

# COUNCIL MEETING

## MINUTES



(Open to the public)

**Monday 22 April 2024**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6:31pm

**Attendance**

Councillor Lisa Hollingsworth (Mayor)  
Councillor Jim Parke  
Councillor Victor Franco  
Councillor Wes Gault  
Councillor Jane Addis  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Garry Thompson  
Councillor Nick Stavrou

**Apologies**

Councillor Felicity Sinfield (Leave of Absence)  
Councillor Di Gillies (Leave of Absence)

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Kate McCaughey	Director Community Support
Scott Walker	Director Urban Living
Sapphire Allan	Acting Chief Financial Officer
Kirstin Ritchie	Acting Manager Governance and Legal
David Shepard	Manager Environmental Sustainability and Open Spaces
Bronwyn Davies	Coordinator Strategic Procurement
Jarrod Filosa	Coordinator Building Projects
Michael Hutchison	Head of Strategic Property and Rates
Liam Merrifield	Senior Governance Officer

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**1. Adoption and confirmation of the minutes****MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Gault**

**That the minutes of the two Council meetings held on 25 March 2024 be adopted and confirmed subject to revising the division vote for item 3.1 Kew Library Redevelopment to remove Cr Addis from the Affirmative vote.**

**CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Refer to Item 8.1 - Leaves of Absence - Councillor Thompson, Councillor Franco, Councillor Watson.

**3. Deputations, presentations, petitions and public submissions**

Nil.

**4. Informal Meetings of Councillors**

Chapter 6 of Council's Governance Rules requires that a summary of matters discussed at Informal Meetings of Councillors be reported to a Council meeting as soon as practicable.

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

**MOTION**

**Moved Councillor Watson**

**Seconded Councillor Thompson**

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

**CARRIED**

## 5. Public question time

### PQT1 Zarinah Adam

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“What are Council’s official plans to increase affordable housing to end homelessness? How are councils’ official plans to increase housing to end homelessness coordinated with other councils?”*

The **Director Community Support** responded as follows:

- Boroondara plays several roles in relation to social housing and homelessness, including advocacy on the provision of social housing, advocacy for funding for homelessness services to provide assertive outreach training and building the capacity of our staff particularly our frontline staff to respond to and support people experiencing homelessness or those at risk of homelessness.
- This approach is captured in Council’s homelessness protocol, this protocol ensures people experiencing homelessness are treated appropriately and offered relevant support services.
- We also provide grants to organisations supporting people who are homeless or at risk of homelessness. The Boroondara Housing Strategy 2023 also acknowledges that increasing the provision of social housing is important to address homelessness and whilst Council does not offer financial subsidies or assets for the development of social housing that is the responsibility of State and Federal Governments. However, Boroondara will continue to advocate to both levels of government to increase the available affordable housing stock in Boroondara.
- Boroondara undertakes joint advocacy with other Councils on these matters when the opportunities arise.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Zarinah in due course.

### PQT2 Nic Mesic

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“What is Council doing to de-stigmatise social housing in our LGA?”*

The **Director Community Support** responded as follows:

- Increasing supply as well as good design are two key components to reducing the stigma of social housing as is ensuring that residents in social housing are well supported. Council supports the delivery of a diverse range of housing stock including social and affordable housing through existing housing policies via existing housing policies in the Boroondara Planning Scheme.

- Council does not offer financial subsidies or assets for the development of social housing as this is the responsibility of State and Federal Governments.
- Council has and will continue to advocate to both levels of government to increase and improve affordable and social housing stock in Boroondara on State Government or private land owned and managed by not-for-profit housing associations.
- Council has undertaken strong advocacy on behalf of the community around the Markham Avenue and Bill Street social and affordable housing re-development projects. This has included advocacy for a significant uplift in the number of social housing units, above the State government's proposed increase of just 10%. This resulted in an increase of social and affordable housing units from the proposed 62 units to 178 units. In addition, Council advocated for design and amenity as these developments were not in compliance with the big housing build's own standards and local planning scheme expectations improvements in the built form outcome.
- Increases in public social and affordable housing numbers were only achieved through a comprehensive and time and resource intensive advocacy campaign undertaken by Council to improve the overall quality of the projects.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Mesic in due course.

### **PQT3 Nicholas Bieber**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*"Does the Council know how many people are sleeping rough across the LGA and how is Council collecting this information?"*

The **Director Community Support** responded as follows:

- The 2021 census counted 320 people as homeless in Boroondara and this includes people living in boarding houses, supported accommodation, and staying temporarily with other households such as couch surfing as well as sleeping rough. The census took place when the Victorian government was providing accommodation to Victorians who were sleeping rough so the 2021 homelessness data may be indicative of long-term homelessness trends in Australia.
- However, more recently in 2023, Council received 94 reports related to homelessness this reported multiple reports about a single location where some were sleeping rough. It is estimated that of the 94 reports to Council there were 68 unique cases of primary homelessness affecting single people couples and families in the municipality.
- The City of Boroondara has a homelessness protocol which was developed in 2009 in partnership with the Salvation Army, our regional homelessness support service. Council receives reports of homelessness namely rough sleeping from residents, businesses and under this protocol facilitates referrals to outreach services.

- As per the homelessness protocol de-identified information is collected by reports of homelessness. Case coordination activities are undertaken with relevant services, this is used to compile and maintain Council statistics and information on the incidence of primary homelessness in Boroondara.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Bieber in due course.

#### **PQT4 George Zekan**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“Why has Council and the MBS not taken appropriate available action under the Building Act 1993 to enforce the Building order on the adjoining property?”*

The **Director Urban Living** responded as follows:

- The matter is currently being progressed with Court proceedings against the owners for non-compliance with the building order requiring works to be carried out. Prosecution in these types of cases in the Magistrates Court is a last resort which is pursued when all other avenues to achieve compliance have been exhausted.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Zekan in due course.

#### **PQT5 Leigh Naunton**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“Is Council reviewing or will Council review the Business Case for heating and colling technology at the Kew Recreation Centre, including options of gas-fired method(s) versus electrical heat-pump(s)?*

The **Director Places and Spaces** responded as follows:

- XXXX

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Naunton in due course.

#### **PQT6 Leigh Naunton**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“If Council is reconsidering or has reconsidered its decision to use gas in the Kew Recreation Centre will Council provide the documents that have been used or are being used by Council to inform these deliberations including any business case, financial or other advice, either internal or external?”*

The **Director Places and Spaces** responded as follows:

- XXXX

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Naunton in due course.

#### **PQT7 Lynn Frakes**

The **Mayor, Councillor Hollingsworth** outlined that the question was disallowed under Governances Rule 55.1.4 as it dealt with subject matter already answered at the Council meeting. Officers determined that the question deals with the same subject matter as asked in Leigh Naunton's first question.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Ms Frakes in due course.

#### **PQT8 Lynn Frakes**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*"Has Council applied or may Council apply for heat pump upgrade funding under the Community Energy Upgrades Fund Round 1 for the Kew Recreation Centre redevelopment based on the possibility that upgrades in planned and budgeted for but not yet delivered facilities are eligible?"*

The **Director Places and Spaces** responded as follows:

- XXXX

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Ms Frakes in due course.

#### **PQT9 Moira Tobin**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*"Regarding the outcomes of Gardiners Creek No Glyphosate Trial, if chemicals are not included in this specific trial, why is there a budget for chemicals in this specific report?"*

The **Director Places and Spaces** responded as follows:

- Council undertakes weed management to maintain the presentation of our public spaces, to ensure that surfaces are safe for people to use and to manage and protect our biodiversity. We use a range of different methods to manage weeds which includes mechanical methods and herbicides. There are a number of different herbicides used which target different types of weeds. These herbicides have different active ingredients, only those containing glyphosate were eliminated from use during the trial period. The budget for chemicals relates to the other herbicides that were used.



The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Ms Tobin in due course.

#### **PQT10 Moira Tobin**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice:

*“The \$9,000 figure for goats in the No Glyphosate Trial needs to be checked. Does this include the Balwyn (goat) site which was not part of the Gardiners Creek trail?”*

The **Director Places and Spaces** responded as follows:

- The \$9,000 is the cost for the use of goats for the period they were used within the trial area along Gardiners creek between Warrigal and Glenferrie Roads.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Ms Tobin in due course.

#### **PQT11 Ian Hundley**

The **Mayor, Councillor Hollingsworth** noted that the question was received after 12pm and that it would be taken on notices as per Rule 54.4.2 of the Governance Rules.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Hundley in due course.

#### **PQT12 Ian Hundley**

The **Mayor, Councillor Hollingsworth** noted that the question was received after 12pm and that it would be taken on notices as per Rule 54.4.2 of the Governance Rules.

The **Mayor, Councillor Hollingsworth** informed the meeting that a written response would be provided to Mr Hundley in due course.

### **6. Notices of motion**

Nil.

### **7. Presentation of officer reports**

#### **Procedural Motion - En bloc**

#### **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**That the following items:**

- 7.1 Revised Instrument of Delegation - Council to Council Staff**
- 7.2 Instrument of Appointment and Authorisation - Environment Protection Act 2017**
- 7.4 Contract No 2023/231 Michael Tuck Stand Structural Rectification Works**
- 7.5 February 2024 Monthly Financial Report**

**be moved en bloc as per the officers' recommendations outlined in the agenda.**

**CARRIED****7.1 Revised Instrument of Delegation - Council to Council Staff****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.

**MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**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.

## CARRIED

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

#### 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.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

- 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.**

## **CARRIED**

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

#### 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.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**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.**

**CARRIED**

## 7.5 February 2024 Monthly Financial Report

### 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.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**That Council resolve to receive and note the Monthly Financial Report for February 2024. (Attachment 1).**

## **CARRIED**

## 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

### 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.

### **MOTION**

**Moved Councillor Addis**

**Seconded Councillor Thompson**

**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 officer 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 officer as the Chief Executive Officer approves, to commence the sale process under section 114 of the *Local Government Act 2020* for any unsold lots.**



## CARRIED

### 7.6 Outcomes of Gardiners Creek No Glyphosate Trial

#### Purpose

The purpose of this report is to present the outcomes of the Gardiners Creek No Glyphosate Trial which ran from the beginning of December 2022 to the end of November 2023.

#### Background

At the Council meeting on 22 August 2022 Council carried the following motion:

1. Resolve to continue to implement a weed management approach that enhances the appearance of public spaces and biodiversity, including a variety of approaches and seeks to minimise the use of herbicides and any potential negative impacts on human health and the environment, including
  - a. Ceasing the use of glyphosate for a trial period of 12 months along the Gardiners Creek corridor (adjoining open space), commencing at the start of Summer 2022 and concluding at end of Spring 2023.
  - b. Ceasing the use of Fluroxypyr within a specific trial site (Winton Rd Reserve and behind properties along Gardiners Creek from Winton Rd to Solway St, Ashburton), commencing at the start of Summer 2022 and concluding at end of Spring 2023.
2. Publish on our website the weed control site methods and practices, and the dates and locations for yearly weed management activities.
3. Bring a report on the findings of the 12-month trial to a future Services Delegated Committee.

#### Key Issues

- The Gardiners Creek No Glyphosate Trial finished at the end of November 2023, although the practices have continued into 2024.
- Overall, the asset condition rating of the sites in the trial area showed a small decrease in site condition.
- The total volume of herbicide used at biodiversity sites across the trial area decreased by 27,475.15ml (from 36,355.75ml to 8,880.6ml).
- The total number of hours spent on the management of biodiversity sites across the Gardiners Creek trial area increased by 348.5 (from 2,719.5 hours to 3,068 hours).
- Based on the increased hours and reduced chemicals spent in maintaining the biodiversity sites across trial area, an extra cost of \$29,280 has been identified for the trial period.
- Sections of the trial area included goat grazing at a cost of \$9,000 over the trial period (included in the amount above).

#### Next Steps

Continue the trial through to the end of Spring 2024 to enable more data collection.

## MOTION

**Moved Councillor Thompson**

**Seconded Councillor Franco**

**That Council resolve to:**

- 1. Continue to implement a weed management approach that enhances the appearance of public spaces and biodiversity, including a variety of approaches and seeks to minimise the use of herbicides and any potential negative impacts on human health and the environment, including:**
  - a. Ceasing the use of glyphosate for an additional trial period of 12 months along the Gardiners Creek corridor (adjoining open space), commencing at the start of Summer 2022 and concluding at end of Spring 2024.**
  - b. Ceasing the use of Fluroxypyr within a specific trial site (Winton Rd Reserve and behind properties along Gardiners Creek from Winton Rd to Solway St, Ashburton), commencing at the start of Summer 2022 and concluding at end of Spring 2024.**
- 2. Publish on our website the weed control site methods and practices, and the dates and locations for yearly weed management activities.**
- 3. Receive a further report on the findings of the two-year trial period to a future Services Delegated Committee.**

## CARRIED

### 7.7 Draft Procurement Policy 2024

#### Purpose

To present the draft Procurement Policy 2024 ("Policy") to Council for adoption. The amended Policy is attached to this report.

#### Background

The adoption of the current Procurement Policy in December 2021 and changes to the procurement operational model in early 2022, prompted a review of the policy and operational procedures. The aim of the review has been to ensure Council's procurement function is effective, efficient and is an enabler to achieving Best Value.

#### Key Issues

The review identified opportunities to improve procurement and contract management processes and several amendments are proposed accordingly.

## Policy

#### *Removal of supporting guidelines*

The current Procurement Policy has five supporting guidelines. Consultation with stakeholders has indicated the guidelines are confusing and are not being utilised.

All critical information from these guidelines has been merged into the Policy and all operational requirements will be made available in supporting internal Procurement and Contract Management Procedures (currently in development).

### *Panel Contracts*

Addition of guidelines around the use of panel contracts.

### *Variations*

There are opportunities to clarify expectations and improve our processes involving contract variations. This will improve both contract performance and financial management.

It is recommended that variations be approved based on the cumulative value of the contract, rather than the value of the variation. This change will provide greater transparency and oversight to the Senior and Executive Leadership Teams on contract activity.

Changes to instruments of delegations are also being recommended to support these changes.

### *Thresholds*

The separate requirements for works and goods/services is confusing, particularly for those staff that procure both. This causes errors to be made and creates a surplus of templates and procedures.

It is recommended the policy be changed to one combined set of thresholds for all procurement to reduce confusion and drive compliance.

## **CEO Instrument of Delegation**

To support the changes to the Policy, changes to the Instrument of Delegation from Council to the Chief Executive Officer (CEO) are also being recommended. By increasing delegations, officers will be able to receive endorsement on projects quicker, secure pricing, improve efficiency, manage contract variations promptly and reduce risk.

The recommended change will provide a clear line of escalation by including an escalation point between the administration and Council, and consistency in the assessment of variations whether initially awarded under delegation or by Council.

The changes proposed are as follows:

- Increase the CEO's delegation to \$1 million for contract awards
- Authorise contract variations for contract awards under delegation up to a maximum cumulative contract total of \$1,100,000 (10% above CEO's delegation)
- Authorisation for contract variations to Council awarded contracts remains at a maximum of 10% of the awarded contract sum, unless otherwise authorised by Council resolution.

Subject to Council approval of the Policy, officers will make the required changes to the Instrument of Delegation from Council to the CEO.

## **MOTION**

**Moved Councillor Parke**

**Seconded Councillor Stavrou**

**That Council resolve to**

- 1. Adopt the Procurement Policy 2024 (Attachment 1).**
- 2. Note the Procurement Policy 2024 will become effective from 1 July 2024.**

**CARRIED****7.8 Proposed discontinuance and sale of road reserve - Adjoining 41 McShane Street, Balwyn North**Purpose

This report is to consider commencement of the statutory procedures to discontinue, take title and sell the 3.05m wide section of road reserve, with a land area of 44.5 m<sup>2</sup> at the front of 41 McShane Street, Balwyn North.

Background

Council received a request from the owner of 41 McShane Street, Balwyn North, for the discontinuance and sale of the above unconstructed section of road reserve at the front of the property, as shown hatched on **Attachment 1**.

Key Issues

- The Road is in the name of the original subdivider.
- The Road Reserve is considered by officers to be of little practical value to Council.
- The Road Reserve has been enclosed within the front yard of 41 McShane Street, Balwyn North, for in excess of 15 years.
- The discontinuance and sale of the Road requires Council to comply with section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*.

Confidentiality

Confidential information is contained in **Confidential 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 is Council business information which 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.

**MOTION**

**Moved Councillor Watson**

**Seconded Councillor Biggar**

**That Council resolve to:**

- 1. Commence the statutory procedures under section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local***

**Government Act 2020**, to discontinue and sell part of the McShane Street road reserve at the front of 41 McShane Street, Balwyn North, shown hatched in Attachment 1 and as Lot 1 on Title Plan TP965749R in Attachment 2 (“the Land”), to the owner of the adjoining property at 41 McShane Street, Balwyn North, by private treaty in accordance with Council’s Discontinuance of Roads and Reserves Policy 2022 (“Council’s Policy”).

2. Gives public notice under section 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* in the appropriate newspaper and on Council’s website that Council proposes to discontinue the road reserve and sell the land from the road reserve to the owner of 41 McShane Street, Balwyn North, by private treaty, and transfer to itself any remaining unsold land, in accordance with Council’s Policy.
3. Invite submissions on the proposed discontinuance and sale.
4. Note a further report will be presented to a future meeting of the Services Delegated Committee of Council should any submissions be received to enable consideration of the submissions and for a decision on whether to proceed with the proposed discontinuance and sale of the road reserve in full, in part or not to proceed with the discontinuance and sale.
5. Authorise the Chief Executive Officer, or such other officer as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the discontinuance and sale of the road reserve if no submissions are received.
6. Authorise the Chief Executive Officer, or such other officer as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the land to the owner of the adjoining property at 41 McShane Street, Balwyn North, for the sum of \$27,925.00 (inclusive of GST), in accordance with Principle 3 of Council’s Discontinuance of Roads and Reserves Policy.

## **CARRIED**

### **8. General business**

#### **8.1 Leaves of Absence - Councillor Thompson, Councillor Franco and Councillor Watson**

**Councillor Thompson, Councillor Franco, and Councillor Watson** declared material conflict of interest in accordance with section 128 of the Local Government Act 2020 and the Governance Rules, as the nature of their interests is that their requests are for personal leave for the dates requested.

*Councillor Thompson and Councillor Franco left the chamber at 7:34pm prior to the consideration and vote on this item.*

*Councillor Watson left the chamber at 7:35pm prior to the consideration and vote on this item.*

## MOTION

**Moved Councillor Parke**

**Seconded Councillor Stavrou**

**That Council resolve to:**

- 1. grant Councillor Thompson a leave of absence from Council on the following dates:**
  - **Monday 6 May 2024**
  - **Monday 27 May 2024**
  - **Monday 22 July 2024**
  - **Monday 29 July 2024**
- 2. amend Councillor Franco's approved leave of absence to be Monday 3 June to Monday 24 June (inclusive).**
- 3. grant Councillor Watson a leave of absence from Council on 29 May 2024.**

## CARRIED

*Councillor Thompson, Councillor Franco, and Councillor Watson returned to the chamber and resumed their seats at 7:37pm.*

### **8.2 Councillor Stavrou - ANZAC Day**

**Councillor Stavrou** addressed the meeting on the upcoming ANZAC Day, stating:

- On Thursday 25 April 2024, we mark 109 years since WWI Gallipoli landings that gave rise to ANZAC Day. On that day in 1915 the Australian New Zealand Armies began an eight-month long campaign that eventually ended in a stalemate. At the end of that year ANZAC forces were evacuated and the news of their casualties and hardships had a profound effect on the Australian psyche. The 25<sup>th</sup> of April has become that we remember them.
- There is a lot of valuable information on the Council commemorating on Council's website and I'd like to highlight the areas where we would be commemorating and honouring the brave men and women who fought for our freedoms and democratic way of life. Particular locations are Camberwell RSL, Kew RSL, St James Park and Surrey Gardens.
- Tomorrow night, on Tuesday 23<sup>rd</sup> April 2024 at 6:30pm there is an event at Hawthorn Arts Centre which features distinguished local artist George Patre OAM discussing his book 'The Art of Sacrifice'. This book features 60 to 70 portraits and 63 stories and historical images which tell the stories of ANZAC's their courage, their sacrifice. This event is a collaboration between our arts and libraries teams.
- I would also like to acknowledge the brave men and women from the Kew Memorial who the Rotary Club of Kew have begun to digitise and created a 'Kew remembers' website.

### 8.3 Councillor Hollingsworth - ANZAC Day and police memorial

The **Mayor, Councillor Hollingsworth** addressed the meeting, stating the following:

- I would like to mention that on Sunday, yesterday, the ANZAC commemoration service held at Wattle Park at the patriotic area was an exceptional event supported by the AIF Battalion Associations, the Camberwell RSL sub-branch, the Melbourne Tramways Band, and Parks Victoria. Councillor Watson and I attended that service on behalf of Boroondara and certainly is a time of year where we need to reflect, respect and less we forget.
- This evening (22 April 2024) the Hawthorn Arts Centre will be lit in blue in memory of Constable Glenn Humphrey, Constable Joss Presley, Leading Senior Constable Lynette Taylor, and Senior Constable Kevin King who were tragically killed on the Eastern Freeway on this day in 2020. Let us be mindful of the sacrifice of all people that serve in our amazing country.

### 8.4 Councillor Addis - Surrey Hills Dawn Ceremony

**Councillor Addis** addressed the meeting, stating the following:

- I would like to mention that the Surrey Hills Dawn Service will be occurring this Thursday, 25 April 2024. I certainly can commend this to the community, it is a truly fabulous event run by the local community that includes many children from local schools who talk and commemorate those who served.

### 9. Urgent business

Nil

### 10. Confidential business

Nil.

**The meeting concluded at 7:40pm**

**Confirmed**

**Chairperson**

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**Date**

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# MINUTES ATTACHMENTS



## **Council**

**Monday 22 April 2024**

Attachments as annexed to the resolution:

- 4 Informal Meetings of Councillors
- 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



# MINUTES ATTACHMENTS



## **Council**

**Monday 22 April 2024**

Attachments as annexed to the resolution:

7.1 Revised Instrument of Delegation - Council to Council Staff



## **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:

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

<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>MFW&amp;I</b>	means	Manager Facilities, Waste and Infrastructure

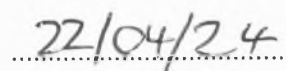
<b>MPP</b>	means	Manager City Futures, Manager Urban Planning
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>P&amp;A</b>	means	All Permits and Appeals Staff
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PO</b>	means	Prosecutions Officer
<b>PP</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, 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) strategy
- adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
- 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



## **SCHEDULE INDEX**

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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

<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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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))

<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	<p>Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39</p> <p>Fees are determined in the Council' s annual budget process</p>

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

<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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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



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	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	<p>Must first obtain the Executive Director's written consent</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation</p>

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		

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)	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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

<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 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		

<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 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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	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		

<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 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	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	

<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 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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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)	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	



<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.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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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'	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

<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 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		



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
	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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

<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 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		

<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 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		

**PLANNING AND ENVIRONMENT ACT 1987**

<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 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		

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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PLANNING AND ENVIRONMENT ACT 1987				
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 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>



PLANNING AND ENVIRONMENT ACT 1987				
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>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	CEO, DUL, Specific Urban Planning Officers	<p>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</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/Manager City Futures (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC)</p>	
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	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		

<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 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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
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	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		

PLANNING AND ENVIRONMENT ACT 1987				
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<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		

<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 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	

<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 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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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>	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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>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 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		

<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 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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	

<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 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	

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 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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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

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)(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

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)(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		

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(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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

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	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		

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	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		



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(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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

**PLANNING AND ENVIRONMENT ACT 1987**

<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 201(3)	Duty to make declaration	CEO, DUL, MPP and Specific Urban Planning Officers		

-	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> <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	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	

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 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		

<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	

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	



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	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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
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	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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

ROAD MANAGEMENT ACT 2004			
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>

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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

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			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DUL, MPP, CSTP	Where Council is the planning authority  Note: the grounds for waiving or rebating a fee include: <ul style="list-style-type: none"> <li>a) where the application is withdrawn and a new application is submitted;</li> <li>b) the amendment combines separate items from multiple requests for an amendment; and</li> <li>c) the amendment is intended to remove anomalies in the planning scheme</li> </ul>
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: <ul style="list-style-type: none"> <li>a) where the application is withdrawn and a new application is submitted;</li> <li>b) the application relates to land used for charitable purposes; and</li> <li>c) the fee is not warranted due to the minor nature of the application</li> </ul>
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

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	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

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	

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

# MINUTES ATTACHMENTS



## **Council**

**Monday 22 April 2024**

Attachments as annexed to the resolution:

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

**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
Noppawoot 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 22 April 2024.

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

.....  
[Signature]

Chief Executive Officer

.....  
[Signature]

Mayor

.....  
22/04/24

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
Alice Haskett
Andrew McIlveen
Amaya De Silva
Brendan Rea
Calum Schwindt
Cynthia Pizzati
Cheng Chea
Chiara Lorini
Christopher Spencer
Damian Bu
Daniel Murphy
Darshankumar (Darshan) Vachhani

Daniela Splitgerber
David Barclay
David Cowan
Edward Howe
Elizabeth Spanjer
Erin McCarthy
Gregory (Greg) Pocock
Ida LaRocca
Jack Richardson
Jessica Nedelkos
Jennifer Estrada
Jock Farrow
Joel Torresi
Joel Elbourne

Jon Harper
Jonathan Welcome
Jordan Schonberg
Justin Richardson
Karen Reid
Kathy Fletcher
Kelly Caporaso
Lachlan Waddell
Lebon Ferri
Lucy Johnson
Matt Aitken
Michael Burton
Mridula Krishna
Nick Hulston

Nikhil Shah
Scott Lipscombe
Shane Browne
Simon Elliott
Scott Walker
Simon Quinn
Sofia Skliris
Stephanie Ng
Sylvia Georges
Timothy Luckin
Toni Johnson
Vanessa Kwaczynski
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 22 April 2024.

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

.....

Chief Executive Officer

.....

Mayor

22/04/24.....

Date



# MINUTES ATTACHMENTS



## **Council**

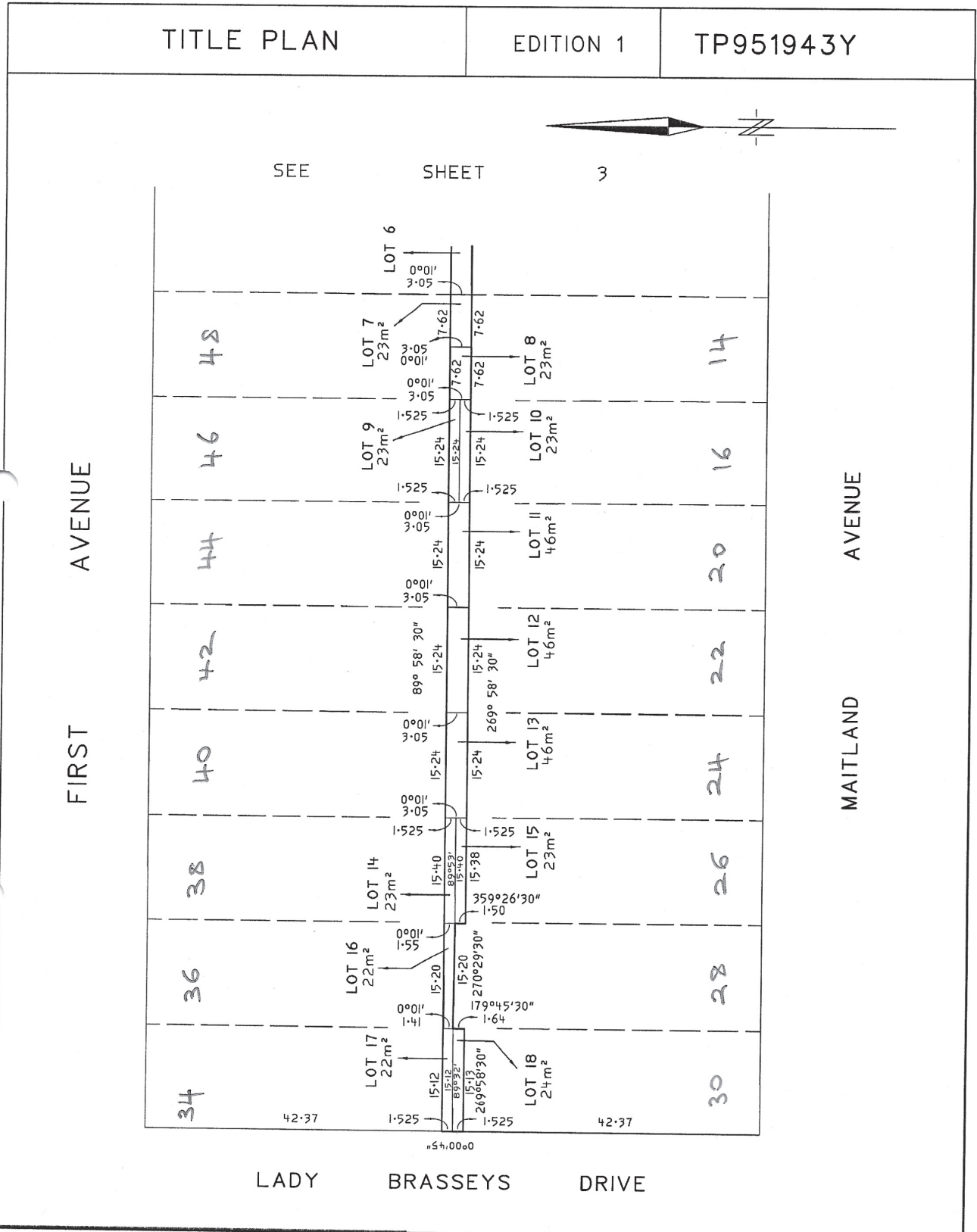
**Monday 22 April 2024**

Attachments as annexed to the resolution:

- 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

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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: <u>Lot 1 on TP826495A (part)</u> Derived From: <u>Vol 3217 Fol 301 (part)</u> Depth Limitation: <u>DOES NOT APPLY</u>		<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			
Legend: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)			
Easement Reference	Purpose	Width (Metres)	Origin
ALL THE LAND IN THIS PLAN	AS PROVIDED FOR IN Sec 207C LGA 1989	SEE DIAG	Sec 207C LGA1989
ALL THE LAND IN THIS PLAN	AS PROVIDED FOR IN Sec 207C LGA 1989	SEE DIAG	Sec 207C LGA1989
			YARRA VALLEY WATER CORPORATION BOROONDARA CITY COUNCIL
			Land Benefited/In Favour of
			THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA FOR TITLE DIAGRAM PURPOSES
			Assistant Registrar of Titles
SEE SHEETS 2 & 3 FOR LOT DETAILS			
<b>Hellier 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 ..... RAYMUND FRANCIS EARLS SIGNATURE ..... DATE / / REF <b>8351s/2</b> VERSION <b>A</b> CAD REF: 8351s_2A.tcd	
		GOVERNMENT GAZETTE No. DEALING/FILE No. DEALING CODE Original sheet size A3 SHEET 1 OF 3	



	<b>Hellier McFarland</b>	SCALE	ORIGINAL SCALE	GOVERNMENT GAZETTE No.
	Development Consultants Town Planners Land Surveyors	5 0 5 10 15 20	1:500	
	342 Hawthorn Rd, Caulfield South, VIC 3162	LENGTHS ARE IN METRES		DEALING/FILE No.
	Tel: 03 9532 9951 Fax: 03 9532 9941 www.hmf.com.au hmf@hmf.com.au	LICENSED SURVEYOR <u>RAYMUND FRANCIS EARLS</u>		DEALING CODE
CAD REF: 8351s_2A.lcd		SIGNATURE _____		ORIGINAL SHEET SIZE A3
		REF 8351s/2 VERSION A		Sheet 2



