

# COUNCIL MEETING

## MINUTES

(Open to the public)

**Monday 28 February 2022**

Delivered via WebEx Events.

**Commencement** 6.32pm

**Attendance**

Councillor Jane Addis (Mayor)  
Councillor Felicity Sinfield  
Councillor Victor Franco  
Councillor Wes Gault  
Councillor Di Gillies  
Councillor Lisa Hollingsworth  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Garry Thompson  
Councillor Nick Stavrou

**Apologies** Councillor Jim Parke (Leave of absence)

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Mans Bassi	Director Customer and Transformation
Scott Walker	Director Urban Living
Amy Montalti	Chief Financial Officer
Paul Mitchelmore	Manager Civic Services
Jennifer Reid	Manager Strategy & Performance
David Shepard	Manager Environment Sustainability and Open Spaces
Andrew McHugh	Manager Health and Wellbeing Services
Jim Hondrakis	Manager Traffic and Transport
Adele Thyer	Acting Manager Governance and Legal
Kirstin Ritchie	Coordinator Governance
Ella Constable	Senior Transport Engineer
Andrea Lomdahl	Senior Transport Planner
Helen Pavlidis	Senior Governance Officer
Adam Cummings	Partnership & Grant Specialist
Dianne Yans	Projects and Strategy Officer
Sapphire Allan	Management Accountant

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

**Moved Councillor Gault**

**Seconded Councillor Sinfield**

**That the minutes of the Council meeting held on 22 November 2021, 13 December 2021, 21 December 2021 and 7 February 2022 be adopted and confirmed.**

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

Refer to Item 7.3 Instrument of Delegation from Council to the CEO Employment and Remuneration Committee - Phillip Storer

Refer to Item 7:12 Robinson Road Carpark - Tree Removal - Cr Thompson

Refer to Item 8.2 of General Business - Cr Franco

**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 Hollingsworth**

**Seconded Councillor Stavrou**

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

**CARRIED**

## 5. Public question time

### PQT 1 Mr Choy of Balwyn

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

*"Why forensic DNA testing is not mentioned as a standard procedure in Boroondara's Domestic Animal Management Plan 2021-25"*

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

- The DAMP is a high level, strategic document addressing the requirements set out in the Domestic Animals Act 1994. The aim of the DAMP is to identify the needs of the community, with a key focus on the promotion and support of pet owners to take an active role in responsible pet ownership to protect the health and care of dogs and cats, balanced with consideration of the safety, amenity, and wellbeing of the community. Standard Operating Procedures are operational documents and are not detailed in this strategic document.
- Dog attacks remains a key focus for domestic animal management planning. Future actions are detailed in the DAMP which aim to educate the community to reduce the risk of dog attack. Improving our data capture, reporting and analysis will further assist in the development of evidence-based dog attack prevention strategies.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to **Mr Choy** in due course.

### PQT 2 Mr Choy of Balwyn

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

*"How does the Boroondara Council prosecute irresponsible dog owners to prevent dog attacks without performing immediate forensic DNA testing?"*

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

- Cases of serious dog attack are prosecuted under s 29 of the Domestic Animals Act 1994. Evidence gathering is based on a number of key points of proof including witness statements, photographs, interviews with the dog owner and where required, DNA testing. Council has had a high level of success using this approach. As detailed in the DAMP, we also regularly review our operating practices in line with best practice.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to **Mr Choy** in due course.

### **PQT 3 Mrs Peck of Canterbury**

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

*“Can Council provide information on the number of surveys (both paper and on-line) and written submissions (both paper and on-line) that were received by Council by the closing date of 10 February 2022 on the proposal to create around 200 additional car parking spaces at the existing Wattle Valley Road car park in Canterbury.”*

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

- A combined total of 764 online and hard copy surveys were received by close of consultation. Six duplicates were removed prior to analysis of the remaining 758 survey responses. A total of 191 written submission were received.
- Please note that the car park proposal consulted on provides in the order of 200 car spaces in total (including the at surface car parks), adding around 97 long term parks and around 20 short term parks to support the Maling Road Place Plan initiatives.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mrs Peck in due course.

### **PQT 4 Mrs Peck of Canterbury**

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

*“Can Council explain why no information on the proposal to create around 200 additional car parking spaces at the existing Wattle Valley Road car park in Canterbury was included in the February 2022 printed edition of the Boroondara Bulletin when it was able to include information on the draft Bicycle Strategy, even though both items were endorsed to proceed to consultation at the 13 December 2012 Council meeting?”*

The **Director Customer and Transformation** responded as follows:

- Ms Peck rightly observed the Bicycle Strategy was discussed at Council on the same night as the Commuter Car Park proposal for Canterbury, and the Bicycle Strategy was included in the February Bulletin. It is important to note that both consultations were at different stages, with an initial stage of consultation for the Bicycle Strategy having already taken place.
- Given the initial consultation, and the fact the Bicycle Strategy is a municipal wide strategy, a decision was made prior to the cut-off to accept late content on this topic for inclusion in the February print Bulletin.

- For the Commuter Car Parks a localised strategy was adopted throughout the 8-week consultation period, to allow the delivery of tailored information for each site. To date, our communications have included a mix of printed, digital and face-to-face communications such as letterbox drops to residents within a 500 metre radius, posters around the precincts, in-person and online community information sessions, articles in both print and digital formats and distribution of fact sheets. This has resulted in 2,338 responses.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to **Mrs Peck** in due course.

#### **PQT 5 Mr Hundley of Balwyn North**

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

*“Please advise of the partnership arrangements Boroondara Council made with external organisations under the Sponsorship and Acknowledgement Policy and the terms of each of these arrangements.”*

The **Director Customer and Transformation** responded as follows:

- The Sponsorship and Acknowledgement Policy was adopted in 2010, lapsed in 2015. This policy did not cover partnerships between Boroondara Council and external organisations.
- To-date there has been no formal position in regard to partnering with external organisations, however over the years there have been examples of collaborations with other government organisations, education institutions, and community organisations.
- The terms of these arrangements have been agreed to as appropriate and vary from informal alignments to signed Memorandum of Understandings.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

#### **PQT 6 Mr Hundley of Balwyn North**

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

*“Has Boroondara Council had any communications with representatives of the Federal government which would indicate that its process of consultation for proposed car parks at Glenferrie, Camberwell and Canterbury aligns with the likely timelines for the 2022 federal election campaign period?”*

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

- In my research since receiving this question today, no there is no correspondence to indicate that this is the fact.

The **Mayor, Councillor Addis** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

## **6. Notices of motion**

Nil

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

*The Chief Executive Officer declared a general conflict of interest in item 7.3 in accordance with section 128 of the Local Government Act 2020.*

*The Chief Executive Officer left the Chamber at 6.51pm prior to the consideration and vote on the procedural motion.*

### **Procedural motion**

#### **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Stavrou**

**That the following items:**

- 7.3 Instrument of Delegation from Council to the CEO Employment and Remuneration Committee**
- 7.10 MAV Rules Review Discussion Paper 2021-22 Submission**
- 7.11 Boroondara City Council Motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) of Local Government**

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

#### **CARRIED**

*The Chief Executive Officer entered the chamber at 6.53pm and resumed his seat.*



## 7.1 Sponsorship and Partnership Policy

### Purpose

The purpose of this report is to seek Council adoption of the Sponsorship and Partnership Policy 2021-2025 (the Policy) (**Attachment 1**).

### Background

Forming sponsorships and partnerships with external organisations (including but not limited to government, non-government and community organisations and local businesses) is one of the ways Council can achieve its community vision and strategic objectives.

Council previously endorsed a Sponsorships and Acknowledgement Policy in 2010 which has now lapsed. In developing a revised Policy, consideration was given to ensuring engaging in sponsorship or partnership activities is acting ethically, in the best interests of the community, and is being transparent in its dealing with potential commercial partners and sponsors.

The Policy will enable Council to explore opportunities, while also protecting Council's position and reputation throughout the process.

### Key Issues

The purpose of the Policy is to:

- Enable proposals made to Council for sponsorship and partnership arrangements to be considered through a clear and consistent process.
- Provide Council officers with guidance to assess and manage sponsorship and partnership proposals.
- Co-ordinate and maximise sponsorship and partnering opportunities.
- Establish transparency in decision making related to sponsorships and partnerships.
- Ensure the potential risks related to sponsorship or partnership arrangements are identified and mitigation actions are developed and delivered as far as is practical.

### *The benefits of sponsorship*

Sponsorships allow Council to enhance the provision of services to the community by raising additional funding/securing resources that may not otherwise be available. Benefits include but are not limited to:

- Potential cost sharing/cost recovery opportunities.
- Marketing/Promotional opportunities.
- Opportunities to fill gaps in relation to equipment and expertise.

### *The benefits of partnership*

By actively partnering with likeminded entities Council can benefit from:

- Increased utilisation of resources including assets, financial resources, technological resources and human resources.
- Delivering sustained/ lasting impact that can't be achieved alone.
- Access to a wider range of skills, knowledge and specialist expertise.
- Better outcomes for our community.
- Improved economies of scale freeing up resources for other uses.
- Opportunities for integrated planning and joint funding/grant applications.
- Strengthened relationships between councils and other government entities.
- Better use of and access to available and/or emerging technology.

- Improved local governance through modelling, information exchange and joint problem solving.

### *Assessment*

There are key criteria used when assessing sponsorship and partnership proposals which are used in conjunction with the Sponsorship and Partnership Frameworks.

These criteria are:

- Benefit to community
- Benefit to council
- Alignment with Council policies and strategies
- Appropriate contribution by parties
- Is the business or organisation local?
- Likely public perception
- Relevant matters before Council
- Background checks
- Impact on existing arrangements
- Ability to effectively manage risks

All sponsorship and partnership applications will be assessed for any real, perceived or potential risks. Any agreement Council undertakes must not compromise Councils' reputation, public image, probity or its ability to fulfil its functions and must comply with the guidelines of the Policy.

All sponsorship opportunities will be assessed in accordance with the key criteria outlined in the Policy. The Executive Leadership Team will sign off on all sponsorship agreements, sponsorships over \$10,000 and/or with a moderate or higher risk rating will be approved by Council.

### *Risk Mitigation*

Overall, risks will be managed through using the Policy to make decisions. This includes:

- using the processes and assessment criteria specified in the Policy and associated documents, including conducting risk assessments and identification of mitigation strategies.
- the exclusion of agreements with organisations engaged in activities that are not aligned with the Boroondara Community Plan, Council's values, policies, strategies and other guiding Council documents.

Council maintains the right to pursue or decline any request or proposed arrangement relating to sponsorships or partnerships.

### *Implementation*

If Council decides to enter into a sponsorship or partnership, a formal agreement will be put in place and monitoring will occur over the life of the agreement.

Sponsorships will be reported on as a part of Council's Quarterly Performance Report and Annual Report. Partnerships with a signed Memorandum of Understanding or more formal agreement are reported on in Council's Annual Report.

## MOTION

Moved Councillor Watson

Seconded Councillor Sinfield

That Council resolve to adopt the Sponsorship and Partnership Policy (2021-25) included as Attachment 1 (as annexed to the minutes) subject of the following changes:

- amending reference from 2021-25 to 2022-26
- amending the word approve to consideration under the heading “Approval”
- that the policy be reviewed after a period of 12 months

## CARRIED

### 7.2 December 2021 Quarterly Performance Report

#### Purpose

The Quarterly Performance Report for December 2021 provides detailed reporting on financial and non-financial performance against both the Boroondara Community Plan 2021-31 and the Budget for the year.

#### Background

At the end of each quarter, a Quarterly Performance Report is prepared and adopted at Council. The September 2021 Report was adopted by Council on 13 December 2021.

The year to date and annual budget figures referred to in this report reflect the October 2021 Amended Budget, approved by Council on 25 October 2021 which includes the carry forward funding from 2020-21 priority projects and capital works forward commitments.

#### Key issues

##### **Financial performance**

Council's year to date surplus result of \$106.65 million is \$6.85 million above the October Amended Budget of \$99.80 million. The favourable variance is attributable to a number of factors which are outlined in **Section 3 of Attachment 1 – Financial Overview**.

The overall financial position at 31 December 2021 is satisfactory with a working capital ratio of 3.59 to 1 (includes reserve funds of \$20.89 million and 0.5% cash contingency for emergency response works).

##### **Non-financial performance**

##### ***Annual Initiatives***

Progress has been made on all annual initiatives for the financial year 2021-2022. Council has completed 11% of these annual initiatives and has commenced a further 89%. This progress is comparable to Quarter 2 2020-2021. Please refer to **pages 21 to 43 of Attachment 1** for detailed commentary on the status of each annual initiative.

**Strategic Indicators**

Council has 16 strategic indicators that are measured quarterly. In Quarter 2 Council achieved 62% of these strategic indicator targets, a decrease from 82% achievement in Quarter 1. There have been some impacts from ongoing COVID-19 restrictions. Please refer to **pages 44 and 45 of Attachment 1** for detailed reporting of strategic indicators.

**MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**That Council resolve to:**

- 1. Receive and note the Quarterly Performance Report for December 2021 (Attachment 1).**
- 2. Receive and note the results of the Local Government Performance Reporting Framework (LGPRF) indicators and measures (Attachment 2).**
- 3. Receive and note the Governance and Management Checklist (Attachment 3).**

**CARRIED****7.3 Instrument of Delegation from Council to the CEO Employment and Remuneration Committee**Purpose

The purpose of this report is for Council to delegate specific Council functions, duties and powers to the CEO Employment and Remuneration Committee (the Committee) by an Instrument of Delegation.

Background

Section 11(1) of the *Local Government Act 2020* (the Act) permits the Council to delegate to the members of a delegated committee, by an instrument of delegation, any power, duty or function of a Council under this Act or any other Act subject to specific exemptions.

Council has an established tradition of the Management Performance Review Committee which dealt with all matters related to the management of the Chief Executive Officer's contract of employment.

The former Instrument of Delegation from Council to the Management Performance Review Delegated Committee was adopted by Council on 27 September 2021. Item three of the resolution stated that upon the adoption of the Chief Executive Officer Employment and Remuneration Policy (the Policy) by Council the Management Performance Review Delegated Committee is revoked.

The Policy was adopted on 13 December 2021 thus revoking the Instrument of Delegation to the Performance Management Review Committee and concluding the Management Performance Review Delegated Committee.

A key component of the Policy is the establishment of the CEO Employment and Remuneration Committee as a delegated committee. To enable the Committee to function as a delegated committee and exercise Council powers an Instrument of Delegation from Council to the CEO Employment and Remuneration Committee (**Attachement 1**) is required to be adopted by Council.

### Key Issues

- Instruments of delegation represent the formal delegation of powers by Council to members of a delegated committee, the CEO and Council staff.
- A sealed instrument of delegation is required to enable the Committee to utilise Council's powers, duties, or functions under the *Local Government Act 2020*.
- A delegate can only exercise the delegations contained in the Instrument while acting as a member of the Committee at a meeting of the Committee.
- Section 11(2) of the Act prescribes powers that cannot be delegated which have been included in the Instrument.
- Section 11(5) of the Act states that the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded. A limit of \$50,000 has been included in the Instrument.
- The Instrument of Delegation from Council to the CEO Employment and Remuneration Delegated Committee aligns with the CEO Employment and Remuneration Policy.
- Delegated Committee's must be covered in accordance with Chapter 3 of the Governance Rules.

### Next Steps

Once adopted by Council the Instrument of Delegation from Council to the CEO Employment and Remuneration Committee will be sealed and come into force immediately.

The Instrument will be reviewed as required by Council staff to ensure the business of Council continues to be carried out efficiently and to comply with Council's legislative obligations.

## **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Stavrou**

**That Council resolve to, in exercise of the powers conferred by section 11 and section 63 of the *Local Government Act 2020* (the Act), resolves that:**

- 1. From the date of this resolution, there be established as a Delegated Committee the CEO Employment and Remuneration Delegated Committee.**
- 2. The purposes of the Delegated Committee are as detailed at Section 5.3 of the CEO Employment and Remuneration Policy.**
- 3. The members of the Delegated Committee are all eleven elected Councillors of Boroondara City Council.**
- 4. The Chairperson of the Committee is the Mayor.**

5. A quorum for the Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee.
6. All members of the Delegated Committee have voting rights on the Delegated Committee.
7. There be delegated to the members of the Delegated Committee the powers, duties and functions set out in the attached Instrument of Delegation (the Instrument).
8. The Instrument:
  - a. comes into force immediately the common seal of Council is affixed to the Instrument; and
  - b. remains in force until Council determines to vary or revoke it.
9. The powers, duties and functions conferred on the members of the Delegated Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
10. The Instrument be sealed.

## CARRIED

### 7.4 Adoption of Domestic Animal Management Plan

#### Purpose

The purpose of this report is to present to Council the revised City of Boroondara Domestic Animal Management Plan 2021-2025 (DAMP) for its consideration and adoption (**Attachment 1**).

#### Background

The Victorian *Domestic Animals Act 1984* (Act) prescribes requirements for the responsible ownership of dogs and cats, to promote animal welfare and the protection of the environment. The Act requires all Victorian Councils to prepare a Domestic Animal Management Plan at four-yearly intervals to provide the foundation for the delivery of Council's animal management services and their compliance and enforcement obligations.

The City of Boroondara's current Domestic Animal Management Plan 2017-2021 has been reviewed and informed by key stakeholders and community consultation, research and benchmarking to deliver a new strategic plan detailing our approach as well as targeted programs for delivery by Council's Animal Management Services.

#### Key Issues

Community consultation on the draft Domestic Animal Management Plan commenced on 1 November 2021 via Council's 'Engage Boroondara' page for a period of 28 days (**Attachment 2**).

Fourteen submissions were received via the 'Engage Boroondara' page. This is similar to the number of submissions received from the community consultation undertaken in 2016 on the current DAMP

Most respondents were in support of the plan. Feedback was also provided on the DAMP by 78% of all respondents whether they were or were not in support of the DAMP (**Attachment 3**).

All feedback has been reviewed and the DAMP amended to address the matters raised as they relate particularly to cat containment and the impact of cats on the community and wildlife. These related enhancements form an important part of the future considerations and actions by Council's Animal Management Team.

The DAMP is reviewed and reported on annually thereby allowing the opportunity for an assessment on the progression of the proposed actions and level of success. It will also enable Council to continue to be responsive to emerging animal management issues.

#### Next Steps

On consideration and acceptance of the Officer's recommendation, the DAMP will be submitted to the Secretary of the Department of Jobs, Precincts and Regions via Animal Welfare Victoria, no later than March 2022 and published on Council's website.

### **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Gillies**

**That Council resolves to adopt the City of Boroondara Domestic Animal Management Plan 2021-2025.**

### **CARRIED**

## **7.5 Contract 2021/207 - Materials Cartage & Leaf Disposal Services**

#### Purpose

This report seeks Council's endorsement for the award of Contract No. 2021/07 Materials Cartage Leaf Disposal Services.

#### Background

Council previously held a Materials Cartage Contract, Contract No. 2015/33 providing carting of waste materials such as, green waste, landfill, tree mulch and road sweeper waste from the Kew Depot to waste processing facilities. This contract came to an end in 2018. From 2018 this service has been undertaken through Leaf Disposal Contract, Contract No. 2018/79.

This contract will provide materials cartage and leaf disposal services for an initial term of three (3) years with one possible extension of two (2) years up to a total maximum contract period of five (5) years. The service is expected to commence on 1 of April 2022.

The estimated cost of this contract is \$2,000,000 excluding GST which is in accordance with Council's proposed 2022/23 budget.

### Key Issues

As part of the maintenance and works involved in managing green assets, the timely export of waste materials is crucial to our service delivery. This contract ensures the responsible management of these waste materials and additionally provides a timely service to export and limit stockpile storage at the Kew Depot facility.

This contract assists us in achieving best practice based on the advice provided to the waste management industry via the EPA Guidelines *Management and storage of compostable recyclable and waste materials*. It further assists in lowering our environmental and safety risks at the facility.

Further to this, the sustainability initiatives within this contract further our efforts in creating a circular economy. Benefits include turning our sweeper waste into organic fertilisers, green waste into varieties of mulch, and log woods into recycled products.

### Next Steps

Upon award of the contract, Council will oversee the management and execution of these services.

### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in section 3(1) of the *Local Government Act 2020*. The information relates to

- a) private commercial information, being information provided by a business, commercial or financial undertaking that—
  - i. relates to trade secrets; or
  - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.



## MOTION

**Moved Councillor Stavrou**

**Seconded Councillor Thompson**

**That Council resolve to:**

- 1. Award Contract No. 2021/207, Material Cartage and Leaf Disposal Services, to Garden State Mulching Services Pty Ltd (ACN 065 566 609) at their tendered schedule of rates for an initial contract period of three (3) years plus optional extension period of two (2) years to be exercised at the discretion of Council. The estimated total contract cost is \$2,000,000 (excluding GST).**
- 2. Authorise the Director Places and Spaces to sign and execute the contract agreement on behalf of the Council.**
- 3. Note that expenditure under this contract is in accordance with Council's 2021/22 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

## CARRIED

### **7.6 Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice**

#### Purpose

The purpose of this report is to seek endorsement from Council to adopt the final draft Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice (UDA) (**Attachment 1**) and associated advocacy plan (**Attachment 2**).

#### Background

In August 2021, the Level Crossing Removal Project (LXRP) released updated concept designs for the new premium train station and surrounding area including Union Road, Surrey Hills. The designs included two areas designated as open space to the north and the south of the rail trench between Union Road and the Surrey Hills station car parks.

To understand the design potential for the open spaces and the community views on what the open spaces could look like and how they could be used, Council engaged multidisciplinary urban designers Lat Studios to work with officers and the community to develop an Urban Design Advice for Union Road, Surrey Hills.

In accordance with the resolution of Council from 29 November 2021, the revised draft UDA underwent community consultation between 30 November and 19 December 2021 to seek the community's views and support to finalise the document.

The resolution of Council from the 21 December 2021 Special Council meeting is relevant to this report, specifically Council's:

- Offer of \$2M to the State government to fund the construction of 15m of decking across the rail trench at Union Road.
- Request for the State government to match the \$2M funding offer.

- Request for additional information about the significant drainage assets the State wishes Council to own and maintain, being the underground tank system and twin undertrack pipes and access shafts.
- In relation to the northern public open space site:
  - Seeking a lease greater than 50 years or suitable alternative in favour of Council for public open space.
  - Seeking support from the Minister for the rezoning to public open space.

### Key Issues

The Council led November/December 2021 community consultation received 39 responses to an online survey and two emails with commentary about the draft UDA, and some further comments via social media. A number of other emails were received from Sunbury Crescent residents seeking clarification about the treatment of Sunbury Crescent, specifically the Department of Transport's (DoT) Box Hill to Hawthorn Strategic Cycling Corridor (SCC).

Of the 39 survey responses, 84% (31) supported and 16% (6) did not support the draft UDA.

The general themes of the feedback were:

- Very strong support for the development of new open space(s) on Union Road.
- Support for the provision of a 15 metre wide deck across the rail trench to connect the north and southern sections of the shopping centre and create more useable open space.
- Preference for canopy trees for shade and landscaped garden beds including native plants but also keeping with the lush, green nature of the area.

The Sunbury Crescent specific feedback included concerns about:

- The impact an off-road cycle path or on-road cycle lane would have on the amenity and quiet enjoyment of the street.
- The loss of the vegetation screening between the rail trench and the street if the off-road cycle path was constructed adjacent to the rail line and in lieu of the vegetation screening.
- Safety of all road users at the Sunbury Crescent and Robinson Road intersection.

The final draft UDA (**Attachment 1**) has been amended to incorporate the community feedback, with the amendments including:

- Removal of the reference to the SCC potentially travelling along Sunbury Crescent.
- Zeplins Lane shown as not accessible from Montrose Street.

### Next Steps

The next step, should the officer's recommendation be accepted, is to implement the advocacy plan (**Attachment 2**) to see the LXP accept and rely on the adopted UDA in their planning, design and delivery of the decking and public open spaces.

**Procedural motion - Adjournment**

**Moved Councillor Sinfield**

**Seconded Councillor Bigger**

**That the Council meeting be adjourned.**

**CARRIED**

*The Council meeting was adjourned at 8.00pm*

**Procedural motion - Resumption**

**Moved Councillor Sinfield**

**Seconded Councillor Thompson**

**That the Council meeting be resumed.**

**CARRIED**

*The Council meeting was resumed at 8.24pm with all councillors present.*

**MOTION**

**Moved Councillor Franco**

**Seconded Councillor Biggar**

**That Council resolve to:**

1. Acknowledge the contributions made by the Boroondara community which have informed the development of the 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice'.
2. Adopt the final draft 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice' (**Attachment 1**).
3. Adopt and enact the 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice: Advocacy Plan' (Attachment 2).
4. *Note that on 25 October 2021, Boroondara Council resolved to "advocate to the Federal and State Governments to deliver commuter car parking at the existing Surrey Hills train station northern car park using the \$15M grant funding from the UCFP to provide a single deck of parking above the ground level car park proposed to the north of the rail tracks".*
5. *Note that the Urban Design Consultation that ran from 8 – 28 September 2021 and the second community consultation held between 30 November 2021 and 19 December 2021 did not include reference to the proposed commuter carpark.*

6. Update the draft Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice and Advocacy Plan to include reference to Council's proposed approach to delivering commuter carparking at the existing Surrey Hills train station northern car park using the \$15M grant funding from the UCFP

LOST

### **Division**

#### **Councillor Franco called for a division**

##### **Affirmative**

Councillor Franco  
Councillor Biggar

##### **Negative**

Councillor Sinfield  
Councillor Watson  
Councillor Thompson  
Councillor Hollingsworth  
Councillor Gillies  
Councillor Stavrou  
Councillor Gault  
Councillor Addis

The Mayor, Councillor Addis declared the Motion LOST

### **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Watson**

**That Council resolve to:**

1. **Acknowledge the contributions made by the Boroondara community which have informed the development of the 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice'.**
2. **Adopt the final draft 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice' (Attachment 1).**
3. **Adopt and enact the 'Union Road, Surrey Hills Level Crossing Removal - Urban Design Advice: Advocacy Plan' (Attachment 2).**

CARRIED

## **Division**

### **Councillor Thompson called for a division**

#### **Affirmative**

Councillor Sinfield  
Councillor Watson  
Councillor Thompson  
Councillor Hollingsworth  
Councillor Gillies  
Councillor Stavrou  
Councillor Biggar  
Councillor Gault  
Councillor Addis

#### **Negative**

Councillor Franco

The Mayor, Councillor Addis declared the Motion **CARRIED**

### **7.7 Recommendations of Audit and Risk Committee meeting held 17 November 2021 and Bi Annual Report from Audit and Risk Committee**

#### **Purpose**

This report presents the recommendations of the most recent Audit and Risk Committee meeting for consideration by Council. A schedule of reports and committee recommendations is presented as an attachment to this report.

Also included with this report is the Bi-annual Report from the Audit and Risk Committee as required by Section 54 (5) of the *Local Government Act 2020*.

#### **Background**

The most recent meeting of the Audit and Risk Committee was held on 17 November 2021. This report presents the findings and recommendations from that meeting for consideration by Council.

#### **Key Issues**

As recorded in the minutes of the Audit and Risk Committee meeting held on 17 November 2021 the following reports were tabled:

- A5.1 Standard Questions for Tabling at the Audit and Risk Committee Meetings
- A5.2 Business Arising
- A5.3 Audit and Risk Committee Administrative Matters
- A5.4 Internal Audit report - Fraud and Corruption Control
- A5.5 Internal Audit report - Payroll
- A5.6 COVID-19 Update
- A5.7 Internal Audit Update
- A5.8 Reports to Parliament by VAGO and other regulatory authorities
- A5.9 Risk Management Update - Strategic Risk Register Update
- A5.10 Update - Business Function Risk Assessment Map (BFRAM)
- A5.11 Year-End Update and Final Audit Closing Report
- A5.12 Draft Procurement Policy

A summary of the content of the reports tabled and identification of the required Council action is contained in **Attachment 1**.

#### Bi-annual report from Audit and Risk Committee

The attached Bi-annual Report from the Audit and Risk Committee (**Attachment 2**) was approved by the Chair of the Audit and Risk Committee for tabling at this Council meeting.

#### Next Steps

The next meeting of Council's Audit and Risk Committee will be held 30 March 2022.

### **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Franco**

**That Council resolve to adopt the resolutions recommended to Council contained in Attachment 1 (as annexed to the minutes) reflecting the recommendations from the Audit and Risk Committee meeting held on 17 November 2021 and note the tabling of the Bi-annual report from the Audit and Risk Committee as required by Section 54 (5) of the *Local Government Act 2020* contained in Attachment 2 (as annexed to the minutes).**

### **CARRIED**

## **7.8 Union Road, Surrey Hills Level Crossing Removal - Long term traffic impacts**

#### Purpose

The purpose of this report is to inform Council of proposed changes to the Whitehorse street network which will impact the Boroondara street network and to seek a resolution from Council regarding the management of traffic impacts to the Boroondara street network.

#### Background

In August 2021 the Level Crossing Removal Project (LXRP) released updated designs for the new train station and surrounding area, including a station entry and forecourt on Montrose Street, Surrey Hills with an associated pick-up/drop-off parking area. In previous design releases, the LXRP noted the closure of Beresford Street at Mont Albert Road for the purposes of creating another pick-up/drop-off parking area.

The available road width of Beresford Street will be reduced given the design of the trench solution for the level crossing removal. The narrowing of the street coupled with the closure at Mont Albert Road has seen the LXRP engage with Beresford Street residents only to gather their views on the street becoming one-way eastbound between Wilson Street and Gordon Street.

The LXRP has advised Council officers that impacted Beresford Street residents have approved the one-way eastbound proposal and Whitehorse officers have also authorised the change to their local street.

These significant changes to the street network are on Whitehorse streets which are directly connected to Boroondara streets. **Attachment 1** shows the Wilson Street precinct and the proposed changes to the street network.

### Key Issues

The LXRP proposed changes to the Whitehorse street network will have impacts on the Boroondara street network. It is expected traffic volumes on Wilson Street, the municipal border, will increase significantly as drivers seek to access the station for parking or pick-up/drop-off purposes. This expected traffic volume increase will result in road safety issues, degrade amenity and make it difficult for residents to safely exit their own properties.

Other Boroondara streets in the precinct will be impacted in similar ways, with Blackburn Street and Bedford Avenue of particular concern.

The LXRP has not engaged with residents in streets other than Beresford Street despite the certainty of changed traffic conditions in the other streets as a result of the LXRP proposed changes to Beresford Street.

A Local Area Traffic Management (LATM) scheme led and funded by the LXRP and completed in accordance with Council's Traffic Management Policy and Procedures, would respond to the changes to the network the LXRP are creating, provide the residents an opportunity to have input to the design process and reduce the impacts to the streets and precinct.

### Next steps

The next steps, should the officer's recommendation be accepted, are to:

- Enact the resolution and request the LXRP fund, design and implement a LATM scheme for the Wilson Street precinct.
- Work with the community and LXRP through the LATM process.

## **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Hollingsworth**

**That Council resolve to:**

- 1. Note the LXRP proposals to:**
  - a) Convert Beresford Street to one-way eastbound between Wilson Street and Gordon Street.**
  - b) Close Beresford Street at Mont Albert Road.**
- 2. Request the LXRP:**
  - a) Fund, design and implement a Local Area Traffic Management (LATM) scheme for the Wilson Street precinct (the area bounded by Mont Albert Road, the train line and Union Road).**

- b) **Complete the LATM generally in accordance with Boroondara's Traffic Management Policy and Procedures.**
- c) **Complete implementation of the LATM scheme for day one of operations of the new station.**

**3. Write to the following to advise of this resolution:**

- a) **The Hon. Jacinta Allan, MP, Minister for Transport Infrastructure.**
- b) **Mr Kevin Devlin, CEO, LXP.**
- c) **Mr Simon McMillan, CEO, Whitehorse Council.**
- d) **Mr Greg Buchanan, President Surrey Hills Progress Association.**

**CARRIED**

## **7.9 Instruments of Delegation - Council to Council Staff**

### Purpose

The purpose of this report is for Council to review under the provisions of the Local Government Act 2020 (the Act):

- the Instrument of Delegation to the Chief Executive Officer
- the Instrument of Delegation to Members of Council Staff.

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

### Key Issues

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

The Instrument of Delegation to the Chief Executive Officer has been amended and includes changes to reflect the Procurement Policy 2021-25 and to accord with legislative changes regarding the sale, transfer or discontinuance of a road or reserve.

The Instrument of Delegation to Members of Council Staff includes a range of legislative amendments and the inclusion of changes to staff titles and delegates.

### Next Steps

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

Officers refresh the Instruments biannually to ensure any new legislative or staff changes are captured. Officers expect another report to be presented to Council in mid-late 2022 to reflect this.



**MOTION****Moved Councillor Hollingsworth****Seconded Councillor Sinfield**

- 1. In the exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020 (the Act), Boroondara City Council (Council) resolves that:**
  - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer (annexed to the minutes as Attachment 2), subject to the conditions and limitations specified in that Instrument and including the following change to the conditions, expenditure limit for individual or prohibition:**
    - has been entered into by Council, and the value of the contract is greater than \$500,000, the value of expenditure for the further term and the value of the variation may not increase by more than 10% or \$100,000 (excluding GST) whichever is greater.**
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument**
  - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 2. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation, Boroondara City Council (Council) resolves:**
  - a. 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 (annexed to the minutes as Attachment 4), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
  - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 3. That a report be prepared for a future Councillor Briefing and Discussion meeting detailing options for the value of expenditure for the further contract term.**

**CARRIED**

## **Division**

### **Councillor Stavrou called for a division**

#### **Affirmative**

Councillor Hollingsworth  
Councillor Sinfield  
Councillor Biggar  
Councillor Thompson  
Councillor Gillies  
Councillor Franco  
Councillor Gault

#### **Negative**

Councillor Watson  
Councillor Stavrou  
Councillor Addis

The Mayor, Councillor Addis declared the Motion **CARRIED**

## **7.10 MAV Rules Review Discussion Paper 2021-22 Submission**

### **Purpose**

This report seeks the adoption of a Council position on the matters raised in the MAV Rules review discussion paper via endorsement of a proposed response. The response will be submitted to the MAV Board to inform the Rule change directions paper.

### **Background**

The Municipal Association of Victoria (MAV) State Council adopted a resolution on 21 May 2021 to refer a proposal to the MAV Board for a full MAV Rules of Association (the Rules) review.

The MAV Board has released a discussion paper signalling the commencement of a deliberative engagement process to inform the review of the Rules and have encouraged participating member Councils to provide a response.

### **Key Issues**

A summary of matters raised in the MAV Rules review discussion paper and proposed Council submission is tabled at **Attachment 1**.

### **Next Steps**

The proposed Council response will be provided to the MAV in the form of a submission.

The MAV Board will consider feedback received on the discussion paper and prepare a Rule change directions paper, providing further opportunity for Council feedback during April 2022 prior to consideration and endorsement of the proposed direction for the draft Rules.

Any changes to the Rules will be determined by State Council where 60 per cent of MAV Representatives must vote in favour of any proposed amendments.

The Governor in Council must also approve the changes.

## MOTION

**Moved Councillor Watson**

**Seconded Councillor Stavrou**

**That Council resolve to endorse the proposed MAV Rules review discussion paper response tabled at Attachment 1 to be put forward to the MAV Board.**

## CARRIED

### **7.11 Boroondara City Council Motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) of Local Government**

#### Purpose

This report informs councillors and seeks endorsement of a proposed motion regarding the funding arrangements for seniors centres and seniors groups which is proposed to be put forward to the Australian Local Government Association (ALGA) National General Assembly in June 2022.

Motions carried by the National General Assembly become Resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

#### Background

The National General Assembly of Local Government will be held in Canberra from Sunday 19 June to Wednesday 22 June 2022. The Assembly is a major event and typically attracts more than 600 Mayors, Councillors and Senior Officers from Councils across Australia.

The ALGA is calling for motions for the 2022 National General Assembly (NGA) under this year's theme 'Partners in Progress'.

#### Key Issues

A motion titled 'Funding for seniors centres and seniors groups' calling for the Australian Government to review the funding provided to local government to support seniors groups and to maintain seniors centres is proposed to be put forward to the Australian Local Government Association (ALGA) National General Assembly in June 2022.

This motion is considered a national issue due to the impact on local government's ability to provide operational support to older people should the Australian Government Sector Support and Development (SSD) funding be withdrawn from 1 July 2022.

On-going funding from the Australian Government is essential to ensure local governments can continue supporting older people to remain active and engaged.

## MOTION

**Moved Councillor Watson**

**Seconded Councillor Stavrou**

**That Council resolve to adopt the motion (as annexed to the Minutes) to be put forward to the Australian Local Government Association (ALGA) National General Assembly in June 2022.**

## CARRIED

### 7.12 Robinson Road Car Park - Tree Removal

#### Purpose

This report analyses the impacts the Homes Victoria housing development at 1-12 Bills Street as well as the subsequent new car park development in Patterson Reserve will have on two existing street trees in Robinson Road, Hawthorn. For this report, these trees are referred to as Trees 33 and 34.

Council had previously requested Homes Victoria redesign the development to retain these two trees as resolved by Council at its Urban Planning Delegated Committee (UPDC) of 16 August 2021. As the development formed part of Victoria's Big Build, a planning permit was not required with approval resting with the Minister for Energy, Environment and Climate Change. Approval has now been issued for the housing development in its original alignment. The plans that have been endorsed by the Minister (5 November 2021) showing the two trees to be removed.

The purpose of this report is to seek a decision on whether to approve Home Victoria's request to remove Trees 33 and 34 and provide four suitable replacement trees to be planted along the eastern side of Robinson Road, Hawthorn.

Council approval is required as the trees are located on land owned by Council. In addition to Council's ownership rights for the road, Section 63(1) of the Road Management Act applies whereby there is a requirement for written consent from the coordinating road authority for works in, on, under or over a road. Council is the coordinating road authority for Robinson Road and works as defined in the Act include planting or removing a tree or other vegetation.

#### Background

The trees are both semi mature *Lophostemon confertus* (Queensland brush box) that are in good health, good structural condition, and good form. They are located on the eastern side of Robinson Road between Bills Street and the existing Robinson Road car park. A photograph of Trees 33 and 34 is shown in Figure 1 below. Refer to **Attachment 1** for the location of these two trees.

The potential removal of these two trees was identified as an issue at Council's UPDC meeting of 16 August 2021. Following this meeting, Council made a formal submission to Homes Victoria to highlight, amongst other issues, the development must be redesigned to enable Trees 33 and 34 in Robinson Road to be retained.

The development was not redesigned and the crossover to Robinson Road for emergency vehicle access was maintained between Trees 33 and 34. On 5 November 2021, the Minister for Energy, Environment and Climate Change approved the Bills Street housing development.

Council considered various car park options for the Robinson Road car park at the Services Delegated Committee meeting of 16 August 2021 and the Council meeting of 23 August 2021. The plans for the car park options considered did not specify that Trees 33 and 34 were to be removed and Council considered all options on the basis that they would be retained.

Throughout the design process for the new car park in Patterson Reserve, the layout plans have neglected to highlight Homes Victoria's intention to remove Trees 33 and 34. Council officers were therefore under the impression Homes Victoria was committed to retaining these two trees. As recently as November 2021, Council officers outlined that all efforts are to be made to retain these two high value Council managed trees (Trees 33 and 34).

As part of the housing development, Bills Street between Auburn Road and Robinson Road will be realigned to form a straight road. Homes Victoria have indicated access to the western end of Bills Street to and from Robinson Road will be restricted to pedestrians, cyclists, and emergency vehicles. To cater for emergency vehicle access, a new crossover will be constructed between Trees 33 and 34 on Robinson Road.

The crossover is also required for vehicle access during the construction of the development as larger trucks cannot turn around within the site. The realignment of Bills Street further south with the new crossover is the cause of concern regarding the impacts on Trees 33 and 34 rather than the car park. The provision of underground services will further impact the two trees.

Homes Victoria has since sought approval from Council for the removal of these two trees. Following this, Homes Victoria has provided an assessment which outlines the vehicle crossover and underground services encroach significantly beyond the 10% tolerance limit of the tree protection zones (TPZs) for these trees. The encroachment is such that the trees are unlikely to survive the works. If the trees were to be retained, significant pruning would also be required for construction vehicle access and ultimately emergency vehicle access.

Homes Victoria has advised Council officers that retaining the two trees would lead to a redesign of the development with impacts on the buildings and a potential loss in apartments, the need for a planning amendment including a revision to easements and a hold on current construction works with additional costs to the State.

Homes Victoria has also advised that there would be an expected delay of 12-18 months for the development including the construction of the new car park which was planned to be completed by mid-November 2022.

The existing Robinson Road car park was removed with the commencement of construction work on the Bills St site. Community groups are currently accessing the Melbourne University site for carparking as an interim arrangement.

## Key Issues

The key issues and the factors taken into consideration for officer's recommendation are:

- On two occasions, Council has formally notified Homes Victoria that Trees 33 and 34 are to be retained.
- As the tree removal is associated with the Bills Street housing development, the removal of Trees 33 and 34 was not highlighted on the six layout options for the Robinson Road car park prepared by Homes Victoria previously presented to Council.
- The Minister has approved the Bills Street housing development and construction has commenced.
- The trees are unlikely to withstand the proposed construction of a new crossover and services for the Bills Street housing development with expected encroachment in the tree protection zones of 20% for Tree 33 and 29% for Tree 34.
- The combination of canopy removal and loss of root space means these trees will decline significantly over the next 3 –5 years and may require removal and replacement in the future.
- Homes Victoria tried to minimise the impact on trees from their initial design with TPZ encroachment levels reducing for one tree and increasing for the other.
- If the trees were to be retained, significant pruning would be required for construction vehicle access and ultimately for emergency vehicle access. This would reduce their landscape contribution and value in the streetscape.
- If the trees were to be retained, Homes Victoria has advised that realignment of the access road and associated vehicle crossover will lead to an extensive redesign process, impact on the number of apartments with an expected delay of 12-18 months, including the construction of the car park.
- The car park has already been removed, which is highly valued by the community. Given the impacts on the sporting clubs and users of the Velodrome in the U3A and Inclusive Sports Training (hosts training for athletes with a disability), Council officers had advised Homes Victoria that the new car park should be installed as soon as possible.

*Councillor Thompson declared a Material Conflict of Interest in Item 7.12 Robinson Road Car Park -Tree Removal in accordance with section 128 of the Local Government 2020 and the Governance Rules.*

*Councillor Thompson advised that the nature of the interest was "I am a Director of a Company, where my Company is a Panel Consultant to Homes Victoria. The item under consideration relates to a matter where the material interest is held by Homes Victoria as one party to the outcome of the decision."*

*Councillor Thompson left the Chamber at 9.45pm prior to the consideration and vote on this item.*

## **MOTION**

**Moved Councillor Biggar**

**Seconded Councillor Gillies**

**That Council resolve to:**

- 1. Refuse the removal of Trees 33 and 34 eastern side of Robinson Road, Hawthorn, as shown in Attachment 1.**
- 2. Write to Homes Victoria advising of Council's resolution.**

## **CARRIED**

*Councillor Thompson entered the Chamber at 10.07pm and resumed his seat.*

## **8. General business**

### **8.1 Leave of Absence - Councillor Parke**

## **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Biggar**

**Council resolve to grant Councillor Parke a leave of absence from Council for Monday 28 February 2022.**

## **CARRIED**

### **8.2 Leave of Absence - Councillor Franco**

*Councillor Franco declared a General Conflict of Interest in Item 8.2 General Business in accordance with section 127 of the Local Government 2020 and the Governance Rules.*

*Councillor Franco advised that the nature of the interest was "I have a conflict of interest in this matter as it relates to my personal circumstances."*

*Councillor Thompson left the Chamber at 10.07pm prior to the consideration and vote on this item.*

## **MOTION**

**Moved Councillor Hollingsworth**

**Seconded Councillor Gillies**

**Council resolve to grant Councillor Franco a leave of absence from Council for Monday 7 February 2022.**

**CARRIED**

*Councillor Franco entered the Chamber at 10.12pm and resumed his seat.*

**8.3 Bicycle Strategy public consultation**

**Councillor Watson** raised her concerns with the public consultation process of the Bicycle Strategy. Requested this matter be discussed at a future Councillor Briefing and Discussion as Councillors are receiving angry correspondence.

**Councillor Sinfield** echoed these comments and stated that, for public visibility, she would like the consultation changed and readvertised or deliberative engagement conducted to enable Council to receive feedback from all members of the public, and not just from cyclists.

**8.4 Sister Cities**

Councillor Sinfield asked a question to the Chief Executive Officer, as a matter of clarity, whether the City of Boroondara had any sister city relationships internationally.

The Chief Executive Officer responded that we do not have any such relationships and that he does not believe the City ever has had. There was a relationship with Same from East Timor but noted this was never a sister city relationship.

**7.13 Contract 2022/2 Retail Energy - Gas - Large Sites**Purpose

This report seeks Council endorsement to engage Shell Energy Retail Pty Ltd (ABN 87 126 175 460) as the Victorian member's energy retailer for gas supply (large markets) under Procurement Australia Contract No. 2506-0641 for a period of two years commencing July 2023.

Background

In June 2021, Council, along with a range of other Council's appointed Procurement Australia as its agent to undertake an open tender process with the intention to enter into Energy Supply Agreements with successful energy retailers. Procurement Australia held a competitive tendering process to establish Energy Supply Agreements with an energy retailer or retailers to service members' requirements in New South Wales, South Australia, Queensland, ACT, Tasmania and Victoria. The term for this agreement is for two years.

While the Agreement is not due to commence until July 2023, at the time Council committed to participating in the public Tender process there was an obligation for Council to enter into an Agreement with the successful entity.



### Key Issues

- Procurement Australia undertook an open competitive tender process and robust evaluation of seven entities that submitted proposals.
- Shell Energy were the sole preferred retailer for Victoria after receiving the highest score for the combined non-financial for example compliance, accredited Green Power, flexibility with metering, self-service customer portal - availability and functionality, and financial weighted score.
- Shell Energy offered the most competitive rates for the term of the Agreement.
- Under this Agreement gas supplies will be provided to the following large sites:
  - Ashburton Pool Recreation, Warner Avenue, Ashburton
  - Boroondara Sports Complex, Belmore Road, Balwyn North; and
  - Hawthorn Aquatic & Leisure Centre, Grace Street, Hawthorn

### Next Steps

Execute the Agreement with Shell Energy Retail Pty Ltd.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the *Local Government Act 2020*. The information relates to:

- a) private commercial information, being information provided by a business, commercial or financial undertaking that -
  - i. relates to trade secrets; or
  - ii. if released, would unreasonably expose the business commercial or financial undertaking to disadvantage;
- b) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- c) Information prescribed by the regulations to be confidential information for the purposes of this definitions.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

The value of the contract large sites will exceed the current \$500,000 delegation threshold in the Instrument of Delegation from Council to the Chief Executive Officer.

Accordingly, this report seeks Council's authorisation to enter into an individual contractual agreement resulting from the Procurement Australia tender process

**MOTION**

**Moved Councillor Gault**

**Seconded Councillor Stavrou**

**That Council resolve to**

- 1. Enter into a multisite Agreement with Shell Energy Retail Pty Ltd (ABN 87 126 175 460) for the provision of gas supply (large market sites) resulting from the Procurement Australia tender for a period of two years at the fixed rates offered in the confidential section of this report.**
- 2. Authorise the Director Places and Spaces to execute the Agreement on behalf of the Council and authorise payments under the contract.**
- 3. Note that expenditure under this contract will at all times be in accordance with Council's adopted budget.**

**CARRIED**

- 9. Urgent business**

Nil

- 10. Confidential business**

- 10.1 1082 Toorak Road**

**Procedural Motion - Closure of meeting to the public**

**MOTION**

**Moved Councillor Hollingsworth**

**Seconded Councillor Sinfield**

- 1. That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the agenda item titled 10.1 1082 Toorak Road.**
- 2. This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because:**
  - a. the item is Council business information, being information that would prejudice the Council position in commercial negotiations if prematurely released (section 3(1)(a)); and**
  - b. the item contains land use planning information, being information that if prematurely released is likely to encourage speculation in land values (3(1)(c))**

3. These grounds apply because the agenda item concerns commercial negotiations, and the premature disclosure of information would be prejudicial to the interests of the Council. Further, the agenda item concerns information land use planning information.

**CARRIED**

*The Council meeting was closed to the public at 10.20pm.*

**Procedural Motion - Reopening of meeting to the public**

**MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Thompson**

**That the Council meeting be reopened to the public.**

**CARRIED**

*The Council meeting reopened to the public at 10.54pm with all councillors present except for Councillor Parke.*

**The meeting concluded at 10.54pm**

**Confirmed**

**Chairperson**

\_\_\_\_\_

**Date**

\_\_\_\_\_

# MINUTES ATTACHMENTS



## Council

**Monday 28 February 2022**

### **Attachments annexed to the minutes for the following items:**

- 4. Informal Meetings of Councillors
  - 7.1 Sponsorship and Partnership Policy
  - 7.7 Recommendations of Audit and Risk Committee meeting held 17 November 2021 and Bi Annual Report from Audit and Risk Committee
  - 7.9 Instruments of Delegation - Council to Council Staff
  - 7.11 Boroondara City Council Motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) of Local Government

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion  <b>6 December 2021</b>	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Victor Franco Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Scott Walker (DUL) Mans Bassi (aDC&T) David Thompson (MG&L) Nick Lund (MLC) Jim Hondrakis (MTT) George Batsakis (MFWI) David Cowan (MSTP) Nicole White (MCPD) Katherine Wright (SCSPR) Lucinda Bakhach (LEL) Nick Brennan (SSTP) Christian Wilmsen (CSTP) Kirstin Ritchie (CG) Helen Pavlidis (SGO)	<ul style="list-style-type: none"> <li>• Social housing and homelessness in Boroondara</li> <li>• Boroondara Community Resilience Strategy</li> <li>• Draft Boroondara Bicycle Strategy</li> <li>• Waste Reforms</li> <li>• Property Management Update</li> </ul>	Nil

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>7 February 2022</b>	Cr Jane Addis Cr Jim Parke Cr Felicity Sinfield Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Cynthia Watson Cr Susan Biggar Cr Garry Thompson Cr Nick Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) Mans Bassi (aDC&T) Amy Montalti (CFO) David Cowan (ADUL) Adele Thyer (aMG&L) Christine White (MCP) Jennifer Reid (MSRTP) Helen Pavlidis (SGO) Elizabeth Manou (SGO)	<ul style="list-style-type: none"> <li>Proposed Draft Budget 2022-23</li> <li>Social Media</li> <li>Procurement</li> <li>Commuter Carparking</li> <li>Resourcing</li> <li>Budget Workshop</li> </ul>	Nil

# MINUTES ATTACHMENTS



## Council

**Monday 28 February 2022**

Attachments as annexed to the resolution:

7.1 Sponsorship and Partnership Policy

# Sponsorship and Partnership Policy

February 2022

**Responsible Directorate:** Customer and Transformation

**Authorised By:** Council

**Date of Adoption:** 28 February 2022

**Review Date:** No later than February 2023

**Policy Type:** Council

**Version:** 1.0





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# 1 Introduction

Sponsorships and partnerships can provide Council with opportunities to achieve its strategic objectives and ensure Boroondara is a sustainable and inclusive city.

Council can increase its capacity to deliver activities, events, services and projects by sharing the responsibilities, resources, benefits and risks with external organisations (including other government organisations, education institutions, private business and community organisations). Sponsors and partners can also broaden the audience, scope and impact of the products, services and benefits they deliver to our community.

This policy outlines the purpose, scope, context and parameters for engaging in sponsorships and partnerships when:

1. A business or organisation has approached Council, expressing an interest in engaging in a sponsorship or partnership arrangement (external approach), or
2. An area within Council is interested in exploring the potential for a sponsorship or partnership arrangement with a business(es) or other organisation(s) (internally generated).

This policy is to be applied in conjunction with the Sponsorships Framework and Partnerships Framework (internal use only) which outline how the policy is to be implemented and provide further supporting information, tools and instruction on making decisions in relation to sponsorships and partnerships.

## 1.1 Purpose

The Sponsorship and Partnership Policy (the Policy) has been developed to outline the position of Council on engaging in incoming sponsorships and partnerships with external organisations and businesses.

Its purpose, is to:

- Enable proposals made to Council for sponsorship and partnership arrangements to be considered through a clear and consistent process.
- Provide Council officers with guidance to assess and manage sponsorship and partnership proposals.
- Co-ordinate and maximise sponsorship and partnering opportunities.
- Establish transparency in decision making related to sponsorships and partnerships.
- Ensure the potential risks related to sponsorship or partnership arrangements are identified and mitigation actions are developed and delivered as far as is practical.

## 1.2 Scope

All Council officers and consultants employed as representatives of Council, have accountability for enacting this policy through understanding, application and compliance.

This policy does not extend to the following circumstances:

- For projects and activities where a grant has been received by Council from an external source such as State or Federal Government.
- Delivery of grant funding through Boroondara Community grants. When an individual or organisation approaches Council seeking sponsorship, the individual or organisation will be directed to the [Boroondara Community Strengthening Grants Program](#) (see Section 5.3)

- Sponsorship by tenants of Council owned facilities covered by a lease or licence agreement, seeking external arrangements. When an individual or organisation approaches Council with leasing or licensing inquiries, the individual or organisation will be directed to the [Council Assets - Leasing Licensing Policy](#).
- “Community Partnerships” when used as a category for tenants in Council facilities.
- Supplier arrangements where Council purchases agreed services from others.

Specific exclusions are outlined under 3 Sponsorships and Partnerships not permitted.

### 1.3 Definitions

<b>Agreement</b>	A written agreement between Council and the sponsor/partner, outlining the responsibilities, rights and obligations of parties.
<b>Council</b>	Indicates reference to the City of Boroondara as a geographical area and also refers to the entity which has the authority to make decisions on behalf of the Boroondara community.
<b>Council Officer</b>	An employee of the Boroondara City Council.
<b>Councillor</b>	An elected member of the Boroondara City Council.
<b>Executive Leadership Team</b>	The team of executives of Council reporting directly to the CEO of Council, including the CEO.
<b>Grant</b>	A grant is a sum of money given to organisations or individuals for a specified purpose directed at achieving goals and objectives consistent with specific policy.
<b>In-kind</b>	Support given by external parties that does not involve a direct cash contribution, but the provision of goods and/or services.
<b>Memorandum of Understanding</b>	A Memorandum of Understanding (MOU) is a non-binding agreement which records details of an understanding between parties, such as intentions and goals, in relation to a proposal.
<b>Partnership</b>	<p>A partnership is defined as a mutually beneficial arrangement between two or more parties which:</p> <ul style="list-style-type: none"> <li>• Creates value for all parties</li> <li>• Involves work being done by both/all parties</li> <li>• Shares risk/rewards across all parties (if deemed acceptable, this does not have to be equal across all parties)</li> </ul> <p>This policy is limited to partnerships formalised via a Memorandum of Understanding or a more formal agreement.</p> <p><b>External Approach for Partnership:</b> An approach is made to Council by an external organisation to work collaboratively with Council to provide a service, project or event, and/or innovative approach to a mutual objective through an agreed provision from both parties of resources (cash or in-kind) and/or skills and technical expertise in return for shared benefits and risks.</p>

	<p>Example: A university approaches Council to gain access to Council's tree maintenance data so students can combine it with weather data to create a predictive model to forecast tree maintenance requirements for Council. In return, the university is able to provide their students with valuable industry experience.</p> <p><b>Internally Generated Partnership:</b> Council officers seek to enter into a mutually beneficial partnership in order to deliver a service, event, activity or project.</p> <p>Example: Council seeks partnership with a local not for profit training provider to conduct computer literacy programs for older people. There are synergies as both organisations have the same goal of providing a quality experience to older adults. Council provides space/a venue and the not-for-profit organisation is able to reach a greater audience.</p>
<b>Professional indemnity insurance</b>	<p>Professional indemnity insurance provides cover for legal costs as well as any damages or costs which may be awarded, if an organisation is alleged to have provided inadequate advice, services or designs which cause your client to lose money.</p> <p>Professional indemnity coverage is generally applicable to professional services firms who provide advice (i.e., accountants, lawyers, financial advisors).</p>
<b>Public liability insurance</b>	<p>Public liability insurance will protect a community organisation against its legal liability to pay:</p> <ul style="list-style-type: none"> <li>• compensation to third parties (e.g., members of the public) for bodily injury</li> <li>• property damage that may occur as a result of the community organisations' activities</li> <li>• the legal costs which a community organisation may have if it needs to defend bodily injury and property damage claims made against it.</li> </ul>
<b>Risk Assessment</b>	The process of identifying, analysing and evaluating risks.
<b>Sponsorship</b>	<p>An agreement in which an external organisation contributes cash or in-kind to support a particular Council event or project for a specified period of time, in return for negotiated rights and benefits.</p> <p>When an individual or organisation approaches Council seeking sponsorship, the individual or organisation will be directed to the <a href="#">Boroondara Community Strengthening Grants Program</a> (see Section 5.3)</p> <p><b>External Approach to Sponsor:</b> An approach is made to Council by an external organisation who wishes to provide a contribution (cash or in-kind) to</p>

	<p>achieve objectives agreed with Council, in relation to an event, project, facility or service in return for specified and agreed promotional and in-kind benefits, proportional and appropriate to the contribution.</p> <p>Council will determine if they deem it necessary to invite other potential sponsors to make an application for this idea.</p> <p>Example: A florist approaches Council wanting to sponsor Council's business workshop by providing flowers for the event and in return they have their logo displayed on the workshop program.</p> <p><b>Internally Generated Sponsorship:</b> Council officers seek proposals for a sponsorship as part of a plan for, or delivery of, an event, activity or project.</p> <p>Example: Council negotiates for a solar power company to sponsor Council's Sustainability Living Festival. The solar power company is entitled to be naming partner for the event and have its logo on display on all marketing collateral.</p>
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## 2 Background

### 2.1 Policy environment

Local government faces increasingly demanding and complex community expectations. With limited resources and competing demands, it is critical councils find new ways to plan and deliver services so local government is sustainable and able to flourish.

The City of Boroondara is home to a large number of local, state and national offices of businesses, a university campus, various private and public schools and many other large, medium and small businesses and government organisations. There are opportunities to work more closely with industry, government authorities and organisations, particularly local businesses, for the benefit of the community.

This policy enables Council officers to explore the potential for sponsorships and partnerships with external organisations as a means to improve Council's capacity to deliver services, activities events and projects.

Approaches are made periodically to Council from businesses and organisations interested in sponsorship or partnership arrangements. This policy also enables Council officers to make decisions about external proposals in a consistent manner while identifying and mitigating risks.

To ensure Council's brand is protected this policy also outlines the risk identification and management approach to be undertaken when assessing proposals for sponsorships or partnerships. Council reserves the right to suspend or terminate any partnership or sponsorship arrangement if a circumstance arises that could negatively impact on Council or perception of Council.

## 2.2 Strategic context

The City of Boroondara recognises the opportunities sponsorships and partnerships can bring, including contributing to the achievement of the Boroondara Community Plan 2021-31 Strategic Objectives.

A range of benefits can be realised by working collaboratively with external organisations to deliver high quality, inclusive services and events for the community, including:

- Providing opportunities to deliver community priorities in new and collaborative ways.
- Broadening the audience, scope and impact of Council activities.
- Strengthening relationships and connections with businesses, organisations and other government entities.
- Increasing understanding of what Council, businesses and other organisations do
- Accessing additional resources and expertise.
- Providing opportunities for additional funding or in-kind contributions via sponsorships and partnership arrangements.
- Delivering sustained impact.

## 2.3 Policy context

This policy is consistent and supported by the following Council documents:

- Boroondara Community Plan 2021-31
- Procurement Policy and Purchasing Guidelines
- Boroondara Arts Plan
- Boroondara Community Strengthening Grants Policy 2020
- Child Safety Policy 2021
- Code of Conduct 2021
- Community Engagement Policy 2021-2026
- Complaints Handling Policy
- Council Assets - Leasing and Licensing Policy
- Design Style Guide 2019
- Disability Action Plan 2018-2022
- Economic Development and Tourism Strategy 2016-2021
- Fraud Corruption and Control Policy and Related Principles 2018
- Media Policy 2018
- Multicultural Action Plan 2019-2023
- Naming of Council Properties Policy 2011
- Risk Management Framework 2019-2022
- Social Media Policy
- Sport and Recreation Strategy 2016
- Staff Gifts and Benefits Policy

### 3 Sponsorships and Partnerships not permitted and other limitations

#### 3.1 Exclusions

As outlined in the Boroondara Community Plan, Council is committed to enhancing the health and wellbeing of the community. Council will not enter into any sponsorship or partnership arrangement with any external party who are seen to be in potential conflict with Councils' responsibilities to the community, or whose reputation or image could prove detrimental to the public image of Council.

This includes but is not limited to businesses which:

- operate in the tobacco, gambling and/or sex industries
- produce or sell alcohol as core business
- produce or sell products that portray negative images or descriptions related to race, gender, sexual preference, religious belief, marital status or disability
- are publicly known to have significant past partnerships with the types of organisations and circumstances listed above

Council will also not enter into new agreements:

- with individuals
  - where the sponsorship or partnership arrangements are likely to unduly restrict Council access to other sponsorships, partnerships, projects or commercial opportunities
  - with registered political parties
  - with an organisation or business who has an owner/s and/or director/s currently running for election, or currently elected, at any level of government
  - where the organisation or business does not have an appropriate legal structure and current public liability and professional indemnity coverage (where applicable) and an Australian Business Number (ABN)
  - religious groups seeking to promote their spiritual beliefs
  - advocacy groups seeking to promote and/or lobby regarding laws, policies, practices or decisions of government which are not aligned with Council's strategies, policies and practices
  - for a period longer than three years. After three years the sponsorship opportunity will be re-opened for submissions, allowing other organisations to apply in addition to the existing sponsor\*
- \*Existing sponsors with 5 years or more commitment at the time this policy is adopted may be exempt from this clause due to their long-standing arrangements.
- with organisations engaged in activities that are not aligned with the Boroondara Community Plan, Councils values, policies, strategies and other guiding Council documents
  - Where an applicant is involved in any current planning, regulatory or legal matter involving Council, or if it is reasonably known that such matters are likely to arise in the foreseeable future
  - Where the organisation is currently, or likely to be, involved in an active tendering or procurement process with Council

## 3.2 Considerations

Council will consider carefully sponsorship from organisations which are, or may be, subject to regulation by the Council during the life of the sponsorship to avoid potential conflicts of interest in the form of unequal benefits/perceived detriment in return for an organisation providing a benefit to the Council.

Council maintains the right to pursue or decline any request or proposed arrangement relating to sponsorships or partnerships. This includes making decisions about whether the goods or services being proposed as part of a sponsorship or partnership arrangement meets Council's current and proposed standards and requirements.

The criteria and guidelines as defined in this policy are for guidance only, Council reserves the right to review this policy and treat each application on a case-by-case basis. If a sponsorship is accepted outside of these circumstances, it must be approved by Council and the reasons for acceptance must be clearly recorded by the approving officer

## 3.3 Procurement

An agreement entered into related to this Policy does not replace procurement processes beyond the scope of the agreement. Any agreement does not assume future and/or sponsorship, partnership or supplier arrangements with Council.

## 3.4 Termination

In the event a matter relating to an existing sponsor/partner comes before Council, Council reserves the option to terminate or suspend the sponsorship or partnership arrangement until the matter is decided. This extends to matters which may conflict with Councils' responsibilities to the community or matters that could prove detrimental to the public image of Council.

# 4 Developing sponsorships and partnerships

## 4.1 Process

An overview of the process for assessing proposals or ideas for sponsorships and partnerships is provided below. This process is outlined fully in the Sponsorship Framework and the Partnership Framework for internal Council usage only.

### SPONSORSHIPS

1. Potential sponsorship opportunity identified	<ul style="list-style-type: none"> <li>Council identify a potential sponsorship opportunity.</li> </ul>
2. Assessment of benefits and risks	<ul style="list-style-type: none"> <li>Discussions are held with relevant areas of Council and other relevant parties to check feasibility of pursuing a sponsorship including cost vs benefits, resources, risks, timeframes and interdependencies.</li> </ul>



3. Expression of Interest	<ul style="list-style-type: none"> <li>To ensure the greatest reach of potential sponsors, an expression of interest process is facilitated on our website and includes a description of the idea and the requirements of the sponsor. Organisations which meet the policy requirements are encouraged to submit an application.</li> <li>On occasion, Council is approached with a proposal for potential sponsorship. The proposal and partner are checked against the policy criteria to see if they are compliant. In this initial phase, Council will determine if they deem it necessary to invite other potential sponsors to make an application for this idea. If an external idea does not meet the policy requirements the enquirer is advised.</li> </ul>
4. Application	<ul style="list-style-type: none"> <li>An application form is completed by the business or organisation wishing to provide sponsorship. There may be more than one application for the same project.</li> </ul>
5. Assessment	<ul style="list-style-type: none"> <li>Prospects are assessed using the Assessment form by at least two Council officers, based on the criteria (see 4.2 below). Scoring is conducted and comments made.</li> <li>A risk assessment is completed and the need for additional background checks identified (see 4.2 Criteria - 7 background checks).</li> </ul>
6. Recommendation, endorsement and approval	<ul style="list-style-type: none"> <li>Proposal and assessment forms, along with recommendations, are reviewed. If recommended, the proposal, assessment and recommendation is presented to the Executive Leadership Team (ELT). Where the application is less than \$10,000 and with a low risk rating ELT will make the final decision to approve or decline the application. For sponsorships over \$10,000 or with a moderate or higher risk rating a report will be prepared for consideration by Council.</li> <li>In the event there are multiple applications, then officers will assess based on criteria under section 4.2 and if the sponsorship is over \$10,000 recommendation(s) and relevant information will be submitted to Council for consideration.</li> </ul>
7. Response to applicant	<ul style="list-style-type: none"> <li>Feedback is provided to the applicant(s) on whether the proposal is approved or rejected.</li> </ul>
8. Agreement	<ul style="list-style-type: none"> <li>If approved, an Agreement is developed and signed by all parties.</li> </ul>
9. Monitoring, reporting and evaluation	<ul style="list-style-type: none"> <li>The arrangement is monitored and an evaluation conducted by the relevant business area, supported by the Partnerships and Innovation Team.</li> <li>A register is maintained of all proposals and evaluations with the Partnership and Innovation Team (Strategy and Performance).</li> <li>Sponsorships are reported on in Council's Quarterly Performance Report and Annual Report.</li> </ul>

## PARTNERSHIPS

1. Potential partnership opportunity identified	<ul style="list-style-type: none"> <li>A potential partnership idea is developed within Council (internal) or an approach is made to Council with a partnership idea (external).</li> <li>The rationale for a partnership is assessed and if confirmed, feasibility discussions take place.</li> </ul>
2. Assessment of benefits and risks	<ul style="list-style-type: none"> <li>Discussions are held with relevant areas of Council and other relevant parties to check feasibility of the proposal including cost vs benefits, resources, risks, timeframes and interdependencies.</li> </ul>
3. Approach by Council	<ul style="list-style-type: none"> <li>For internal proposals, businesses and organisations which meet the policy requirements are approached with a description of the idea to garner interest in partnering.</li> </ul>
4. Profile	<ul style="list-style-type: none"> <li>Partner profiles are developed for prospective partners</li> </ul>
5. Assessment	<ul style="list-style-type: none"> <li>Prospects are assessed using the Assessment form, based on the criteria (see 4.2 below). Scoring is conducted and comments made.</li> <li>A risk assessment is completed and the need for additional background checks identified.</li> </ul>
6. Recommendation, endorsement and approval	<ul style="list-style-type: none"> <li>ELT will approve any partnership proposing to enter into a Memorandum of Understanding or more formal agreement and Council will be informed.</li> <li>Council approval will be sought for partnerships with a moderate or higher risk rating.</li> </ul>
7. Develop action plan	<ul style="list-style-type: none"> <li>An action plan is developed which outlines a clear scope of work, goals, timeframes, costs and needs.</li> <li>Contributions, roles, resources and responsibilities are defined</li> <li>Communication, conflict resolution and reporting strategies are developed</li> </ul>
8. Agreement	<ul style="list-style-type: none"> <li>If approved, an Agreement is developed and signed by all parties.</li> </ul>
9. Monitoring, reporting and evaluation	<ul style="list-style-type: none"> <li>The arrangement is monitored and an evaluation conducted by the relevant business area, supported by the Partnerships and Innovation Team.</li> <li>A register is maintained of all proposals and evaluations with the Partnership and Innovation Team (Strategy and Performance).</li> <li>Partnerships with a signed Memorandum of Understanding or more formal agreement will be reported on in Council's Annual Report.</li> </ul>

## 4.2 Criteria

The following criteria will be used to assess sponsorship and partnership proposals in conjunction with Council's internal documents, the Sponsorship Framework and the Partnership Framework.

### 1. ***Benefit to community***

It is important proposals outline the expected benefit to the local community and/or Council.

### 2. ***Alignment with Council objectives***

Proposals need to align with the stated priorities and aims of Council.

### 3. ***Appropriate contribution by parties***

The proposed contribution of all parties involved is to be discussed, documented and assessed to ensure there will be adequate resources, available when needed. This will be agreed to prior to any sponsorship or partnership commencing.

### 4. ***Is the business or organisation local?***

Proposals with businesses and organisations that are located in or have a presence in Boroondara will be prioritised.

### 5. ***Likely public perception***

The community is the focus of all Council activities and proposals need to consider the likely community response, particularly any aspects that have the potential to cause concern.

### 6. ***Relevant matters before Council***

To avoid the potential for conflict of interest, Council will assess if there are any matters or arrangements (past or present) with organisations and businesses seeking to be sponsors or partners.

### 7. ***Background checks***

Reasonable background checks on potential sponsors and partners will be carried out to ensure that any potential risks are identified. This includes but is not limited to reputational or financial risk.

Medium to large organisations who demonstrate they have best practice workplace policies in place (including but not limited to policies that support access, inclusion and diversity) will be highly regarded. Working with Children and Police Checks will also be considered where necessary.

### 8. ***Impact on existing arrangements***

Before proceeding with any arrangement, Council will consider whether the proposal will impact on current or planned work, including overall workload, resources and priorities.

### 9. ***Ability to effectively manage risks***

Potential risks will be identified and options outlined for how these risks would be managed.

### 4.3 Risk Identification and Management

All sponsorship and partnership applications will be assessed for any real, perceived or potential risks. Any sponsorship agreement Council undertakes must not compromise Council's reputation, public image, probity or its ability to fulfil its functions and must comply with the guidelines of this Policy.

The potential key risks may include, but are not limited to:

- A perception the partner organisation or sponsor is being given an unfair advantage.
- The type of partners or sponsor or the type of arrangement is seen by the public, or other businesses and organisations to be inappropriate for the Council to be engaged with.
- The event or activity is viewed as unsuccessful and/or not value for money by the community and/or the partner/sponsor.
- There is, or is a potential for, perception of fraud, corruption, financial or organisational collapse or withdrawal of resources by sponsors or partners.
- There are safety, or potential safety issues, related to people, animals, the environment or assets.
- Arrangements entered into require more Council resources, or take more time, than expected or result in a lower quality outcome.

Overall, risks will be managed through using this policy to make decisions. This includes:

- Using the processes and assessment criteria specified in the policy and associated documents including application and assessment forms (for internal use), as well as conducting risk assessments and identification of mitigation strategies.

### 4.4 Establishment

A signed agreement is required with all parties before commencing activities. The agreement would:

- Outline the activities and responsibilities, including the funding or in-kind resources to be provided by each party, as well as the timeframes and outcomes to be delivered.
- Include consultation with, and approval of, Council prior to the release of any media, logos, communications or similar regarding the project.
- Include a statement that the parties are not involved in activities excluded under the policy.
- Include clauses related to dispute resolution, termination and any adverse effect on Council's reputation.
- Include a statement outlining the length of agreement.
- Monitoring, reporting on, and evaluating activities are to be conducted.

### 4.5 Approval

#### Sponsorships

- Where the application is less than \$10,000 and with a low risk rating ELT will make the final decision to approve or decline the application.
- For sponsorships over \$10,000 or with a moderate or higher risk rating a report will be prepared for consideration by Council.

#### **Partnerships**

- ELT will sign off on any partnership proposing to enter into a Memorandum of Understanding or more formal agreement and Council will be informed.
- Council approval will be sought for partnerships with a moderate or higher risk rating.

### **4.6 Monitoring and Evaluation**

Each sponsorship or partnership arrangement is to be monitored and evaluated for effectiveness and value against the objectives set for the activity. Council reserves the right to withdraw from a sponsorship or partnership where the external party is considered to have not complied with the spirit of this policy and/or any written agreement. Evaluations are to be completed at the end of the activity or project. Consideration should be given to an annual review for longer term arrangements. Annual monitoring and evaluation activities are to be undertaken by the area of Council taking the lead on the sponsorship or partnership activity.

In order to document and report on activity under the policy, all applications, evaluations, and agreements are to be registered with the Partnership and Innovation Team (Strategy and Performance).

### **4.7 Transparency**

Any funds through sponsorships and partnerships will be treated as public monies and must be used solely for the agreed purpose. In-kind sponsorship will not be accepted where the goods or services do not meet the objective criteria as established in Council's Procurement Policy and Purchasing Guidelines. All projects will be evaluated, including for value for expenditure.

- Sponsorships are reported on in Council's Quarterly Performance Report and Annual Report.
- Partnerships with a signed Memorandum of Understanding or more formal agreement are reported on in Council's Annual Report.

## **5 Rights, acknowledgement and communications**

### **5.1 Examples of Sponsor Rights**

In return for financial or in-kind contribution, the following are examples of the types of benefits which may be considered when entering into a sponsorship agreement. These will be further developed over time.

<b>Benefit</b>	<b>Commentary</b>
City Partner	Partner able to use by-line "XXX Partner of the City of Boroondara"

Digital	Website and e-newsletter acknowledgment, database marketing (insert, offer prizes for competition), social media acknowledgment/content on approved basis
Discounted venue or service offering	Venue hire, trade stall, product display/sampling, or similar
Exclusivity	Generally, only for a Facility/Program/Event. Again, if sensitivity to be discussed at an early stage by Council officer(s) and/or elevated for guidance/resolution as required
Hospitality	Partner functions, complimentary tickets, preferential ticket access/seating, VIP parking, customised hospitality, celebrity meet 'n greets, defined personnel use for partner purposes.
Media/non-media reach	Logo/name insert in print, radio, television media, screen, collateral e.g., flyers, brochures, etc. PR acknowledgement where possible, e.g., press releases. In some circumstances logo/name insert could be extended to staff apparel, participants apparel (e.g., t-shirts, number tags), merchandising
Naming rights association	Naming rights for a program or event would require further consideration by Council based on value and there being a significant community benefit. Other Council policies would need to be considered to ensure compliance.
Partner employees	Participation by employees (e.g., team entry). Access to discounts, merchandising, celebrity meet 'n greets. Employee volunteer programme
Signage	Digital (by video clip, visual, logo; frequency subject to level) and/or static (number and placement; storyboard). Also could be extended to vehicles, street banners, etc.

## 5.2 Principles of acknowledgement and benefits

The following scale of acknowledgements will be applied when considering sponsorship and partnership proposals, particularly the benefits sponsors and partners will receive from Council.

- The sponsor acknowledgement or benefit should be commensurate with the value of the sponsorship provided (all sponsors will be recognised in appropriate collateral).  
Examples of the types of arrangements which may be considered are provided below:
  - Small scale sponsorship (for activities which attract up to 50 people per activity, such as business networking events, library workshops, school holiday programs) e.g., a florist sponsoring Council's business workshop by providing flowers for the event may have their logo displayed on the workshop program.
  - Medium scale sponsorship (for activities which attract between 50 to 500 people per activity, such as award programs, community forum, volunteer expo) e.g., a camera retailer sponsoring Council's photography competition may be entitled to have one of the competition categories named after it and display its banner at the award ceremony.
  - Large scale sponsorship (for activities which attract more than 500 people per activity, such as music festival, pet expo, seniors festival) e.g., a solar power

company sponsoring Council's Boroondara Sustainability Living Festival may be entitled to be naming partner for the event, its logo on display on all marketing collateral and a dedicated tent at the festival.

- The forms of sponsor acknowledgement should be negotiated in consultation with the relevant Council stakeholders, prior to any sponsorship agreement being made, and documented in a written agreement. The Strategic Communications Team should be consulted in regards to any media and branding conversations.
- Sponsor acknowledgement should clearly indicate Council support for the sponsored activity only, as opposed to Council's ownership of the sponsored activity or Council's endorsement of the organisation or its products more broadly.
- Promotion of the sponsorship must not reasonably be seen to compromise the public perception of Council's brand.
- Sponsorship conferring naming rights requires authorisation from the Head of Strategic Communications prior to Council approval.

Sponsors and partners will not receive:

- Preferential treatment or influence over Council deliberations or decisions.
- Access to Council or resident information, which is not otherwise publicly or legally accessible.
- Ownership of the intellectual property developed in relation to the sponsorship or partnership.

### 5.3 Boroondara Community Strengthening Grants

When an individual or organisation approaches Council seeking sponsorship, the individual or organisation will be directed to the Boroondara Community Strengthening Grants Program.

Council supports projects which reflect demonstrated community need, address priority themes of the Boroondara Community Plan, and benefit the Boroondara community.

Eligibility may differ between grant programs however broadly all applicants must:

- provide direct benefits to residents of the City of Boroondara (local organisations are prioritised)
- be a legally constituted entity (e.g., a co-operative, incorporated association, company or company limited by guarantee). For Annual Grants only, you may have another organisation auspice your application (unless requesting less than \$1,000).
- have an Australian Business Number (ABN), or complete a Statement by Supplier form, or hold an exemption from registration
- have a committee of management that accepts responsibility for the administration of the grant
- hold an adequate public liability insurance policy to cover the staff, members and the general public, as appropriate
- not have your own grant giving program or fundraising program that provides money to finance another organisation's community initiatives
- have satisfactorily accounted to Council for the expenditure of any previous Council grants (if relevant)

- comply with all other relevant Australian and Victorian legislation, including: accounting and auditing requirements; equal opportunity and anti-discrimination laws; human rights laws; privacy, confidentiality and freedom of information laws; registration or accreditation of professional employees; and preparation and dissemination of annual reports
- have an adequate risk management plan in place (as required).

In the interest of fairness, transparency and maintaining community confidence in the integrity of the grants program, formal assessment processes exist for all competitive grant categories. Refer to the Boroondara Community Strengthening Grants Policy for a more detailed outline of each category of grant including eligibility, application and assessment processes and conditions of funding.

Council expects all grant recipients acknowledge the City of Boroondara in any promotional materials associated with a funded program, asset or event.

#### **5.4 Communication to the public and use of logos and other materials**

The Sponsor Acknowledgement including use of Council's master logo and/or brand marks, must comply with Council's branding and communications guidelines, including but not limited to Council's Media Policy, Engagement Policy, Design Style Guide and Social Media Policy and must be approved by the [Strategic Communications team](#).

Council will request to see any marketing material prior to it being published for approval.

Council is to be consulted early in any discussions regarding the use of logos, branding, photography and videos or other collateral. All media, including social media and external communications are to be discussed beforehand and agreed between all parties prior to any release. This includes the content, timing and methods of release.

Use of Council logo requires written approval and may only be used within the agreed time period within the sponsorship agreement or memorandum of understanding.

## **6 Managing conflicts**

### **6.1 Breaches of agreement**

The written agreement entered into between parties will outline how conflicts and breaches of agreement are to be managed.

### **6.2 Managing potential or perceived conflict of interest**

Councillors and all Council officers and consultants employed as representatives of Council, staff are required to notify the Integrity Coordinator for any breaches or suspected breaches or concerns related to conduct, potential fraud or conflict of interest. This includes when they become aware that an individual or organisation they

- own (as a significant shareholder or otherwise); and/or
- are members of, or affiliated with; and/or
- are employed by, either directly or indirectly; and/or
- received campaign donations from and/or
- has/is engaged in sponsorship or partnership discussions with Council, or are considering a sponsorship or partnership proposal under this policy.



Sponsorships should also adhere to the principles outlined in a guide for public sector agencies developed by the [Independent Commission Against Corruption \(ICAC\) in NSW](#). The ten key principles are appended to the Sponsorship Framework for internal purposes and are used to mitigate risk of and opportunities for corruption.

## 7 Accountabilities

Resources and input	Responsible
Development, promotion and review of policy and supporting documents and provision of general advice.	Strategy & Performance
Developing and managing activities in partnership with Council as agreed.	Businesses and organisations interested in a sponsorship or partnership with Council
Identifying, assessing, managing and evaluating sponsorship and partnership proposals and activities, including negotiating and finalising agreements.	Department conducting a sponsorship or partnership and requests relevant to their area.
Providing advice and endorsement regarding media, use of branding and other collateral related to sponsorships and partnerships, prior to agreements being reached.	Strategic Communications
Maintenance of a Sponsorship and Partnership register.	Strategy & Performance
Reporting on sponsorship and partnership arrangements. Coordinating background checks as required.	Strategy & Performance
Sign off on all sponsorship agreements under \$10,000 and with a low risk rating. Sign off on partnerships proposing to enter into a memorandum of understanding or more formal agreement.	Executive Leadership Team
Approval of sponsorships over \$10,000 and/or with a moderate or higher risk rating. Informed of partnerships entering into a memorandum of understanding or more formal agreement. Approval of partnerships with a risk rating of moderate or higher.	Council

This policy will be reviewed after 12 months to ensure strategic alignment to community expectations and business priorities.

### 7.1 Financial implications

There is no organisation-wide budget for activities related to this policy. The area of Council entering into a sponsorship or partnership will be responsible for providing resources for the development and assessment of proposals, as well as any implementation costs.

## 8 Contact information

For queries or feedback regarding this policy, please use the contact details below.

Contact Department	Contact number	Contact email
Strategy and Performance	Ext 5742	partnerships@boroondara.vic.gov.au

# MINUTES ATTACHMENTS



## Council

**Monday 28 February 2022**

Attachments as annexed to the resolution:

- 7.7 Recommendations of Audit and Risk Committee meeting held 17 November 2021 and Bi Annual Report from Audit and Risk Committee

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
A5.1	Standard Questions for Tabling at the Audit and Risk Committee meetings.	<p>Audit and Risk Committee Members were given the opportunity to:</p> <ol style="list-style-type: none"> <li>1. Ask Auditors present, if their work had been obstructed in any way. Auditors present responded that no obstructions had been experienced.</li> <li>2. Ask if there were any matters such as breach of legislation or practices that need to be brought to the attention of the Audit and Risk Committee. No matters were identified.</li> <li>3. Request a discussion of any matter with the Auditors in the absence of management and other staff. An in-camera discussion with the Internal Auditors was held.</li> </ol>	Council note the Officers, Auditors and Members had no matters to raise in response to the standard questions outlined in this report.
A5.2	Business Arising.	This report updated the Audit and Risk Committee on matters raised at previous meetings and provided follow up information on queries raised by Committee members. The Committee noted the actions taken in response to matters arising from the minutes of the previous meeting.	Council note the actions taken in response to matters arising from the minutes of previous meetings as outlined in Attachment 1 (as annexed to the Audit and Risk Committee minutes).
A5.3	Audit and Risk Committee Administrative Matters	This report updated the Audit and Risk Committee regarding administrative matters identified at previous Audit and Risk Committee meetings.	Council receive and note the report.
A5.4	Internal Audit report - Fraud and Corruption Control.	<p>This report updated the Audit and Risk Committee on the outcomes of the Internal Audit review of Council's 'Fraud and Corruption Control' environment. The review was conducted in accordance with the Council adopted Strategic Internal Audit Plan.</p> <p>The internal audit report assessed the maturity of Council's Fraud and Corruption Control processes and key controls as 'Established' and assigned the residual risk as 'Moderate'.</p>	Council receive and note the report.

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
		The report provided three audit recommendations to further strengthen the control environment. Management agreed with the report's recommendations and provided commentary and implementation dates in the report.	
A5.5	Internal Audit report - Payroll	<p>This report updated the Audit and Risk Committee on the outcomes of the Internal Audit review of Council's Payroll processes and key controls. The review was conducted in accordance with the Council adopted Strategic Internal Audit Plan.</p> <p>The internal audit report assessed the maturity of Council's policies, processes and structures to govern Payroll as being at the upper end of the 'Developing' threshold and on the cusp of the 'Established' threshold. Based on Council's Risk Management Framework the report assigned the residual risk as 'High'.</p> <p>The report provided six audit recommendations and identified one continuous improvement opportunity to further strengthen controls and processes over Payroll processing. The Internal Auditors noted the 'Modernise Payroll Project' currently underway is expected to address many of the findings contained in the report. Management agreed with the report's recommendations and provided commentary and implementation dates in the report.</p>	Council receive and note the report.
A5.6	COVID-19 Update	Inclusion of this item in the agenda for the Audit and Risk Committee meeting provides an opportunity for the Committee to be briefed on Council's response to the COVID-19 Pandemic.	Council receive and note the report.

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
		<p>Due to the dynamic nature of the Pandemic and Council's response, a verbal update is provided at each Audit and Risk Committee meeting.</p> <p>Explanatory notes to support the verbal updates were provided by the Manager Liveable Communities (Municipal Pandemic Coordinator) and Executive Manager, People Culture and Development.</p>	
A5.7	Internal Audit Update	<p>This report updated the Audit and Risk Committee on the progress of the internal audit plan and status of audit recommendations arising from finalised internal audit reports.</p> <p>Progress against the current year's Internal Audit Plan and implementation status of prior audit recommendations were also provided to the Audit and Risk Committee.</p>	Council receive and note the report.
A5.8	Reports to Parliament by VAGO and other regulatory authorities	<p>This report updated the Audit and Risk Committee on the reports to State Parliament by the Victorian Auditor-General's Office (VAGO) and other regulatory bodies with a local government impact or context.</p> <p>The report noted since the last Audit and Risk Committee meeting, the following reports had been tabled by VAGO and other regulatory bodies with local government oversight responsibilities.</p> <ol style="list-style-type: none"> <li>1. VAGO - Local Government Sector Update - September 2021.</li> <li>2. Victorian Ombudsman - Investigation into allegations of collusion with property developers at Kingston City Council.</li> </ol>	Council receive and note the report.

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
		<p>A summary of recommendations from the reports was contained in this report and officers provided comments to assist the Audit and Risk Committee understand the current environment at Boroondara in relation to the recommendations provided.</p> <p>Following discussion at a previous meeting, this report also provided the Audit and Risk Committee with an update on actions taken by Council in response to the VAGO review of Sexual Harassment in Local Government.</p>	
A5.9	Risk Management Update - Strategic Risk Register Update	This report updated the Audit and Risk Committee on the status of Risk Management activities undertaken during the reporting period, including a summary of the current Strategic Risk Profile, pursuant to the Risk Management Framework.	Council receive and note the report.
A5.10	Update - Business Function Risk Assessment Map (BFRAM)	<p>This report provided the Audit and Risk Committee with the updated 'Business Function Risk Assurance Map (BFRAM) - Revision #1 - November 2021'.</p> <p>The BFRAM was first prepared in November 2020. At that time the Audit and Risk Committee requested it be reviewed and updated on an annual basis.</p> <p>The report contained the outcomes of the 2021 annual review and update.</p> <p>Going forward, the BFRAM will be used to help inform Council's overall assurance framework, including where management or the Audit and Risk Committee may seek</p>	Council receive and note the report.

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
		<p>additional assurance coverage through each 'line of defence' (e.g. management audits, internal audits and/or other external assurance sources) and will be used as a key input into future internal audit plans.</p> <p>Conducting this annual review of the BFRAM also identified an opportunity to perform an exercise to verify the contents of the BFRAM against Council's Risk Register to identify further opportunities for alignment. At the time of writing this exercise is underway.</p>	
A5.11	Year-End Update and Final Audit Closing Report	<p>This report provided the Audit and Risk Committee with an update on the conclusion of the 'Year End Audit' and advised the Committee final audit clearance was received from the Victorian Auditor-General. Management also received a Final Management letter which identified no audit findings for financial and performance statement reporting, however three information technology observations relating to general IT controls were made. Management has accepted and partially accepted the recommendations for all but one of the observations. None of these observations were found to compromise reliance for financial reporting purposes and none of the matters identified were deemed to be high risk. Management responses were provided for all observations and identified actions have either been concluded or scheduled for completion by June 2022.</p>	Council receive and note the report.
A5.12	Draft Procurement Policy	<p>The Draft Procurement Policy was presented to the Audit and Risk Committee for review and feedback prior to its presentation to Council for consideration and adoption by 31 December 2021 as required by legislation.</p>	The Procurement Policy was separately considered by Council at the Council meeting of 13 December 2021.

## Summary of reports tabled at Audit and Risk Committee meeting held 17 November 2021

Report No	Report Title	Summary of Content	Recommended Council Resolution
		The Committee endorsed the Draft Procurement Policy and recommended it be presented to Council for consideration and adoption.	



## **Biannual audit and risk report describing the activities of the Audit and Risk Committee and its findings and recommendations.**

### **Introduction**

Section 54 (5) of the *Local Government Act 2020* ('the Act') states:

"An Audit and Risk Committee must:

- (a) prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- (b) provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

This report has been prepared following the November 2021 Audit and Risk Committee meeting. The next Biannual report will be prepared in June 2022 following the May 2022 Audit and Risk Committee meeting.

### **Establishment of Audit and Risk Committee**

Following adoption of the Act, a new Audit and Risk Committee was established by Council at its meeting of 24 August 2020. A new Audit and Risk Committee Charter was adopted ensuring Council complied with relevant provisions of the Act.

### **Membership and attendance during the reporting period**

Membership of the Audit and Risk Committee during the reporting period comprised:

Cr Victor Franco

Cr Nick Stavrou

Mr John Watson (Chair)

Ms Fiona Green

Ms Freya Marsden

All members attended both meetings held during the reporting period.

**Meetings of the Audit and Risk Committee and findings and recommendations.**

During the reporting period the following meetings of the Audit and Risk Committee have been held:

**18 August 2021**

Agenda items considered:

1. Standard Questions for Tabling at the Audit and Risk Committee meetings.
2. Business Arising.
3. Audit and Risk Committee Administrative Matters.
4. Internal Audit Update.
5. COVID-19 Update.
6. Child Safe Standards - Implementation.
7. Outcomes of IT Security Testing.
8. Internal Audit Report - IT Strategic Planning and Governance.
9. Annual Report - Management of Health and Safety 2020-21.
10. Legal and Ethical Compliance Program 2020-21.
11. Update on the Activities of the Fraud Control Group.
12. Risk Management Update.
13. Response to the Victorian Ombudsman Investigation Report - Financial Hardship.
14. Response to the Victorian Ombudsman Investigation Report - Melton City Council.

15. Annual Financial Statements and Performance Statement for the year ended 30 June 2021.

### **17 November 2021**

Agenda items considered:

1. Standard Questions for tabling at Audit and Risk Committee meetings.
2. Business Arising.
3. Audit and Risk Committee Administrative Matters.
4. Internal Audit Report - Fraud and Corruption Control.
5. Internal Audit Report - Payroll.
6. COVID-19 Update.
7. Internal Audit Update.
8. Reports to Parliament by VAGO and other regulatory authorities.
9. Risk Management Update - Strategic Risk Register Update.
10. Update - Business Function Risk Assurance Map (BFRAM).
11. Year-End Update and Final Audit Closing Report.
12. Draft Procurement Policy.

The relevant findings and recommendations from each meeting have been reported to Council through the respective Council reports entitled “Recommendations of Audit and Risk Committee Meeting” which have been presented to Council after each Audit and Risk Committee meeting.

## **Responding to Emerging Risks**

The Committee, and management, continue to pay close attention to identifying and reviewing emerging risks. During the year, the Committee requested reports covering cyber security and information privacy and reviewed Council's management of these key risks. The Committee also received briefings at each meeting on Council's response to the COVID-19 Pandemic. A new standing agenda item "Chief Executive Officer Update" has been introduced to enable the Committee to be briefed on current and emerging issues within the municipality and organisation.

## **Internal Audit**

Council's contracted provider of Internal Audit services is Pitcher Partners. Each meeting of the Committee provides opportunity for the Committee to meet 'in camera' with the Internal and External Auditors in the absence of management.

All Internal Audit report recommendations are recorded on a register with their appropriate implementation actions and timeframes. This register of actions is formally followed up and progress is reported to the Committee at each meeting.

The progress of Internal Audit recommendations during the reporting period can be summarised as:

	High	Medium	Low	Total
Number open at start of reporting period	1	3	1	5
Number added during reporting period	0	3	1	4
Number completed during reporting period	1	3	1	5
Number open at end of reporting period	0	3	1	4

The Committee notes management has shown diligence in implementing internal audit recommendations in a prompt and accountable manner.

### **Annual assessment of performance of the Audit and Risk Committee**

Section 54 (4) of the *Local Government Act 2020* ('the Act') states:

An Audit and Risk Committee must—

- (a) undertake an annual assessment of its performance against the Audit and Risk Committee Charter; and
- (b) provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.

To assist the Committee meet this obligation, an agreed self-assessment survey was distributed. Completed surveys were returned by all Committee members.

A report compiling the survey responses has been prepared (**Attachment 3**).

The next annual self-assessment performance survey will be completed by the Committee in November 2022.

**Conclusion**

The Committee looks forward to continuing to fulfil its role and working with management, Council and its auditors during the remainder of the 2021-22 financial year and will provide its next Biannual report in June 2022 following the May 2022 Audit and Risk Committee meeting.

**John Watson**

**Chair Audit and Risk Committee**

**December 2021**

# MINUTES ATTACHMENTS



## Council

**Monday 28 February 2022**

Attachments as annexed to the resolution:

7.9 Instruments of Delegation - Council to Council Staff



# **Boroondara City Council**

**Instrument of Delegation**

**to**

**the Chief Executive Officer**



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## Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Boroondara City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedules to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a resolution of Council passed on 28 February 2022;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedules;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
  - 2.4 remains in force until Council resolves to vary or revoke it; and

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

..... **Chief Executive Officer**

..... **Mayor**

..... **Date**

## SCHEDULE 1

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### CONDITIONS AND LIMITATIONS

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 1.1 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST), unless the contract, purchase or payment has been previously approved by resolution of Council or a Delegated committee; <sup>1</sup>
  - 1.2 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST) unless the contract, purchase or payment relates to statutory charges such as superannuation, taxation, the Fire Rescue Victoria levy and insurance charges generally consistent with the approved or revised budget;
  - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.4 election of a Mayor or Deputy Mayor;
  - 1.5 granting of a reasonable request for leave under section 35 of the Act;
  - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.7 approval or amendment of the Council Plan;
  - 1.8 adoption or amendment of any policy that Council is required to adopt under the Act;
  - 1.9 adoption or amendment of the Governance Rules;
  - 1.10 appointment of the chair or the members of a delegated committee;
  - 1.11 making, amending or revoking a local law;
  - 1.12 approval of the Budget or a Revised Budget;
  - 1.13 borrowing money unless provided for in the adopted budget or revised budget;
  - 1.14 subject to section 181(H)(1)(b) of the *Local Government Act* 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or

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<sup>1</sup> The Services Delegated Committee has a delegation of \$20,000 (inc GST)

- 2 if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 3 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;
- 4 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:
  - 4.1 policy; or
  - 4.2 strategyadopted by Council; or
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.

## TABLE OF CONDITIONS AND LIMITATIONS

Type of Expenditure or Item	Condition, Expenditure Limit for Individual or Prohibition
Acquisition or disposal of the fee-simple in any land	Prohibited - except where: <ul style="list-style-type: none"> <li>the disposal results from a decision by the Chief Executive Officer not to challenge a claim for adverse possession.</li> <li>the disposal is in accordance with Schedule 2.</li> </ul>
Acquisition or disposal of any other interest in land	\$500,000 excluding GST
Approval of the purchase or hire (other than taxi hire) of vehicles	\$500,000 excluding GST
Building and Capital Works - including repairs and alterations	\$500,000 excluding GST
Purchase or disposal of equipment and other fixed assets	\$500,000 excluding GST
Urgent repairs to buildings and equipment (including replacement of equipment)	\$500,000 excluding GST
Appointment or engagement of legal practitioners or external consultants	\$500,000 excluding GST
Leases or licences of land, buildings, vehicles or equipment	\$500,000 excluding GST
Provision, reduction or withdrawal of credit facilities provided by Council	\$5,000 excluding GST
Write off bad debts	\$20,000
Settlement of any claims and litigation (including WorkCare and WorkCover claims)	\$100,000 excluding GST
Awarding contracts for the acquisition of goods, works and services or approving expenditure	\$500,000 excluding GST in respect of any one contract, unless the contract, purchase or payment has been previously approved by resolution of Council or a Delegated committee, or relates to statutory charges or other matters such as superannuation, taxation, the FRS levy, telecommunications, investments, street lighting, court and tribunal expenses, insurance charges generally consistent with the approved or revised budget.

Type of Expenditure or Item	Condition, Expenditure Limit for Individual or Prohibition
<ul style="list-style-type: none"> <li>Extend the term of any contract which is lawfully capable of having its term extended</li> <li>Authorise a variation to any contract</li> </ul>	<p>If the contract:</p> <ul style="list-style-type: none"> <li>has been entered into by the delegate in exercise of a power conferred by this Instrument of Delegation, and the cumulative value of the variations must not exceed \$500,000 excluding GST;</li> <li>has been entered into by Council, and the value of the contract is greater than \$500,000, the value of expenditure for the further term and the value of the variation) may not increase by more than or 10% or \$100,000 (excluding GST) whichever is greater.</li> </ul>

## SCHEDULE 2

### ROADS AND RESERVES: CONDITIONS AND LIMITATIONS

1. The power conferred by section 207 of and clause 3 of Schedule 10 to the *Local Government Act 1989* (LGA 1989) to propose that a road or part of a road:
  - 1.1 be discontinued; and
  - 1.2 sold, transferred to the Crown or Council or retained by Council upon the discontinuance taking effect.
2. The powers and functions conferred by sections 207, 207A(a) and 223(1)(a) of the LGA 1989 of giving public notice of such proposal:
3. The power conferred by section 207 of, and clause 3 of Schedule 10 to, the LGA 1989 to:
  - 3.1 discontinue; and
  - 3.2 sell, transfer to the Crown or Council or retain on behalf of Councila road or part of a road which has been the subject of a proposal under paragraph 1 of this Schedule.
4. The power conferred by section 24A(1) of the *Subdivision Act 1988* to lodge at the Titles Office for registration a certified plan to do any of the things mentioned in that sub-section in relation to the whole or part of any drainage or sewerage reserve ("reserve").
5. The power conferred by section 114 of the *Local Government Act 2020* to propose that a reserve be sold.
6. The function conferred by sections 114 of the *Local Government Act 2020* and 223(1) (a) of the LGA 1989 of giving public notice of such proposal to sell a reserve which has been the subject of a proposal under paragraph 5 of this Schedule.
7. The power conferred by section 114 of the *Local Government Act 2020* to sell a reserve which has been the subject of a proposal under paragraph 5 of this Schedule.

### CONDITIONS AND LIMITATIONS

The powers described in paragraphs 3 and 7 of this Schedule must not be exercised if, after giving public notice of a proposal of the type described in this Schedule (as the case may be), Council receives a submission which:

- (a) is adverse to the proposal; or
- (b) contains comments which are adverse to the proposal.



## **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
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



## Instrument of Delegation

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Strategic and Statutory Planning 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>AP&amp;P</b>	means	All staff in Asset Protection and Permits Team
<b>CCO</b>	means	Chief Customer Officer
<b>CEO</b>	means	Chief Executive Officer
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DPS</b>	means	Director Places & Spaces
<b>DUL</b>	means	Director Urban Living
<b>AOHS</b>	means	Authorised Officer Health Services
<b>CDM&amp;C</b>	means	Coordinator Drainage Maintenance & Cleaning
<b>CFO</b>	means	Chief Financial Officer
<b>CPA&amp;PA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>CP</b>	means	Counter Planner or Planning Liaison Officer
<b>CHP&amp;P</b>	means	Coordinator Health, Projects & Prosecutions
<b>CRPS</b>	means	Coordinator Revenue and Property Services
<b>CSP</b>	means	Coordinator Statutory Planning
<b>CSTRP</b>	means	Coordinator Strategic Planning
<b>CT</b>	means	Coordinator Traffic
<b>CTM</b>	means	Coordinator Transport Management
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<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>MSPP</b>	means	Manager Strategic and Statutory Planning
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>MFW&amp;I</b>	means	Manager Facilities, Waste and Infrastructure
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PP</b>	means	Principal Statutory Planner
<b>PSTRP</b>	means	Principal Strategic Planner
<b>PSO</b>	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning

<b>SCTA</b>	means	Senior Coordinator Transport Advocacy
<b>SO</b>	means	Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer
<b>SSP</b>	means	Senior Statutory Planner
<b>SSTRP</b>	means	Senior Strategic Planner
<b>STP</b>	means	Strategic Planner
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>Specific Statutory Planning Officers</b>	means	MSSP, CSP, PAC, PP, SSP, SP, SO and CP
<b>Supervising Statutory Planning Officers</b>	means	MSSP, CSP, PAC and PP

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 February 2022 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

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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, PRO & TLFS & MCS	

<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
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

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19AA(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. <i>Note – sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.</i>
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. <i>Refers to records of the proprietor of the food premises.</i>
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 foodsafety 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))
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



<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 19NA(1)	Power to request food safety audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority.
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DUL, MCS, CHP&P & TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DUL, MCS, CHP&P, TLHS& EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.  Fees are determined in the Council' s annual budget process.
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))

<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 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.
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 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.
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

<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 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
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 Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the foodpremises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 38(G(2)	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 Note: This provision commences on 1 July 2021, unless proclaimed earlier.

s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority
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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 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	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	
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 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 Note: This provision commences on 1 July 2021, unless proclaimed earlier. Subject to the prior approval of the MCS. The deletion to the TLHA 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
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	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DUL, MCS, CHP&P, EHO & TLHS	Where Council is the registration authority

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



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 4H	Duty to make amendments to the VPP available	CEO, DUL, MSSP, SSTRP, CSTRP, PSTRP, STRPCSTRP		
s 4I	Duty to keep the VPP and other documents available for inspection	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 12B(1)	Duty to review the planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 12B(2)	Duty to review the planning scheme at the direction of the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DUL, All Planning Officers		
s 17(1)	Duty of giving a copy of amendments to the planning scheme	CEO, DUL, All Planning Officers		
s 17(2)	Duty of giving a copy of a s 173 agreement	CEO, DUL, All Planning Officers		
s 17(3)	Duty of giving a copy of an amendment, explanatory report and relevant documents to the Minister at least 10 business days before it (the Council) first gives a required notice of the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 18	Duty to make amendments etc. available	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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 21A(4)	Duty to publish notices	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 22	Duty to consider all submissions	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	Except submissions which request a change to the items in s 22(5)(a) and (b)	

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL & all Planning Officers		
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 28	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 30(4)(a)	Duty to say if an amendment has lapsed	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 31(1)	Duty to submit adopted amendments to the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 32(2)	Duty to give more notice if required	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 36(2)	Duty to give notice of approval of amendments	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
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, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 40(1)	Function of lodging a copy of an approved amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 41	Duty to make approved amendment available	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

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s 42	Duty to make copy of the planning scheme available	CEO, DUL & all Planning Officers		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is a responsible public entity	



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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, MSSP, CSTRPCSTRP	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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is a responsible public entity	
s46GI(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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DUL, MSSP, CSTRP, and Supervising Statutory Planning Officers, CSTRP		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GP	Function of receiving a notice under s 46GO	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP, SO and Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP, SO and Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 6GX(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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	All Planning Officers	Where Council is the collecting agency	

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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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers, CSTRP	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, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency under an approved infrastructure contributions plan.  This provision does not apply where Council is also the relevant development agency.	
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DUL, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers, CSTRP	Where Council is the development agency under an approved infrastructure contributions plan.  This provision does not apply where Council is also the collecting agency.	

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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, MSSP, CSTRP & Supervising Statutory 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, MSSP, CSTRP, CFO, CCO & Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency	
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, MSSP, CSTRP, CFO, MCP, CRPS and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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, MSSP, CSTRP, CFO, MCP, CRPS, CCO and Supervising Statutory 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	All Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	

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s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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, MSSP CSTRP and Supervising Statutory 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, MSSP CSTRP and Supervising Statutory 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, MSSP CSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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

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s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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, MSSP CSTRP, CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, DUL, MSSP CSTRP, CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)(a)	Function of receiving proceeds of a sale	CFO, MCP, CRPS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency	

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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)	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)	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	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, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is a collecting agency or development agency	
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCP, CRPS	Where Council is a collecting agency or development agency	

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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)	CFO, MCP, CRPS		
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	CEO, DUL & Specific Statutory Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DUL & Supervising Statutory Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DUL & Supervising Statutory 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 Statutory Planning Officers		

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s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DUL and Supervising Statutory 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 and Supervising Statutory 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 and Supervising Statutory Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DUL, CFO and Supervising Statutory 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 and Supervising Statutory Planning Officers		

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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 and Supervising Statutory 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 and MSSP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	CEO, DUL and MSSP	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, CSTRP, MSSP, and Supervising Statutory 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 and MSSP	With the consent of, and in the manner approved by, the Minister	



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s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DUL and MSSP		
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DUL and Supervising Statutory 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	CEO and DUL		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO and DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DUL & Supervising Statutory Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DUL, Specific Statutory Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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s 50(4)	Duty to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(5)	Power to refuse to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 50A(1)	Power to make amendments to applications	CEO, DUL & Specific Statutory 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 Statutory Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 51	Duty to make copies of applications available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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 Statutory Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DUL & Specific Statutory 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 Statutory 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 Statutory 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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	CEO, DUL and Specific Statutory Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DUL and Specific Statutory Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DUL and Specific Statutory Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DUL and Specific Statutory Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DUL and Specific Statutory Planning Officers		
s 54(1)	Power to require the applicant to provide more information	CEO, DUL and Specific Statutory Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DUL and Specific Statutory 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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 54(1B)	Duty to specify the lapse date for an application	CEO, DUL and Specific Statutory Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DUL, MSSP and Specific Statutory Planning Officers	Power to refuse to extend time is limited to CEO, DUL, MSSP and Supervising Statutory 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 and Specific Statutory 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 Statutory Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DUL and Supervising Statutory Planning Officers		
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	CEO, DUL and Specific Statutory Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	CEO, DUL, Specific Statutory Planning Officers, TLPP and 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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	CEO, DUL and Specific Statutory Planning Officers		
s 57A(5)	Power to refuse to amend applications	CEO, DUL and Specific Statutory Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	CEO, DUL and Specific Statutory Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	CEO, DUL and MSSP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 60	Duty to consider certain matters	CEO, DUL and Specific Statutory Planning Officers		
s 60(1A)	Duty to consider certain matters	CEO, DUL and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	CEO, DUL and Specific Statutory Planning Officers		
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	CEO, DUL and Specific Statutory 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 Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p>	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
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, and Specific Statutory 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 <i>Aboriginal Heritage Act 2006</i></p>

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 and Specific Statutory Planning Officers	The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)  a)
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>Before exercising their delegation, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i. There has been no objections received, or twelve (12) or less objections received, or</li> </ul> <p>CEO, DUL, and Specific Statutory Planning Officers for any Council application under Clause 67.</p>	

All Boroondara Planning Scheme Provisions .	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	CEO, DUL, and Specific Statutory 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 <i>Planning and Environment Act</i> 1987 or Regulations under that Act.</p> <p>Before exercising their delegation, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p>
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DUL and Specific Statutory Planning Officers		
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, MSSP and Specific Statutory Planning Officers	The Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) 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			

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DUL and Specific Statutory 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 and Specific Statutory Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DUL and Specific Statutory Planning Officers		
s62(2)	Power to include other conditions	CEO, DUL and Specific Statutory Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DUL and Specific Statutory 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 and Specific Statutory 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 and Specific Statutory Planning Officers		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DUL and Specific Statutory 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 and Supervising Statutory 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 and Specific Statutory 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 and Specific Statutory Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75



<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s57	CEO, DUL and Specific Statutory 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 Statutory Planning Officers, TLPP and PSO		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DUL, Specific Statutory Planning Officers, TLPP and 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 Statutory Planning Officers, TLPP and 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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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 Statutory Planning Officers, TLPP and 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 and Specific Statutory Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	CEO, DUL, MSSP and Specific Statutory Planning Officers		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 69(2)	Power to extend time	CEO, DUL and Specific Statutory 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 Statutory Planning Officers, TLPP and PSO		
s 71(1)	Power to correct certain mistakes	CEO, DUL and Supervising Statutory Planning Officers		
s 71(2)	Duty to note corrections in the Register	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MSSP and Specific Statutory 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>	Compliance with the Boroondara Planning Scheme and adopted Council Policies.

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>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</p> <p>2. The original application was:</p> <ol style="list-style-type: none"> <li>determined by the Urban Planning Delegated Committee; or</li> <li>a permit was issued at the direction of VCAT;</li> </ol> <p>and there are:</p> <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> <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Strategic and Statutory Planning (MSSP) and/or Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation.</p>	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
			Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision.	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL and Specific Statutory 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 Statutory Planning Officers and PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Statutory Planning Officers, TLPP and 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 Statutory Planning Officers, TLPP and 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 Statutory Planning Officers, TLPP and 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	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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 Statutory Planning Officers, TLPP and PSO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit	
s 76D	Duty to comply with a direction of the Minister to issue amended permit	CEO, DUL and Specific Statutory Planning Officers		
s 83	Function of being the respondent to an appeal	CEO, DUL and Specific Statutory Planning Officers		
s 83B	Duty to give or publish notice of an application for review	CEO, DUL and Specific Statutory 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 and Specific Statutory 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 Statutory Planning Officers and SSP		
s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DUL, and Specific Statutory Planning Officers, TLPP and PSO	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 84(6)	Duty to issue permits on receipt of advice within 3 working days	CEO, DUL and Specific Statutory Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DUL and Specific Statutory 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 working days	CEO, DUL and Specific Statutory Planning Officers		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DUL and Supervising Statutory Planning Officers		
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	CEO, DUL and Specific Statutory Planning Officers		
s 91(2)	Duty to comply with the directions of VCAT	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	CEO, DUL and Specific Statutory Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	CEO, DUL, Specific Statutory Planning Officers TLPP and PSO		



<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 93(2)	Duty to give notice of a VCAT order to stop development	CEO, DUL and Supervising Statutory Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	CEO, DUL and Supervising Statutory Planning Officers		
s 95(4)	Duty to comply with an order or direction	CEO, DUL and Supervising Statutory Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DUL and MSSP		
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, and MSSP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		

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s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96J	Power to issue permits as directed by the Minister	CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers		
s 96Z	Duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DUL and MSSP		
s 97C	Power to request the Minister to decide the application	CEO, DUL, and MSSP		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	CEO, DUL, MSSP and Specific Statutory 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, MSSP and Specific Statutory Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DUL and MSSP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEODUL & MSSP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DUL and MSSP		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
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, MSSP and Specific Statutory Planning Officers		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DUL and MSSP		
s 101	Function of receiving claims for expenses in conjunction with claim	CEO, DUL and MSSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DUL and MSSP	<i>Note – refers to small claims, ie:</i> 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 and MSSP		
s 107(3)	Power to agree to extend the time for making claim	CEO, DUL and MSSP		
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO		
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DUL, MSSP, Supervising Statutory Planning Officers, SSP and PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	CEO, DUL, MSSP and Supervising Statutory Planning Officers		

s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s123(1)	CEO, DUL	Except Crown Land	
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 129	Function of recovering penalties	CEO, DUL and MSSP		
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DUL and MSSP, Supervising Statutory Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DUL, MSSP and Supervising Statutory 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, MSSP and Supervising Statutory 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, MSSP, SSP, SSTRP & STRP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DUL, MSSP, MACP		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 171(2)(g)	Power to grant and reserve easements	CEO, DUL, MSSP, 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	
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, MSSP, and MCS	Subject to a prior Council resolution.	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, MSSP, Supervising Statutory Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Supervising Statutory 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, MSSP, MCS, CDM&C and Supervising Statutory 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, MSSP, MCS and CDM&C		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C, Specific Statutory Planning Officers, TLPP and 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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		
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, MSSP, MCS, CSTRP, CDM&C and Specific Statutory Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		

s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, SPP, PSTRP, STRP and Specific Statutory Planning Officers		
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRPP, STRP and Specific Statutory 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, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Supervising Statutory Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Specific Statutory Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory 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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory 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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MSSP, MCS and 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, MSSP, MCS, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, CDM&C, Specific Statutory Planning Officers, TLPP and PSO		
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, DUL, DCT, DCS, DPS, MACP MSSP, MSSP and MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, CSTRP, and Supervising Statutory 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, MSSP, MCS, SSP, CDM&C, CSTRP, and Supervising Statutory Planning Officers		
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 182	Power to enforce an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C, Supervising Statutory Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Specific Statutory 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, MSSP, MSSP and 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, MSSP, MSSP and MCS		
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Statutory Planning Officers, SSP and SO		

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
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, MSSP, MCS, CSTRP, PSTRP, SSTRP, Supervising Statutory Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DUL, MSSP and Specific Statutory Planning Officers		
S 201(3)	Duty to make declaration	CEO, DUL, MSSP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	CEO, DUL, MSSP and Specific Statutory 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 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, MSSP or Supervising Statutory 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>• CEO, DUL, MSSP and Supervising Statutory Planning Officers if there are no objector parties;</li> <li>• CEO, DUL, MSSP and Supervising Statutory Planning Officers if all objector parties 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, MSSP or Supervising Statutory 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>	

<b>PLANNING AND ENVIRONMENT ACT 1987</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>	<b>IMPLEMENTATION GUIDELINES</b>
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DUL, MSSP, CSTRP and Supervising Statutory 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, MSSP, CSTRP, Specific Statutory Planning Officers and 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, MSSP, CSTRP and Specific Statutory Planning Officers	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, MSSP, CSTRP and Specific Statutory Planning Officers	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DUL, MSSP, CSTRP, Supervising Statutory Planning Officers and SSP		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DUL, MSSP and Supervising Statutory 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>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DUL, MSSP, CSTRP & Supervising Statutory 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, MSSP & MBS	
s 522(1)	Power to give a compliance notice to a person	CEO, DUL, MCS, MSSP & 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, MSSP & MBS	
s 525(4)	Duty to issue identity cards to authorised officers	CEO, DUL, MCS, MSSP & MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	CEO, DUL, MCS, MSSP & MBS	

RESIDENTIAL TENANCIES ACT 1997			
s 526A(3)	Function of receiving reports of inspections	CEO, DUL, MCS, MSSP & MBS CHP&P, TLHS and EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DUL, MCS, MSSP & MBS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DPS, MCP, MT&T, MACP	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	CEO, DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	CEO, DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
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 <sup>c</sup>
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.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(7)	Duty to fix day, time and place of the meeting under subsection (6) and to give notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(10)	Duty to notify of decision made	CEO, DPS, MCP, MT&T, MACP	Duty of the coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in the Victoria Government Gazette	CEO, DPS, MCP, MT&T, MACP	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DPS, MT&T, MACP, MWI	
s 14(7)	Power to appeal against a decision of the Head, Transport for Victoria	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DPS, MCP, MWI, 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, MWI, MT&T, MACP	
s 15(2)	Duty to include details of an arrangement in the public roads register	CEO, DPS, MT&T, MACP	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 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
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	
s 19(4)	Duty to specify details of discontinuances in the public roads register	CEO, DPS, CRPS, MACP	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(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, SCTA, CTM, CT and All AP&P 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 and All AP&P Staff	
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	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DPS, MCP, MT&T, MACP	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, DPS, MT&T, MCP, MFW&I, MACP, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, All AP&P Staff	
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	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I	
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. <i>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42.</i>
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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 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. <i>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.</i>
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. <i>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.</i>
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
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	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
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	
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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(2)	Duty to give notice of a 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 prescribed intervals	CEO, DPS, MCP, MACP	
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, SCTA & All Traffic and Transport Staff, MCS, CPA&PA, All AP&P staff	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, All AP&P staff	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DPS, MCP, MT&T & MACP	Where Council is the infrastructure manager or works manager. <i>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</i>

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(1)	Power to consent to structures etc	CEO, DPS, MCP, MACP	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	Where Council is the coordinating road authority. <i>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.</i>
s 67(3)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
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	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	
s 87(1)	Function of receiving complaints	CEO, DPS, MACP, MCP, MT&T & MCS	
s 87(2)	Duty to investigate complaints and provide reports	CEO, DPS, MCP, MT&T, MACP & MCS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DPS, MCP, MT&T, MACP & MCS	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 112(2)	Power to recover damages in court	CEO, DPS, MCP, MT&T, MACP & MCS	<i>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.</i>
s 116	Power to cause or carry out inspection	CEO, DPS, MCP, MT&T & MACP	
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	
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	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP	<i>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.</i>
s 123(1)	Power to charge for any service	CEO, DPS, MACP & MCP	<i>Note:</i> <ul style="list-style-type: none"> <li>a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i></li> <li>b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> <li>• <i>supplying a service, product or commodity; or</i></li> </ul> </li> <li>c) <i>giving information.</i></li> </ul>

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DPS, MCP, & MACP	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
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 Clause 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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DPS, MCP, & MACP	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	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	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	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	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DPS, MCP, & MACP	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	Where Council is the works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 13(2)	Power to vary notice period	CEO, DPS, MCP, & MACP	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	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P 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, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl16(6)	Power to set reasonable conditions on consent	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P 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, All AP&P 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, All AP&P staff	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DPS, MCP, & MACP	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, All AP&P staff	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, All AP&P staff	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, All AP&P staff	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
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DUL & MSSP	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, MSSP, CSP, PAC, SSP, CP, PSP, PO & SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) available for inspection free of charge	CEO, DUL & MSSP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, DUL & MSSP	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 & MSSP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DUL & MSSP, CSTRP	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> a) <i>where the application is withdrawn and a new application is submitted;</i> b) <i>the amendment combines separate items from multiple requests for an amendment; and</i> c) <i>the amendment is intended to remove anomalies in the planning scheme.</i>
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MSSP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> a) <i>where the application is withdrawn and a new application is submitted;</i> b) <i>the application relates to land used for charitable purposes; and</i> c) <i>the fee is not warranted due to the minor nature of the application.</i>
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, MSSP, CSTRP, PSP, PP, PAC& CSP	Where Council is the responsible authority or planning authority.



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	CEO, DPS, MCP, & MACP	
r 9(2)	Duty to produce a written report of the review of the road management plan and make the report available	CEO, DPS, MCP, & MACP	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendments which relate to the standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DPS, MCP, & MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendment	CEO, DPS, MCP, & MACP	
r 16 (3)	Power to issue permits	CEO, DPS, MCP, MT&T, & MACP	Where Council is the coordinating road authority
r 18(1)	Power to give written consent regarding damage to roads	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 23(2)	Power to make submissions to the Tribunal	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority

S6 Instrument of Delegation to Members of Council Staff

February 2022

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<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	CEO, DPS, MCP & MACP	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	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	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	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, MCP & MACP	Where Council is the coordinating road authority

# MINUTES ATTACHMENTS



## Council

**Monday 28 February 2022**

Attachments as annexed to the resolution:

- 7.11 Boroondara City Council Motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) of Local Government

## National General Assembly (NGA)

19 to 22 June 2022

### Motions Submitted by Members

#### **MOTION 1 FUNDING FOR SENIORS CENTRES AND SENIORS GROUPS**

*Submitted by: Boroondara City Council*

#### **MOTION**

The National General Assembly calls on the Australian Government to review the funding provided to local government to support seniors groups and to maintain seniors centres.

#### **NATIONAL OBJECTIVE (MAX 100 WORDS)**

[Why is this a national issue and why should this be debated at the NGA?]

Local governments contribute millions of dollars to building and maintaining seniors centres and supporting seniors groups. These vital services help to reduce isolation, promote better health and wellbeing outcomes, and reduce reliance on Australian Government subsidised formal aged care services.

The withdrawal of Australian Government Sector Support and Development (SSD) funding used to support seniors groups and seniors centres from 1 July 2022, will significantly impact local government's ability to provide operational support to older people.

Ongoing funding from the Australian Government is essential to ensure local governments can continue supporting older people to remain active and engaged.

#### **SUMMARY OF KEY ARGUMENTS (MAX 300 WORDS)**

Changes to the in-scope activities of the Australian Government funded Sector Support and Development (SSD) program have resulted in a loss of funding for seniors groups and local government-operated seniors centres.

Historically, the Victorian Government funded Local Government Authorities (LGAs) to support the functions of seniors groups, however, this responsibility was transferred to the Australian Government when the Commonwealth Home Support Program (CHSP) was introduced in 2016.

Since 2016, the Australian Government has provided funding to LGAs, through the SSD Program, to support seniors groups and supplement the high operational costs of maintaining seniors centres. LGAs have continued to fund development projects and maintenance to ensure these facilities remain fit for purpose.

LGAs provide support to thousands of seniors groups and U3As (University of the Third Age) across Australia. In many instances, these groups are housed in LGA owned and maintained facilities.

In 2021, the Department of Health advised a change to the 'in-scope' activities delivered under SSD effective from 2022-23. The changed objectives of the program have resulted in funding for seniors groups and seniors centres no longer being in-scope for SSD funding.

LGAs were advised the only recourse to this loss of funding was to transfer the portion of SSD funding spent on seniors groups and seniors centres to the Social Support Program, a funded activity of the Commonwealth Home Support Program (CHSP). This is an unacceptable solution as CHSP and seniors groups, operate at cross purposes.

Seniors groups are independent incorporated entities with their own governance structures, whereas social support by its very name, is a structured and managed program led by paid staff, in most cases through LGAs.

Under this proposal to transfer the funding to social support, seniors groups would lose their autonomy and independence.