Deficit) for the year</b>	14,366	96,396	83,739	12,657	15%	✓	5,049
<b>Recurrent income</b>	271,435	253,136	247,524	5,612	2%	✓	265,028
<b>Recurrent expenditure</b>	233,216	148,161	151,651	3,490	2%	✓	237,591
<b>Capital works</b>							
Expenditure *	80,595	33,252	40,265	7,013	17%	✓	72,407
<b>Priority projects</b>							
Expenditure *	25,158	12,940	18,639	5,699	31%	✓	31,188
<b>Closing cash and investments **</b>	106,651	188,543	164,258	24,285	15%	✓	114,433

\* Please refer to page 10 for further explanation of variances.

\*\* Please refer to page 9 for further details and explanation of closing cash and investments.

#### Status legend:

✓	Above budgeted revenue or under budgeted expenditure.
—	Below budgeted revenue or over budgeted expenditure by <10%.
✗	Below budgeted revenue or over budgeted expenditure by >10%.

The overall financial position at 29 February 2024 is satisfactory with a working capital ratio of 3.89 to 1 (including cash contingency for emergency response works and reserve funds of \$25.57 million).

#### Storm Event - January 2024

During January 2024 the City encountered significant rainfall, which lead to some minor flooding in some locations. Council received 153 requests in relation to the heavy rainfall, mostly drainage requests, and the total forecast expenditure is expected to be around \$150,000. Council's cash contingency will be reduced by this amount.

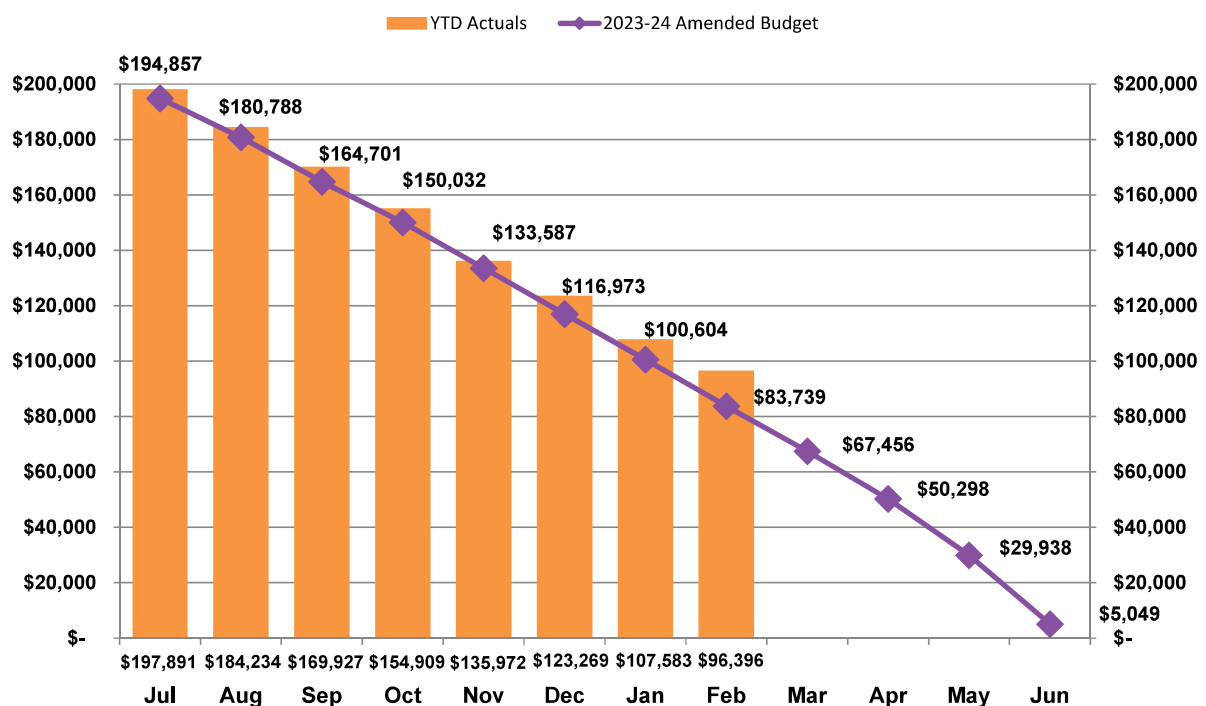
## Surplus Result

### Year to date actual vs. 2023-24 Amended Budget

The year to date surplus result of \$96.40 million as per the budget is due to the striking of full year annual rates in August 2023. The surplus result will reduce over the course of the year as Council delivers services to the community. In addition, the favourable result against year to date budget of \$12.66 million or 15% is due to timing differences for income and expenditure across Council. Refer to **Section 2 Financial Overview** for details on Council's financial performance.

Please refer to the graphical representation below of actual year to date surplus result versus the 2023-24 Amended Budget.

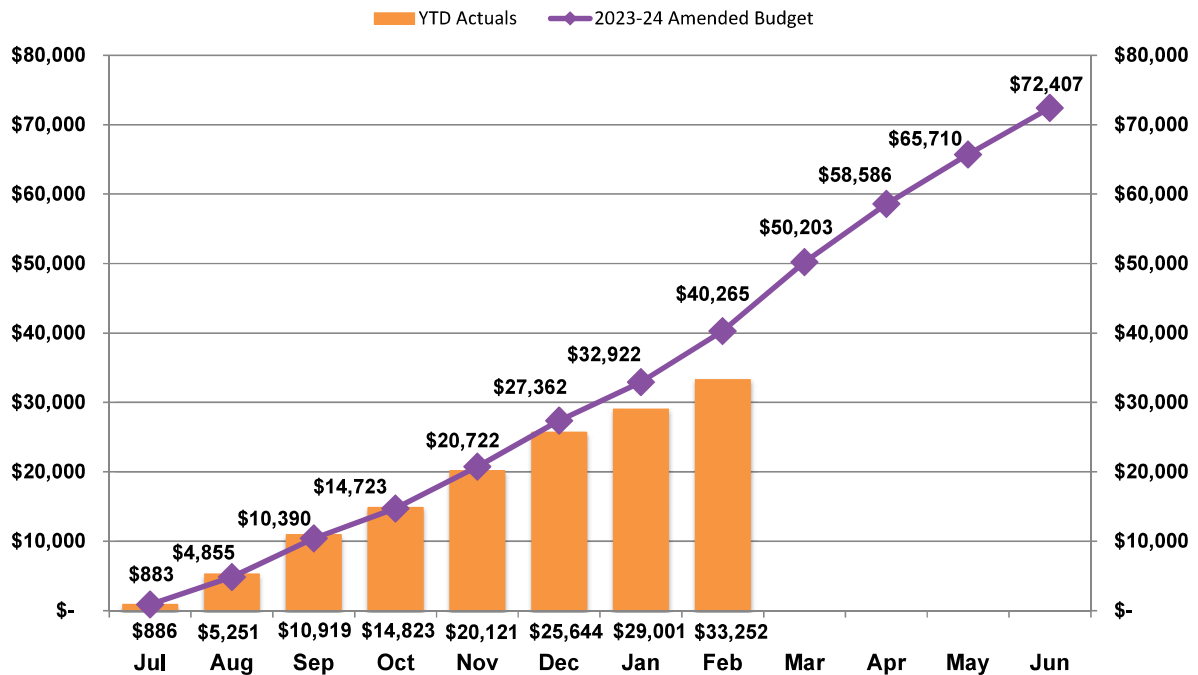
### Surplus Result 2023-24 Surplus Result vs Annual Amended Budget \$'000





## Capital Works

### Capital Works Projects 2023-24 Cumulative Budget vs Actual Expenditure All Projects - \$'000



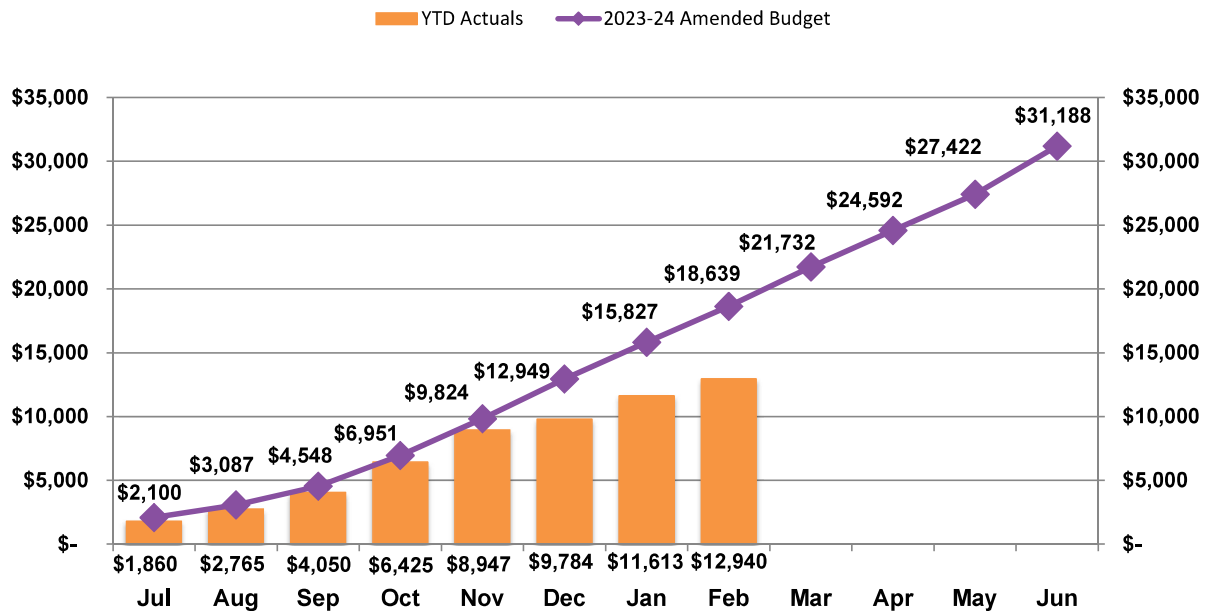
Council's year to date performance in gross capital works expenditure is \$33.25 million which is \$7.01 million below year to date budget phasing of \$40.26 million.

Capital works committed expenditure as at 29 February 2024 is \$35.81 million (year to date actual and commitments equates to \$69.06 million).

Please refer to **Section 2.4 Capital Works** for further explanation.

## Priority Projects

### Priority Projects 2023-24 Cumulative Budget vs Actual Expenditure All Projects - \$'000



Council's year to date performance in gross priority project expenditure is \$12.94 million which is \$5.70 million below year to date budget phasing of \$18.64 million.

Priority projects committed expenditure as at 29 February 2024 is \$16.34 million (year to date actual and commitments equates to \$29.28 million).

Please refer to **Section 2.3 Priority Projects** for further explanation.

## 2. Financial overview

### 2.1 Income Statement

The year to date surplus result of \$96.40 million is \$12.66 million above the 2023-24 Amended Budget surplus of \$83.74 million. The favourable result against year to date budget is due to a number of factors which are outlined below.

Year to date total recurrent and non-recurrent income is above budget by \$4.90 million comprising recurrent income of \$5.61 million and non-recurrent income of (\$707,000), while year to date total recurrent and non-recurrent expenditure is \$9.19 million (\$3.49 million + \$5.70 million) below budget.

The following table includes explanations on major income and expenditure line variances over \$75,000 against the year to date budget.

#### **Definitions**

**Timing (T)** = Year to date expenditure or income level is less/more than anticipated in the budget phasing. Anticipated this variance will correct by end of financial year without management action.

**Permanent (P)** = The dollars outlined as a permanent variance are anticipated to add/reduce the end of year result.

**Forecast** = Where a permanent variance has been determined, an expected full year forecast variance has been noted.

**Phasing** = When anticipated spread of expenditure/income across the financial year is expected to be spent/received.

#### **Year to date actual vs. year to date budget variations.**

<b>Income</b>		
<b>Income line</b>	<b>Expected variance (P)ermanent (T)iming</b>	<b>Explanation Year to date actual vs year to date budget variations</b>
Rates and charges \$1.15 million	T/P	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$1.15 million - rates and charges income, primarily in rates interest and supplementary rates.</li> </ul>
Statutory fees and fines (\$245,000)	T T  T/P T/P	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$348,000) - parking management income.</li> <li>(\$118,000) - local laws fines income.</li> </ul> <b>Offset by higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$115,000 - skip bins income.</li> <li>\$105,000 - street furniture permits income.</li> </ul>

Income		
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
User fees \$2.23 million	T  T/P T/P T/P T  T  T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$1.23 million - registrations income primarily in animal registrations ahead of planned budget phasing.</li> <li>\$589,000 - leisure and aquatic services management.</li> <li>\$529,000 - Freeway golf course.</li> <li>\$89,000 - reinstatements income.</li> <li>\$113,000 - parking meter charges.</li> </ul> <b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$151,000) - fines income primarily in revenue and property services.</li> <li>(\$108,000) - other charges income primarily in transfer station.</li> </ul>
Grants - Operating (\$343,000)	T  T   T/P	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$254,000) - Community transport funding received lower than planned budget phasing.</li> <li>(\$114,000) - immunisation services funding received lower than planned budget phasing.</li> </ul> <b>Offset by higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$182,000 - Victorian Local Government Grants Commission funding received higher than planned budget phasing.</li> </ul>
Contributions - Cash \$1.25 million	T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$1.21 million - developers open space contributions received higher than planned budget phasing.</li> </ul>
Rental income (\$105,000)	T  T   T/P	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$154,000) - Camberwell Fresh Food Market lease income lower than planned budget phasing.</li> <li>(\$122,000) - lease income of council premises lower than planned budget phasing.</li> </ul> <b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$234,000 - lease income at Hawthorn Arts Centre primarily due to increased revenue received.</li> </ul>
Other income \$210,000	T/P  T/P   T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$420,000 - other income primarily due to the sale of right of ways received higher than planned budget phasing.</li> <li>\$80,000 - employee costs, training and professional development reimbursements at Hawthorn Arts Centre.</li> </ul> <b>Offset by lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$284,000) - road and footpath occupation income lower than planned budget phasing.</li> </ul>
Interest \$1.47 million	T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$1.47 million - managed interest - due to interest on investments.</li> </ul>

Expenditure		
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Employee costs \$1.43 million	T  T  T/P  T	<b>Lower than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>\$4.09 million - salaries and associated costs primarily due to staff vacancies across the organisation.</li> <li>\$136,000 - apprenticeships/traineeships.</li> </ul> <b>Offset by higher than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>(\$2.08 million) - temporary staff filling vacancies across the organisation.</li> <li>(\$744,000) - overtime and casuals and relievers filling vacancies across the organisation.</li> </ul>
Materials and services \$1.42 million	T T T T T T T T T T T T T T T  T/P T T/P T T T T T/P T/P T T/P T/P T/P T/P T/P T/P	<b>Lower than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>\$938,000 - trade services across the organisation.</li> <li>\$629,000 - professional services and advice.</li> <li>\$387,000 - legal fees expense.</li> <li>\$330,000 - application support expense.</li> <li>\$188,000 - telephone internet data sim cards expense.</li> <li>\$168,000 - security/cash collections expense.</li> <li>\$143,000 - consultants expense.</li> <li>\$135,000 - waste/recycling disposal expense.</li> <li>\$120,000 - printing expense.</li> <li>\$112,000 - contract revegetation works expense.</li> <li>\$114,000 - other rates and taxes expense.</li> <li>\$102,000 - below excess claims public liability expense.</li> <li>\$97,000 - artist performers fees expense.</li> <li>\$93,000 - insurance premium other expense.</li> <li>\$93,000 - processing and mending materials expense.</li> <li>\$92,000 - vandalism and graffiti removal expense.</li> </ul> <b>Partially offset by higher than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>(\$571,000) - instant turf expense.</li> <li>(\$480,000) - licensing/maintenance contracts expense.</li> <li>(\$254,000) - open space contract variations expense.</li> <li>(\$228,000) - plumbing services expense.</li> <li>(\$219,000) - concrete expense.</li> <li>(\$180,000) - tipping fees expense.</li> <li>(\$149,000) - tyres expense.</li> <li>(\$134,000) - management fee expense.</li> <li>(\$129,000) - distillate expense.</li> <li>(\$94,000) - pool filtration equipment maintenance expense.</li> <li>(\$92,000) - quarry products expense.</li> <li>(\$87,000) - furniture maintenance expense.</li> <li>(\$79,000) - website license/hosting expense.</li> <li>(\$76,000) - turf wicket contractor expense.</li> <li>(\$75,000) - turf renovations expense.</li> </ul>

Expenditure		
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Other expenses \$568,000	<p>T</p> <p>T</p> <p>T</p> <p>T</p> <p>P</p> <p>T</p>	<p><b>Lower than budgeted expenditure:</b></p> <ul style="list-style-type: none"> <li>• \$347,000 - fire services levy expense.</li> <li>• \$299,000 - special rate expenditure.</li> <li>• \$147,000 - conferences seminars and training expense across the organisation.</li> <li>• \$83,000 - internal audit fees expense.</li> </ul> <p><b>Partially offset by higher than budgeted expenditure:</b></p> <ul style="list-style-type: none"> <li>• (\$225,000) - Leased assets across the organisation that are short term (less than 12 months) or low value in nature. In accordance with the requirements of accounting standard AASB 16 - Leases short term or low value leases will be expensed to the income statement.</li> <li>• (\$129,000) - grants and subsidies ahead of planned budget phasing primarily in small annual grants.</li> </ul>

## **2.2 Balance Sheet and Cash Flow Statement**

Cash and investment holdings are \$188.54 million as at 29 February 2024 which has increased by \$42.29 million from 30 June 2023.

Total cash and investment holdings are \$24.29 million higher than year to date budget primarily due to:

- Property, infrastructure, plant and equipment of \$11.46 million due to timing of cash outflows relating to the capital works program.
- Lower payments for materials and services of \$7.38 million due to timing of cash outflows.
- Higher than budgeted development open space contributions of \$1.51 million due to timing.
- Employee costs are lower than budget due to staff vacancies across the organisation.

Partially offset by:

- Lower than budgeted rates and charges of (\$4.54 million) due to timing and a lower collection rate (77.69%) than anticipated of (83%).
- Capital grants income is (\$3.63 million) lower than budgeted due to timing and being behind planned budget phasing.
- Lower than budgeted statutory fees and fines of (\$1.91 million) primarily due to parking related income.

The Balance Sheet as at 29 February 2024 indicates a satisfactory result with total current assets of \$254.56 million and total current liabilities of \$65.43 million.

The working capital ratio of 3.89 to 1 (includes a 0.5% or \$885,000 cash contingency for emergency response works and reserve funds of \$25.57 million) reflects the increase in current debtors resulting from the striking of the rates which will reduce by 30 June 2024 as Council funds its operating programs and capital works. The rate debt will be repaid over the remainder of the financial year in accordance with the payment options chosen by ratepayers.

## 2.3 Priority Projects

Council's year to date performance in gross priority project expenditure is \$12.94 million which is \$5.70 million below year to date budget phasing of \$18.64 million primarily due to significant expenditure delays, the most significant being:

- **81084. System Development & Implementation- \$3,567,000**  
*The existing variance can be attributed to delays in delivering the later than expected commencement of the Core systems implementation work and aligning the payment of vendor milestones with the updated schedule. The variance will be carried forward to the next year to cater for Core projects Go-Live.*
- **81083. System Licensing & Maintenance \$572,000**  
*The existing variance can be attributed to delays in delivering the later than expected commencement of the Core systems implementation work and aligning the payment of licencing with the updated schedule. The variance will be carried forward to the next year to cater for Core projects Go-Live.*
- **81082. BC1 Program Resources \$315,000**  
*The existing variance primarily stems from the deferment of resourcing commitments to accommodate the later than expected commencement of the Core systems implementation work. The variance will be carried forward to the next year to cater for Core projects Go-Live.*
- **80955. Tree Strategy Action Plan Implementation \$252,000**  
*This is a multi-year project for various tree renewals in parks and streets. A number of tree removals and replacement planting projects will be completed by June 2024. Further street tree renewal projects will continue into 2024-25. Works have been slightly delayed while undertaking more extensive consultation than planned and due to delays in works requiring power company approvals.*
- **81020. Glenferrie & Camberwell Placemaking Implementation \$176,000**  
*This budget supported the finalisation of the Camberwell Junction Structure and Place Plan, which was scheduled for Council adoption in early March. Following the adoption of the Glenferrie Place Plan, design development is also progressing on key public space projects including the Columbia Street laneway upgrades and Stage 1 of the Glenferrie streetscape upgrades.*

Priority projects committed expenditure as at 29 February 2024 is \$16.34 million (year to date actual and commitments equates to \$29.28 million).

Refer to **page 4 Executive overview** for graphical representation of priority projects year to date budget, actual and committed expenditure.



## 2.4 Capital Works

Council's year to date performance in gross capital works expenditure is \$33.25 million which is \$7.01 million below year to date budget phasing of \$40.26 million. The most significant variances being:

- **71636. Roads Resheeting - \$801,000**  
*Project was initially delayed whilst the priority locations were finalised. Works have commenced across a range of sites and are progressing well. The scheduled works program is anticipated to be completed by June 2024.*
- **72377. Sportsground Reconstruction Program - \$641,000**  
*Progress has been slightly delayed on the Victoria Road Reserve project due to unexpected sub surface ground conditions and design changes to accommodate these on site. Works will be completed in time for the winter sports season to commence on schedule.*
- **72992. New open space for Surrey Hills - \$600,000**  
*Payment to the Level Crossing Removal Project (LXRP) has been delayed due to LXRP administration reasons. Payment is expected to be completed this financial year.*
- **73065. Rowen Street, Liston Street Glen Iris - \$550,000**  
*Project initially delayed due to contractor availability to undertake works. Works are now scheduled to be undertaken in the final quarter of the financial year.*
- **72935. Lynden Park - \$532,000**  
*Commencement of works were delayed while temporary accommodation options for tenants were resolved. Construction is now underway and is scheduled for completion by June 2024.*
- **71866. Park playground replacement program implementation - \$457,000**  
*Hays Paddock was initially delayed due to contractor availability to undertake works. Construction commenced in August 2023 and are anticipated for completion by June 2024. Works at Kate Campbell are scheduled to commence in March 2024.*
- **72665. Library IT Hardware Renewal - \$388,000**  
*Building works have commenced at Camberwell Library. Works are scheduled to commence in March at Hawthorn and Ashburton Libraries. The project is anticipated to be completed by June 2024.*
- **73040. Parking Sensors - Various shopping centre car parks - \$320,000**  
*Project was initially delayed pending finalisation of tender documentation. Contract was awarded by Council on 18 December 2023. Purchase, installation and delivery of parking sensors is anticipated to be completed by March 2024.*
- **71755. Resurface of Condition 4 Car Parks - \$289,000**  
*Project was initially delayed whilst the priority locations were finalised. Works are scheduled for construction in the final quarter of the financial year.*
- **73039. Demolition of Ferguson Stand (Glenferrie Oval and Grace Park) - \$286,000**  
*The works were initially delayed in commencing on site due to contractor availability and are progressing well now. Works are scheduled for completion by the end of the financial year.*
- **72901. Climate Action Plan - emissions reduction work - \$282,000**  
*Electronic vehicle (EV) charging station at Hawthorn Aquatic and Leisure Centre has been completed and is now operational to the public. There has been a slight delay in the installation of new EV charging stations in Burwood, which are now scheduled to be completed in March 2024. Works on solar associated initiatives and a feasibility study into the degasification of Council facilities are progressing as planned.*

- **71869. Cricket Practice Nets renewal program - \$280,000**

*These works are part of the Victoria Road Reserve renewal project. Overall works have been delayed due to unexpected sub surface ground conditions and design changes to accommodate these. Works are scheduled for completion in April 2024.*

Capital works committed expenditure as at 29 February 2024 is \$35.81 million (year to date actual and commitments equates to \$69.06 million).

Refer to **page 3 Executive overview** for graphical representation of capital works year to date budget and actual expenditure.

### 3. Financial Statements

#### 3.1 Income Statement

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1)	YTD BUDGET (2)	YTD VARIANCE (1) - (2)	YTD VARIANCE %	2023-24 AMENDED BUDGET (3)
	\$'000s	\$'000s	\$'000s	\$'000s	%	\$'000s
<b>Recurrent income</b>						
Rates and charges	212,058	212,933	211,783	1,150	1%	212,058
Statutory fees and fines	16,821	10,928	11,173	(245)	-2%	16,640
User fees	15,423	10,448	8,222	2,226	27%	13,309
Grants - operating	10,726	4,295	4,638	(343)	-7%	5,800
Contributions - cash	5,239	4,820	3,569	1,251	35%	5,239
Rental income	2,998	1,824	1,929	(105)	-5%	2,998
Other income	3,670	2,607	2,397	210	9%	3,670
Interest	4,500	5,281	3,813	1,468	38%	5,314
<b>Total recurrent income</b>	<b>271,435</b>	<b>253,136</b>	<b>247,524</b>	<b>5,612</b>	<b>2%</b>	<b>265,028</b>
<b>Recurrent expenditure</b>						
Employee costs	98,791	60,507	61,938	1,431	2%	98,212
Materials and services	77,284	50,063	51,487	1,424	3%	78,677
Bad and doubtful debts	2,357	444	511	67	13%	4,762
Depreciation and amortisation <sup>1</sup>	38,846	26,647	26,647	-	0%	39,987
Amortisation - right of use assets	4,399	2,934	2,934	-	0%	4,399
Borrowing costs	3,408	2,288	2,288	-	0%	3,408
Finance costs - leases	313	208	208	-	0%	313
Other expenses	7,818	5,070	5,638	568	10%	7,833
<b>Total recurrent expenditure</b>	<b>233,216</b>	<b>148,161</b>	<b>151,651</b>	<b>3,490</b>	<b>2%</b>	<b>237,591</b>
<b>Net recurrent operating surplus</b>	<b>38,219</b>	<b>104,975</b>	<b>95,873</b>	<b>9,102</b>	<b>9%</b>	<b>27,437</b>
<b>Non-recurrent income</b>						
Priority projects income	830	1,983	1,837	146	8%	2,914
Capital works income	3,238	3,815	4,668	(853)	-18%	8,649
<b>Total non-recurrent income</b>	<b>4,068</b>	<b>5,798</b>	<b>6,505</b>	<b>(707)</b>	<b>-11%</b>	<b>11,563</b>
<b>Non-recurrent expenditure</b>						
Priority projects expenditure	25,158	12,940	18,639	5,699	31%	31,188
<b>Total non-recurrent expenditure</b>	<b>25,158</b>	<b>12,940</b>	<b>18,639</b>	<b>5,699</b>	<b>31%</b>	<b>31,188</b>
<b>Net non recurrent operating surplus (deficit)</b>	<b>(21,090)</b>	<b>(7,142)</b>	<b>(12,134)</b>	<b>4,992</b>	<b>-41%</b>	<b>(19,625)</b>
<b>Net gain (loss) on disposal of property, infrastructure, plant and equipment</b>	<b>(2,763)</b>	<b>(1,437)</b>	<b>-</b>	<b>(1,437)</b>	<b>100%</b>	<b>(2,763)</b>
<b>Surplus/(Deficit) for the year <sup>2</sup></b>	<b>14,366</b>	<b>96,396</b>	<b>83,739</b>	<b>12,657</b>	<b>15%</b>	<b>5,049</b>

Note: All numbers are rounded to the nearest thousand.

1. Depreciation and amortisation primarily relates to property, plant, equipment and infrastructure assets.
2. The year to date surplus result of \$96.40 million as per the budget is due to the striking of full year annual rates in August 2023. The surplus result will reduce over the course of the year as Council delivers services to the community. In addition, the favourable result against year to date budget of \$12.66 million or 15% is due to timing differences for income and expenditure. Refer to Section 2 Financial Overview for details on Council's financial performance.

**3.2 Balance Sheet**

	29 Feb 2024 \$'000	30 Jun 2023 \$'000	1 Mar 2023 \$'000
<b>Current assets</b>			
Cash and cash equivalents <sup>1</sup>	188,543	66,751	184,906
Other financial assets <sup>1</sup>	-	79,500	-
Trade and other receivables	64,724	24,135	59,292
Prepayments	1,289	3,177	982
<b>Total current assets</b>	<b>254,556</b>	<b>173,563</b>	<b>245,180</b>
<b>Non-current assets</b>			
Financial assets	4	4	4
Property, plant and equipment, infrastructure	4,452,565	4,448,985	4,415,453
Right of use assets	6,003	7,176	6,815
Intangible assets	15	15	269
Investment property	18,402	18,105	8,759
<b>Total non-current assets</b>	<b>4,476,989</b>	<b>4,474,285</b>	<b>4,431,300</b>
<b>Total assets</b>	<b>4,731,545</b>	<b>4,647,848</b>	<b>4,676,480</b>
<b>Current liabilities</b>			
Trade and other payables	10,371	22,505	19,817
Interest-bearing liabilities	3,874	8,117	3,634
Provisions	19,085	19,844	18,767
Trust funds and deposits	23,805	16,032	14,295
Unearned income	5,315	7,981	11,741
Lease liabilities	2,980	2,980	7,397
<b>Total current liabilities</b>	<b>65,430</b>	<b>77,459</b>	<b>75,651</b>
<b>Non-current liabilities</b>			
Provisions	2,244	2,244	2,120
Interest-bearing liabilities	77,216	77,216	83,960
Provision for investments in joint ventures	7,557	7,557	6,040
Lease liabilities	3,596	4,266	-
<b>Total non-current liabilities</b>	<b>90,613</b>	<b>91,283</b>	<b>92,120</b>
<b>Total liabilities</b>	<b>156,043</b>	<b>168,742</b>	<b>167,771</b>
<b>Net assets</b>	<b>4,575,502</b>	<b>4,479,106</b>	<b>4,508,709</b>
<b>Equity</b>			
Accumulated surplus	1,055,695	958,843	1,018,746
Asset revaluation reserve	3,494,240	3,494,696	3,466,496
Reserves <sup>2</sup>	25,567	25,567	23,467
<b>Total equity</b>	<b>4,575,502</b>	<b>4,479,106</b>	<b>4,508,709</b>
<b>Working capital ratio</b>	<b>3.89</b>		

Note: All numbers are rounded to the nearest thousand.

1. Cash reflects balances in the general ledger not actual bank account balances.

2. Reserve funds comprise of Strategic Acquisition Fund (\$434,000), Open Space Development Fund (\$15.63 million) and Defined Benefits Superannuation future call up reserve (\$9.50 million).

### 3.3 Statement of Cash Flows

	ANNUAL ORIGINAL BUDGET	YEAR TO DATE			2023-24 AMENDED BUDGET
			YTD	VARIANCE	
		ACTUAL (1)	ANNUAL BUDGET (2)	(unfav) (1) - (2)	
	\$'000	\$'000	\$'000	\$'000	\$'000
Cash flows from operating activities					
Rates and waste charges <sup>1</sup>	214,458	171,470	176,009	(4,539)	210,050
Statutory fees and fines <sup>2</sup>	13,794	8,755	10,663	(1,908)	11,408
User charges and other fines	16,965	9,292	9,047	245	14,643
Grants - operating	12,208	6,505	7,115	(610)	3,534
Grants - capital <sup>3</sup>	3,238	1,043	4,668	(3,625)	8,495
Contributions - monetary <sup>4</sup>	5,239	5,080	3,572	1,508	5,239
Interest received	4,500	4,456	3,814	642	5,314
Other receipts	7,335	4,667	4,762	(95)	7,515
Net GST refund	15,292	10,118	10,132	(14)	15,657
Trust funds and deposits taken <sup>5</sup>	100	7,773	-	7,773	100
Employee costs <sup>6</sup>	(105,444)	(66,355)	(71,190)	4,835	(108,998)
Materials and services <sup>7</sup>	(106,654)	(72,013)	(79,388)	7,375	(112,499)
Short-term, low value and variable lease payments	(589)	(590)	(395)	(195)	(589)
Other payments	(8,118)	(5,029)	(5,849)	820	(8,160)
Net cash provided by/(used in) operating activities	72,324	85,172	72,960	12,212	51,709
Cash flows from investing activities					
Payments for property, infrastructure, plant and equipment <sup>8</sup>	(80,595)	(34,187)	(45,650)	11,463	(72,407)
Proceeds from sale of property, plant and equipment	4,720	(4)	-	(4)	4,720
Net proceeds / (payments) for investments	-	79,500	79,500	-	79,500
Net cash used in investing activities	(75,875)	45,309	33,850	11,459	11,813
Cash flows from financing activities					
Finance costs	(3,408)	(1,789)	(2,378)	589	(3,699)
Repayment of borrowings	(8,117)	(4,243)	(4,243)	-	(8,117)
Interest paid - lease liability	(313)	(209)	(210)	1	(315)
Repayment of lease liabilities	(6,130)	(2,448)	(2,472)	24	(3,709)
Net cash provided by (used in) financing activities	(17,968)	(8,689)	(9,303)	614	(15,840)
Net increase (decrease) in cash and cash equivalents	(21,519)	121,792	97,507	24,285	47,682
Cash and cash equivalents at beginning of year	128,170	66,751	66,751	-	66,751
Cash and cash equivalents at end of year	106,651	188,543	164,258	24,285	114,433

Note: All numbers are rounded to the nearest thousand.

1. Rates and waste charges are (\$4.54 million) lower than budget due to timing and a lower collection rate (77.69%) than anticipated (83%).
2. Lower than budgeted statutory fees and fines of (\$1.91 million) primarily due to parking related income.
3. Capital grants income is (\$3.63 million) lower than budget due to timing and being behind planning budget phasing.
4. Contributions - monetary is \$1.51 million higher primarily related to the timing of developer and local contributions.
5. Trust funds and deposits includes the fire services property levy received which relates to the timing of fire services property levy and levy interest amounts received and subsequently remitted to the State Revenue Office (SRO) which are to be made in four payments in accordance with Section 41(1) of the FSPL Act. An instalment is due and payable to the Commissioner of State Revenue 28 days after the due date of rates instalments. Levy monies are to be remitted to the SRO by the following dates each financial year - 28 October; 28 December; 28 March; and 28 June.
6. Employee costs are \$4.84 million lower than budgeted primarily due to staff vacancies across the organisation.
7. Materials and Services are lower than budget due to timing of cash outflows of \$7.38 million.
8. Payments for property, plant and equipment differs from that presented in the capital works statement due to settlement of the 30 June 2023 creditors and forward commitment expenditure. Works delivered in the 2022-23 financial year have previously been brought to account and accrued against the 2022-23 capital works statement.

### 3.4 Capital Works expenditure by asset group

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL	YTD BUDGET	YTD VARIANCE	YTD VARIANCE	COMMIT	2023-24 AMENDED BUDGET
	\$'000s	(1) \$'000s	(2) \$'000s	(1) - (2) \$'000s	%	\$'000s	(3) \$'000s
<b>Infrastructure</b>							
Bridges	67	886	915	29	3%	191	952
Drainage	5,244	4,313	4,508	195	4%	760	6,271
Footpaths and cycleways	2,388	1,100	1,721	621	36%	97	2,904
Off street carparks	852	112	721	609	84%	34	852
Parks, open space and streetscapes	6,537	4,285	5,891	1,606	27%	3,246	8,833
Recreational, leisure & com facilities	7,322	2,187	3,387	1,200	35%	2,915	8,114
Roads	13,830	8,563	8,068	(495)	-6%	1,232	14,266
<b>Total Infrastructure</b>	<b>36,240</b>	<b>21,446</b>	<b>25,211</b>	<b>3,765</b>	<b>15%</b>	<b>8,475</b>	<b>42,192</b>
<b>Plant and Equipment</b>							
Computers and telecommunications	1,267	418	643	225	35%	176	1,673
Fixtures, fittings and furniture	1,682	395	1,037	642	62%	711	2,306
Library books	1,000	660	653	(7)	-1%	134	1,000
Plant machinery and equipment	1,269	482	636	154	24%	-	1,269
<b>Total Plant and Equipment</b>	<b>5,218</b>	<b>1,955</b>	<b>2,969</b>	<b>1,014</b>	<b>34%</b>	<b>1,021</b>	<b>6,248</b>
<b>Property</b>							
Building	21,193	8,638	10,342	1,704	16%	11,796	19,020
Building improvements	352	21	93	72	77%	5	352
Major Projects	17,592	1,192	1,650	458	28%	14,509	4,595
<b>Total Property</b>	<b>39,137</b>	<b>9,851</b>	<b>12,085</b>	<b>2,234</b>	<b>18%</b>	<b>26,310</b>	<b>23,967</b>
<b>Total capital works expenditure</b>	<b>80,595</b>	<b>33,252</b>	<b>40,265</b>	<b>7,013</b>	<b>17%</b>	<b>35,806</b>	<b>72,407</b>
<b>Represented by:</b>							
Asset renewal expenditure	54,456	27,860	32,212	4,352	14%	26,397	54,243
Asset upgrade expenditure	1,587	1,506	1,585	79	5%	1,096	3,641
New asset expenditure	17,187	3,098	5,828	2,730	47%	6,026	11,913
Asset expansion expenditure	7,365	788	640	(148)	-23%	2,287	2,610
<b>Total capital works expenditure</b>	<b>80,595</b>	<b>33,252</b>	<b>40,265</b>	<b>7,013</b>	<b>17%</b>	<b>35,806</b>	<b>72,407</b>

Note: All numbers are rounded to the nearest thousand.