

# COUNCIL MEETING

## MINUTES

(Open to the public)

**Monday 24 October 2022**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.38pm

**Attendance**

Councillor Jane Addis (Mayor)  
Councillor Jim Parke  
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** Nil

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Mary-Anne Palatsides	Acting Director Places and Spaces
	Carolyn McClean	Director Community Support
	Mans Bassi	Director Customer and Transformation
	Amy Montalti	Chief Financial Officer
	Bryan Wee	Manager Governance and Legal
	Sapphire Allan	Management Accountant
	Fiona Brown	Manager Community Planning and Development
	Gail Power	Manager Arts and Culture
	Georgina Wignall	Acting Coordinator Strategy Planning and Reporting
	Christine White	Manager Capital Projects
	Jarrod Filosa	Coordinator Building Projects
	Liam Merrifield	Senior Governance Officer

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## 1. Adoption and confirmation of the minutes

### MOTION

**Moved Councillor Hollingsworth**

**Seconded Councillor Gillies**

**That the minutes of the Council meeting held on 26 September 2022 and 17 October 2022 be adopted and confirmed.**

### CARRIED

## 2. Declaration of conflict of interest of any councillor or council officer

Nil

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

### 3.1 Deputation - Mr Leigh Naunton and Ms Anne Nixon

The **Mayor, Councillor Addis** welcomed those individuals making a deputation to the Council meeting.

Both Mr Leigh Naunton and Ms Anne Nixon's deputations addressed Council separately with respect to allowing street facing solar panels in heritage zones.

The Mayor, Councillor Addis thanked the presenters for their deputation.

### 3.2 Petitions

Council has received Number (2) petitions. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1257504	Objection to the building renewal works planned for Rowen Street Kindergarten (RSK)	50	DCS
2		Allow street facing solar panels in heritage zones.	485	DUL

#### Legend:

DCS	Director Community Support	DUL	Director Urban Living
DC&T	Director Customer and Transformation	DP&S	Director Places & Spaces
		GOV	Governance & Legal

### MOTION

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That Council resolve:**

1. **To receive and note the petition.**
2. **To note that the petition has been referred to the relevant director for consideration and to advise the first named signatory to the petitions that they will receive a response from the Mayor in due course advising of Council's action.**

**CARRIED****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 Parke**

**Seconded Councillor Thompson**

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

**CARRIED****5. Public question time****PQT1 Ian Hundley of Balwyn North - Disallowed Question**

The **Mayor, Councillor Addis** advised that Mr Hundley asked a question about Council employees involved in Aged Care services and that his question sought detail on their employment status and how their employment ended.

The Mayor, Councillor Addis advised that the question was not allowed in accordance with Rule 55.1.6 as the question seeks personnel information of a personal nature.

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.

**PQT2 Ian Hundley of Balwyn North - Allowed Question**

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

*“Please advise the details of any additional approaches that have been made in the lead-up to the forthcoming Victorian election by election candidates or their representatives to Boroondara Council, individual councillors or Council officers concerning possible government spending or other promises with potential effect in the City of Boroondara?”*

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question was previously raised with a councillor more than 10 working days before the Council meeting at which the question is submitted.

The **Chief Executive Officer** responded as follows:

- We have not received any correspondence in relation to the upcoming Victorian State election where such proposals have been submitted to Council. There have been public announcements made from candidates themselves and they are accessible publicly. We are in receipt of a number of government grants for which we are appreciative, but we have not received any correspondence from candidates suggesting election promises to Council. I reiterate that some have been made publicly not directly to Council and they are accessible publicly.

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****Procedural Motion - En Bloc****MOTION**

**Moved Councillor Parke**

**Seconded Councillor Gillies**

**That the following items:**

- 7.1 August 2022 Monthly Financial Report**
- 7.3 2022-23 Annual Community Strengthening Grants Report**
- 7.4 Contract 2021/231 - Boroondara Hospitality and Events Management Services**
- 7.5 Contract No 2022/79 - Y Street Ashburton Community Services Building Alteration Works**

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

**CARRIED**

## **7.2 Annual Report 2021-22**

### Purpose

The purpose of this report is to present the Annual Report for the 2021-22 financial year (**attachment 1**) to Council for endorsement.

### Background

At the conclusion of each financial year, Council prepares an Annual Report summarising financial and non-financial performance for the year. This report provides performance details against both the Annual Budget 2021-22 and the Boroondara Community Plan 2021-31 (incorporating the Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25).

### Key Issues

The Annual Report 2021-22 has been prepared in accordance with section 98 of the *Local Government Act 2020*. The Financial and Performance Statements that form sections of the Annual Report have been presented to, and considered by, the Audit and Risk Committee, and endorsed by Council prior to lodgement with the Victorian Auditor-General. Council has since received reports from the Victorian Auditor-General indicating that the Financial and Performance Statements provide fair representations of Council's performance. The Auditor-General reports are included in the Annual Report.

The Annual Report fairly represents Council's operations, financial position and Council's performance in respect of the 2021-22 financial year. The information presented satisfies all legislative requirements.

## **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Thompson**

**That Council resolve to adopt the Annual Report for the 2021-22 financial year, included as Attachment 1, in accordance with section 98 of the *Local Government Act 2020*.**

**CARRIED**

## **7.6 Amendment of Councillor Code of Conduct**

### Purpose

This report sets out considerations for Council in deciding whether to adopt the amended Councillor Code of Conduct at **Attachment 1**.

### Background

The Local Government Act 2020 (the Act) requires Council to have developed a Councillor Code of Conduct (the Code) on or before 24 February 2021. The current Councillor Code of Conduct was adopted by Council on 22 February 2021.

Clause 6.8 of the Code deals with Councillors standing for Federal or State elections. It requires Councillors standing for Federal or State elections to:

- apply for a leave of absence from the Council which will commence no later than the date of their nomination as a candidate in the election and conclude no earlier than the close of voting for the election; and
- not attend meetings of the Council whilst on this leave of absence.

### Key Issues

Clause 6.8 constrains Councillors who are standing for Federal or State election from fully representing their ward and performing their duties under the Act in circumstances where the obligations in clause 6.8 are not required, supported or enforceable under the Act.

- The Act also does not require Councillors who are standing for election including as nominated candidates take a leave of absence during this time.
- The Act does not support Councillors who are standing at a Federal or State election from being relieved from performing their duties. In this time, they also continue to be paid their allowance and legally have access to all materials.
- Clause 6.8 is not enforceable under the Act because it is not a “standard of conduct” that is imposed on Councillors under the Act or relevant regulations.

While clause 6.8 reduces the chances of conflicts of interest, Councillors standing for election are still bound by numerous other provisions in the Act which are enforceable. Many duties and functions of a Councillor do not conflict with being a candidate for election.

Removing part 6.8 from the Code will remove the requirement for nominated candidates to take a leave of absence and more closely align the Code with the Act.

### Next Steps

If adopted, the amended Councillor Code of Conduct will be uploaded on the Council website and distributed to Councillors electronically.

## **MOTION**

**Moved Councillor Parke**

**Seconded Councillor Sinfield**

**That Council resolve to adopt the Councillor Code of Conduct (Attachment 1) as annexed to the Minutes with the amendments as suggested by Council.**

## **CARRIED**

**Division****Councillor Franco called for a division****Affirmative**

Councillor Gault  
Councillor Addis (Mayor)  
Councillor Sinfield  
Councillor Gillies  
Councillor Thompson  
Councillor Parke  
Councillor Sinfield  
Councillor Watson  
Councillor Stavrou

**Negative**

Councillor Biggar  
Councillor Franco

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

**7.7 Recommendations of Audit and Risk Committee Meeting****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.

**Background**

The most recent meeting of the Audit and Risk Committee was held on 8 September 2022. 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 8 September 2022 the following reports were tabled:

- A5.1 Standard Questions for Tabling at Audit and Risk Committee Meetings
- A5.2 Business Arising
- A5.3 Audit and Risk Committee Administrative Matters
- A5.4 Risk Management Update
- A5.5 Internal Audit Report - Asset Management
- A5.6 Internal Audit Report - Business Continuity
- A5.7 Internal Audit Update
- A5.8 Reports from VAGO and Other Regulatory Authorities
- A5.9 Annual Update - Activities of the Fraud Control Group
- A5.10 Annual Update - Management of Health and Safety
- A5.11 COVID-19 Update
- A5.12 Transforming Boroondara - Project Update and Audit update
- A5.13 Outcomes of Legal and Ethical Certification Program
- A5.14 Annual Financial Statements and Performance Statement for the year ended 30 June 2022
- A5.15 Employee Engagement Survey Results



A Special Audit Report Agenda Item 8 was also received and noted by the Audit and Risk Committee.

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

### Next Steps

The next meeting of Council's Audit and Risk Committee will be held 17 November 2022.

## **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Watson**

**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 8 September 2022.**

## **CARRIED**

## **7.8 Review of Instrument of Delegation Council to Council Staff**

### Purpose

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

### Background

Council is empowered by section 11 of the Act to delegate powers, duties or functions.

Delegations are necessary to facilitate Council functioning effectively by enabling the CEO and officers to make day-to-day decisions about routine administrative and operational matters.

Twice a year, officers review the delegations against legislative, policy and staff changes, considering the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

### Key Issues

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

### Next Steps

The instrument will be circulated to officers when adopted so that the organisation is aware of any changes to delegations.

**MOTION**

**Moved Councillor Hollingsworth**

**Seconded Councillor Parke**

**That Council resolve to:**

- 1. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation, Boroondara City Council (Council) resolves that:**
  - 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 1), 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 after 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.**

**CARRIED****8. General business****8.1 Camberwell Green - Councillor Franco**

**Councillor Thompson** declared a Material Conflict of Interest in Item 8.1 General Business in accordance with section 128 of the Local Government 2020 and the Governance Rules.

Councillor Thompson advised that the nature of the interest was the request is that they are a director of a company that is a panel architect to the VSBA.

*Councillor Thompson left the chamber at 7:43pm.*

**Councillor Franco** congratulated the State government for taking the necessary steps to make Camberwell Green a reality.

*Councillor Thompson entered the chamber at 7:46pm and resumed his seat.*

**9. Urgent business**

Nil

## **10. Confidential business**

Nil

**The meeting concluded at 7:46pm**

**Confirmed**

**Chairperson**

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**Date**

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# MINUTES ATTACHMENTS



## **Council**

**Monday 24 October 2022**

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

- 4.1 Informal Meetings of Councillors**
- 7.6 Amendment of Councillor Code of Conduct**
- 7.7 Recommendations of Audit and Risk Committee Meeting**
- 7.8 Review of Instrument of Delegation Council to Council Staff**

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>15 August 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 Cr Victor Franco	Phillip Storer (CEO) Daniel Freer (DPS) Mary-Anne Palatsides (Acting DUL) Mans Bassi (DCT) Amy Montalti (CFO) Nick Lund (MLC) David Cowan (MS&SP) Fiona BROWN (MCP&D) Bryan Wee (MG&L) Kirstin Ritchie (COG) Katherine Wright (SCSP&R) Sapphire Allan (MA) Rebecca Dewar (SPMO) Stephanie Lim (SAP) Liam Merrifield (SGO) Michelle Forster (AAL)	<ul style="list-style-type: none"> <li>• Metal Detecting in Parks</li> <li>• Chambly - 405 Camberwell Road</li> <li>• Discontinuance of Road Reserves Policy</li> <li>• June 2022 Quarterly Financial Report</li> <li>• ICT Strategy Update</li> </ul>	Cr Watson

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>22 August 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 Cr Victor Franco	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) Scott Walker (DUL) Mans Bassi (DCT) Amy Montalti (CFO) Bryan Wee (MG&L) Paul Mitchelmore (MCS) David Shepard (MES&OS) Nick Lund (MLC) David Cowan (MSTSP) Lucinda Bakhach (LEL) Arturo Ruiz (PL) Matthew Dixon (CES) Mirella Manfre (CPA&PA) Leo Manca (CHP&P) Christopher Southavong (PPOL) Steve Burgess (TLFS) Elizabeth Manou (SGO) Liam Merrifield (SGO) Brendon Burke (SLA) Dianne Yans (P&SO) Joanne McAuliffe (OAPO) San Lo (EUCE)	<ul style="list-style-type: none"> <li>Gardiners Creek Final Masterplan</li> <li>Victoria Road Reserve Dog-Off Lead Proposal</li> <li>Outdoor Trading Policy and Guidelines</li> <li>Camberwell Junction Vision and Priorities</li> </ul>	Nil
Councillor Briefing & Discussion <b>5 September 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 Cr Victor Franco	Phillip Storer (CEO) Daniel Freer (DPS) Scott Walker (DUL) David Cowan (MSTSP) David Shepard (MES&OS) Bryan Wee (MG&L) Kirstin Ritchie (CG) Liam Merrifield (SGO)	<ul style="list-style-type: none"> <li>Gardiners Creek Final Masterplan</li> <li>Victoria Road Reserve Dog Off-Lead Proposal</li> <li>Code of Conduct</li> <li>Commemoration of Eastern Freeway Tragedy</li> <li>Heritage Overlays</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>12 September 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 Cr Victor Franco	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) Scott Walker (DUL) Mans Bassi (DCT) Bryan Wee (MG&L) Christine White (MCP) David Shepard (MES&OS) Andrew McHugh (MH&WS) Sam Taylor (SCS&R) Matthew Dixon (CES) Aileen Carter (CLO&CS) Elizabeth Manou (SGO) Eren Cakmakkaya (M&AS) Michael Williams (CSPO)	<ul style="list-style-type: none"> <li>Construction Industry Update</li> <li>Tuck Stand Renewal</li> <li>Development of a Management Plan for Back Creek East and Medlow Reserve</li> <li>Spring Councillor Planning and Budget Workshop</li> <li>Councillor Code of Conduct</li> </ul>	Nil
Councillor Briefing & Discussion <b>19 September 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 Cr Victor Franco	Philip Storer (CEO) Scott Walker (DUL) Bryan Wee (MG&L) Liam Merrifield (SGO)	<ul style="list-style-type: none"> <li>Councillor Code of Conduct</li> </ul>	Nil

# MINUTES ATTACHMENTS



## **Council**

**Monday 24 October 2022**

**Attachments as annexed to the resolution:**

**7.6 Amendment of Councillor Code of Conduct**



# Councillor Code of Conduct

2022

**Responsible Directorate:** Chief Executive Office

**Authorised By:** Council

**Date of Adoption:** 24 October 2022

**Review Date:** February 2025

**Policy Type:** Council

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## **1. Introduction**

### **1.1 Legislative Framework**

The *Local Government Act 2020* (**Act**) requires a council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct is required to be periodically reviewed. This Councillor Code of Conduct (**Code**) has been adopted by Council to comply with the requirements of the Act.

A Councillor Code of Conduct:

- must include the Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020* (**Regulations**) expected to be observed by Councillors;
- must include any provisions prescribed by the Regulations;
- must include provisions addressing any matters prescribed by the Regulations; and
- may include any other matters which Council considers appropriate, other than any other Standards of Conduct.

The Standards of Conduct with which Councillors are required to comply are specified in Schedule 1 to the Regulations.

Failure by a Councillor to comply with the Standards of Conduct constitutes misconduct under the Act, which may be pursued in accordance with the processes set out in this Code.

### **1.2 Councillors' commitment**

As Councillors, we are committed to the principles of good governance, working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

### **1.3 Purpose of this Code**

The purpose of this Code is to set out the Standards of Conduct with which Councillors must comply and to:

- foster good working relationships between Councillors to enable Councillors to work constructively together in the best interests of the municipal community;
- lift the standard of behaviour of Councillors during Council meetings, Councillor briefings and any other meetings which Councillors participate in from time to time; and
- establish benchmarks for Councillor conduct designed to build public confidence in the integrity of local government.

## **2. Roles and Responsibilities**

### **2.1 Role of Council**

The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (see s 8 of the Act). Council provides good governance if:

- it performs its role in accordance with the Overarching Governance Principles in s 9 of the Act; and
- the Councillors perform their roles in accordance with s 28 of the Act.

In performing its role, Council may:

- perform any duties or functions and exercise any powers conferred on it under the Act or any other Act; and
- perform any other functions that it considers are necessary to enable that performance.

Good governance is fundamental to Council being able to perform its role. Good governance relies on, among other things, good working relationships between Councillors.

### **2.2 Role of Councillors**

Section 28 of the Act provides the role of a Councillor is:

- to participate in the decision-making of Council;
- to represent the interests of the municipal community in that decision-making; and
- to contribute to the strategic direction of Council through the development and review of key strategic documents of the council, including the Council Plan.

In performing the role of a Councillor, a Councillor must:

- consider the diversity of interests and needs of the municipal community;
- support the role of Council;
- acknowledge and support the role of the Mayor;
- act lawfully and in accordance with the oath or affirmation of office;
- act in accordance with the Standards of Conduct; and
- comply with Council procedures required for good governance.

The role of a Councillor expressly excludes the performance of any responsibilities or functions of the Chief Executive Officer (**CEO**).

### **2.3 Role of the Mayor**

Section 18 of the Act provides the role of the Mayor is to:

- chair Council meetings;
- be the principal spokesperson for Council;
- lead engagement with the municipal community on the development of the Council Plan;
- report to the municipal community, at least once each year, on the implementation of the Council Plan;
- promote behaviour among Councillors that meets the Standards of Conduct set out in the Councillor Code of Conduct;
- assist Councillors to understand their role;
- take a leadership role in ensuring the regular review of the performance of the CEO;
- provide advice to the CEO when the CEO is setting the agenda for Council meetings; and
- perform civic and ceremonial duties on behalf of Council.

The Mayor also has the power to:

- appoint a Councillor to be the chair of a delegated committee;
- direct a Councillor, subject to any procedures or limitations specified in Council's Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing Council from conducting its business; and
- require the CEO to report to Council on the implementation of a Council decision.

### **2.4 Role of the Deputy Mayor**

Section 21 of the Act provides the role of the Deputy Mayor is to perform the role, and exercise any of the powers, of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting;
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of the Mayor is vacant.

## 2.5 Role of the CEO

Section 94A of the *Local Government Act 1989* sets out the functions of the CEO, which include:

- establishing and maintaining an appropriate organisational structure for Council;
- ensuring Council decisions are implemented without undue delay;
- day to day management of Council's operations in accordance with the Council Plan;
- developing, adopting and disseminating a Staff Code of Conduct;
- providing timely advice to Council;
- ensuring that Council receives timely and reliable advice about its legal obligations;
- supporting the Mayor in the performance of the Mayor's role; and
- carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation.

From 1 July 2021, s 94A of the *Local Government Act 1989* will be replaced by s 46 of the Act. The CEO's functions will then include:

- supporting the Mayor and the Councillors in the performance of their roles;
- ensuring the effective and efficient management of the day to day operations of the Council;
- ensuring that Council receives timely and reliable advice about its legal obligations;
- supporting the Mayor in the performance of the Mayor's role;
- setting the agenda for Council meetings after consulting the Mayor;
- when requested by the Mayor, reporting to Council in respect of the implementation of a Council decision;
- carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation;
- establishing and maintaining an organisational structure for Council;
- being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff; and
- managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between Council staff and Councillors.

The CEO will determine the extent to which Councillors will be informed of decisions made in pursuit of these functions. Councillors acknowledge any

information provided by the CEO is provided as a courtesy and in pursuit of maintaining good working relationships.

Councillors accept they must not seek to direct the CEO with respect to the fulfilment of these functions.

It is neither the role nor the responsibility of the CEO to mediate disagreements arising between Councillors, or to draft, or otherwise assist in the drafting of, an application made under this Code or the Act.

## **2.6 Role of Councillor Conduct Officer**

The CEO will from time to time appoint a member of Council staff as the Councillor Conduct Officer under s 150 of the Act.

The Councillor Conduct Officer must:

- assist Council in the implementation and conduct of the internal arbitration process;
- assist the Principal Councillor Conduct Registrar to perform his or her functions; and
- assist the Principal Councillor Conduct Registrar in relation to any request for information.

It is neither the role nor the responsibility of the Councillor Conduct Officer to draft, or to otherwise assist in the drafting of, an application made under this Code or the Act.

## **2.7 Role of the Principal Councillor Conduct Registrar**

The Principal Councillor Conduct Registrar is appointed by the Secretary Department of Jobs, Precincts and Regions under s 148 of the Act and is employed by the State Government under Part 3 of the *Public Administration Act 2004*. The role of the Principal Councillor Conduct Registrar relevantly includes:

- receiving and examining applications for the appointment of an arbiter;
- appointing an arbiter from the panel list kept by the Secretary Department of Jobs, Precincts and Regions as required; and
- publishing guidelines in relation to processes and procedures relating to internal arbitration process applications as considered necessary.

## **3. Standards of Conduct**

The Standards of Conduct to be observed by Councillors are set out in the Regulations. Failure to comply with the Standards of Conduct constitutes 'misconduct' for the purposes of the Act. If allegations of misconduct cannot be resolved between Councillors informally, they will be referred to the internal arbitration process, which may result in the imposition of sanctions.



### **3.1 Treatment of others**

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring the Councillor:

- takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*;
- supports Council in fulfilling its obligation to achieve and promote gender equality;
- does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

### **3.2 Performing the role of Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring the Councillor:

- undertakes any training or professional development activities that Council decides it is necessary for all Councillors to undertake to effectively perform the role of a Councillor;
- diligently uses Council processes to become informed about matters which are subject to Council decisions;
- is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### **3.3 Compliance with good governance measures**

A Councillor, in performing the role of a Councillor, to ensure the good governance of Council, must diligently and properly comply with the following:

- any policy, practice or protocol developed and implemented by the CEO in accordance with s 46 of the Act for managing interactions between members of Council staff and Councillors;
- the Council expenses policy adopted and maintained by Council under s 41 of the Act;
- the Governance Rules developed, adopted and kept in force by Council under s 60 of the Act; and
- any directions of the Minister for Local Government issued under s 175 of the Act (governance directions).

### **3.4 Councillor must not discredit or mislead Council or public**

In performing the role of a Councillor, a Councillor must:

- ensure that their behaviour does not bring discredit upon Council; and
- not deliberately mislead Council or the public about any matter related to the performance of their public duties.

### **3.5 Standards do not limit robust political debate**

Councillors acknowledge nothing in the Standards of Conduct is intended to limit, restrict or detract from robust public debate in a democracy. So, while Councillors must always meet these Standards of Conduct, participation in vigorous debate of matters before Council for decision should not be viewed as being inconsistent with them.

## **4. Other Categories of Misconduct**

Councillors acknowledge the Act creates two other categories of misconduct, being 'serious misconduct' and 'gross misconduct'. In the case of allegations of conduct constituting:

- 'serious misconduct', application can be made to convene a Councillor Conduct Panel to hear the allegation by a Councillor, a group of Councillors, a Council resolution or the Chief Municipal Inspector; and
- 'gross misconduct', application can be made to the Victorian Civil and Administrative Tribunal (VCAT) by the Chief Municipal Inspector.

Although allegations of conduct constituting 'serious misconduct' and 'gross misconduct' might not be addressed as a contravention of this Code, Councillors acknowledge and commit to the following with respect to:

- bullying; and
- sexual harassment,

each of which constitutes 'serious misconduct' for the purposes of the Act.

#### **4.1 Bullying**

The Act provides 'bullying' by a Councillor means:

*... the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff.*

A Councillor who bullies another Councillor or a member of Council staff engages in 'serious misconduct' and may be the subject of an application to convene a Councillor Conduct Panel.

Councillors agree bullying is unacceptable under any circumstances and each commit to avoiding conduct which might constitute bullying, and to calling out their fellow Councillors when they exhibit conduct which might constitute bullying, whether directed at another Councillor or at a member of Council staff.

#### **4.2 Sexual harassment**

The Act provides 'sexual harassment' has the meaning given by s 92 of the *Equal Opportunity Act 2010*, which provides that:

- (1) For the purpose of this Act, a person sexually harasses another person if he or she -
  - (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
  - (b) engages in any other unwelcome conduct of a sexual nature in relation to the other person -

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

- (2) In subsection (1) conduct of a sexual nature includes -
  - (a) subjecting a person to any act of physical intimacy;
  - (b) making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence;
  - (c) making any gesture, action or comment of a sexual nature in a person's presence.

A Councillor who engages in sexual harassment towards another Councillor or a member of Council staff engages in 'serious misconduct' and may be the subject of an application to convene a Councillor Conduct Panel.

Councillors agree sexual harassment is unacceptable under any circumstances and each commit to avoiding conduct which might constitute sexual harassment, and to calling out their fellow Councillors when they exhibit conduct which might constitute sexual harassment, whether directed at another Councillor or at a member of Council staff.

It is acknowledged that Councillors may also be subjected to sexual harassment from outside Council, for example from members of the public.

#### **4.3 Addressing bullying and sexual harassment**

A Councillor who feels they have been subjected to bullying or sexual harassment by another Councillor, a member of Council staff or a member of the public may:

- access Council's Employee Assistance Program for confidential support, with contact details available from the Councillor Conduct Officer;
- make an allegation of 'serious misconduct' by way of an application to convene a Councillor Conduct Panel in accordance with the Act, with details of that process available from the Councillor Conduct Officer; and/or
- make a complaint to an appropriate external body, such as the Local Government Inspectorate, the Victorian Equal Opportunity and Human Rights Commission and Victoria Police.

Councillors acknowledge a Councillor who feels that they have been subjected to bullying or sexual harassment by another Councillor may not be comfortable pursuing any of the informal or internal dispute resolution procedures set out in this Code. Those informal and internal dispute resolution procedures are not compulsory in the case of alleged 'serious misconduct' or 'gross misconduct' and there is no expectation that they will be followed in those circumstances.

#### **5. Prohibited Conduct**

In addition to observing the Standards of Conduct, Councillors acknowledge the Act prohibits them from engaging in certain conduct and doing so constitutes a criminal offence. This conduct relates to:

- misuse of position;
- improper direction and improper influence;
- confidential information;
- conflict of interest; and
- electoral conduct.

Councillors acknowledge while these matters are not Standards of Conduct and are not to be addressed as a contravention of this Code, they must comply with them.

In the case of non-compliance, these matters could be the subject of an application to a Councillor Conduct Panel made by the Chief Municipal Inspector, or of a complaint to the Local Government Inspectorate, the Independent Broad-based Anti-corruption Commission (IBAC) or Victoria Police, depending on the nature of the allegation.

### **5.1 Misuse of position**

A Councillor must not misuse his or her position:

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- to cause, or attempt to cause, detriment to Council or another person.

Circumstances involving the misuse of position by a Councillor include, but are not limited to:

- making improper use of information acquired as a result of the Councillor's position (current and past);
- disclosing information that is confidential information;
- directing, or improperly influencing, or seeking to direct or improperly influence, a member of Council staff;
- exercising or performing, or purporting to exercise or perform, a power, duty or function that the Councillor is not authorised to exercise or perform;
- using public funds or resources in a manner that is improper or unauthorised; and
- participating in a decision on a matter in which the Councillor has a conflict of interest.

### **5.2 Directing a member of Council staff**

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- in the exercise of a delegated power, or the performance of a delegated duty or function of Council;
- in the exercise of a power or the performance of a duty or function exercised or performed by the staff member as an authorised officer under the Act or any other Act;
- in the exercise of a power or the performance of a duty or function the staff member exercises or performs in an office or position the staff member holds under the Act or another Act; or
- in relation to advice provided to Council or a delegated committee, including advice in a report to Council or delegated committee.

### 5.3 Confidential information

A Councillor must not intentionally or recklessly disclose information they know, or should reasonably know, is confidential information.

For the purposes of the Act 'confidential information' means the following information:

- Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- private commercial information, being information provided by a business, commercial or financial undertaking that:
  - relates to trade secrets; or
  - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- confidential meeting information, being the records of meetings closed to the public under the Act;
- internal arbitration information, being information specified in s 145 of the Act;
- Councillor Conduct Panel confidential information, being information specified in s 169 of the Act;
- information prescribed by regulations to be confidential information for the purposes of the Act; and
- information that was confidential information for the purposes of s 77 of the *Local Government Act 1989*.

A Councillor may disclose information that would be considered 'confidential information' if the information that is disclosed is information that Council has determined should be publicly available.

Otherwise, a Councillor may disclose information they know is confidential information in the following circumstances:

- for the purposes of any legal proceedings arising out of the Act;
- to a court or tribunal in the course of legal proceedings;
- pursuant to an order of a court or tribunal;
- in the course of an internal arbitration and for the purposes of the internal arbitration process;
- in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
- to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry; and
- to the extent reasonably required for any other law enforcement purposes.

Councillors acknowledge they will have access to confidential information in many forms and it will not always be labelled as being 'confidential'. Councillors will take reasonable steps to inform themselves about the confidential nature of any Council information before discussing it outside the organisation.

#### **5.4 Conflict of interest**

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply).

A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.

A Councillor has a 'general' conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in the Councillor acting in a manner that is contrary to their public duty.

For the purposes of general conflict of interest:

- 'private interests' means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief; and
- 'public duty' means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.

A Councillor has a 'material' conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred:

- directly or indirectly; or
- in a pecuniary or non-pecuniary form.

For the purposes of a material conflict of interest, any of the following is an 'affected person':

- the Councillor;
- a family member of the Councillor;
- a body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body;
- an employer of the Councillor, unless the employer is a public body;
- a business partner of the Councillor;
- a person for whom the Councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the Councillor is a trustee;
- a person from whom the Councillor has received a disclosable gift (i.e. exceeding \$500 in value).

Councillors acknowledge they must be clear about their associations with parties external to Council and to avoid conflicts between those associations and their role as Councillors.

### **5.5 Other legislative requirements**

The Act includes requirements relating to eligibility to be a Councillor, electoral conduct and the election period ('caretaker period'). Allegations in relation to contravention of these provisions should be directed to the Victorian Electoral Commission or the Local Government Inspectorate, depending on the nature of the allegation, for investigation and any consequent action.

Councillors acknowledge they are responsible for complying with the various provisions relating to these matters.



## **6. Good Governance**

Nothing in this Part 6 of the Code is intended to impose a binding Standard of Conduct on Councillors. These matters are expressed as operating in addition to the Standards of Conduct. Further, nothing in this part of the Code is intended to modify or derogate from the Standards of Conduct.

This part of the Code sets out conduct the Councillors agree will contribute to the good governance, integrity and responsible operation of Council.

### **6.1 Overarching Governance Principles**

Councillors will support the role of Council by ensuring Council gives effect to the overarching governance principles when participating in Council's decision-making functions.

The overarching governance principles are set out in s 9(2) of the Act and are as follows:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- collaboration with other councils and governments and statutory bodies is to be sought;
- the ongoing financial viability of Council is to be ensured;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
- the transparency of Council decisions, actions and information is to be ensured.

### **6.2 Council decision-making**

Councillors are committed to ensuring a high level of transparency in Council's decisions and Council's decision-making processes. Councillors acknowledge Council decisions cannot be made other than by resolutions made at properly constituted Council meetings following fulsome public debate in the Council Chamber. While Councillors will engage in informal discussion of matters coming before Council for decision, they acknowledge these informal discussion are not decision-making forums, and a final position on such matters cannot be reached before the Council meeting.

Councillors acknowledge the role reports prepared by members of Council staff provide professional advice which assists in informing Councillors about matters before Council for decision. Councillors will pay respect and attention to the information provided by members of Council staff to assist Council's decision-making functions.

### **6.3 Use of Council resources**

Councillors commit to using Council resources effectively, economically and only for proper purposes connected with their role as a Councillor, consistent with relevant Council policies and procedures.

In particular, Councillors will:

- maintain adequate security over Council property, facilities and resources provided by Council to assist in performing their role;
- comply with any legislation and Council policies and procedures applying to the use of Council property, facilities and resources provided by Council to assist in performing their role;
- not use Council resources, including the services of members of Council staff, for private purposes, unless authorised to do so, and paying for those resources where required to do so; and
- not use public funds or resources in a manner that is improper or unauthorised.

### **6.4 Gifts and benefits**

Councillors will avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from Council.

Councillors will take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that give rise to the appearance of an attempt to gain favourable treatment.

Councillors will only accept gifts that exceed the gift disclosure threshold (currently, \$500) if:

- the name and address of the person making the gift are known to them; or
- at the time when the gift is made, they reasonably believe that the name and address provided are the true name and address of the person making the gift.

Anonymous gifts that exceed the gift disclosure threshold will be disposed of to Council within thirty (30) days of receiving the gift.

Councillors will comply with the Councillor Gift Policy, once adopted, and any other policies and procedures adopted by Council from time to time relevant to the acceptance of gifts.

## **6.5 External communications**

Councillors recognise as representatives of the local community, they have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

Councillors are committed to respecting the function of the Mayor as the spokesperson of Council in accordance with the Act.

Councillors undertake to comply with Council's Communication Policy and any other relevant policies, as adopted from time to time, including recognition of and respect for the:

- role of the Mayor as the principal spokesperson of Council, including in communications with the media on behalf of Council;
- role of the CEO in communicating with the media on behalf of Council with respect to matters of an operational nature; and
- practice of directing media enquiries to Council's Communications Team at first instance.

Councillors acknowledge individual Councillors are entitled to express their personal opinions through the media. In doing so, Councillors will make it clear that such comment is their personal view and does not represent the position of Council. Councillors will ensure such comments avoid being derogatory, offensive or insulting of Council, Councillors, members of Council staff, members of the community and others and are factually accurate.

## **6.6 Personal Dealings with Council**

When Councillors deal with Council in their private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit), they will not expect or request preferential treatment in relation to any such private matter. Councillors will avoid any action that could lead members of Council staff or members of the community to believe that they are seeking preferential treatment.

## **6.7 Occupational Health and Safety**

Councillors acknowledge meeting Council's obligations as an employer under the *Occupational Health and Safety Act 2004* by, among other things, providing a safe workplace for Councillors, members of Council staff and visitors to Council premises is essential.

Councillors are committed to working in ways that protect and promote the health and safety of Councillors, members of Council staff and visitors to Council premises and to minimise risks to them.

## **6.8 Child Safe Standards**

Councillors acknowledge the importance of protecting the safety of children in its municipal community, and encouraging their participation and empowerment. Councillors support Council's zero tolerance approach to child abuse and its adherence to the Victorian Child Safe Standards and related legislating including Failure to Disclose, Failure to Protect and Grooming offences.

Councillors will maintain the highest standards of professional conduct in attitude and behaviour towards, and in their interactions with, children and young people. As leaders, Councillors will uphold the rights and best interests of children and young people in the municipal community to the extent possible.

## **7. Complaints From Members of the Public**

Councillors acknowledge complaints about their conduct may be made by members of the public from time to time. This Code does not, and is not intended to, provide mechanisms for the management of such complaints.

Council will give consideration to the development of such mechanisms when preparing and adopting its Complaints Policy, as required by s 107 of the Act.

## **8. Interpersonal Dispute Between Councillors**

Councillors acknowledge interpersonal differences and disputes (as distinct from allegations of contravention of the Standards of Conduct) may arise from time to time. Councillors commit to taking reasonable steps to resolve any interpersonal difference or dispute that arises without recourse to formal processes with a view to maintaining effective working relationships.

In resolving interpersonal differences or disputes, Councillors will consider pursuing informal steps, including:

### **8.1 Informal discussions between councillors**

Councillors will first consider discussing their interpersonal difference or dispute informally with a view to resolving it.

### **8.2 Facilitated discussion**

If Councillors are unable to discuss their interpersonal difference or dispute informally, or their informal discussions are unsuccessful, they will consider approaching a fellow Councillor, chosen with the agreement of both Councillors, to facilitate a discussion with a view to resolving their interpersonal difference or dispute.

If the interpersonal difference or dispute cannot be resolved informally, the Councillors will consider whether any of the conduct giving rise to it constitutes a contravention of the Standards of Conduct. If they consider that it does, they may choose to pursue it as such under part 9 of this Code.

## **9. Allegations of Contravention of the Code**

An allegation that the Standards of Conduct have been breached by a Councillor can be made by:

- Council, by resolution;
- a Councillor; or
- a group of Councillors.

Where an allegation is made by Council or by a group of Councillors, a single Councillor must be nominated to act as the representative of Council or the group of Councillors (as the case may be) in the internal resolution process. Only that Councillor will be entitled to participate in the internal resolution process.

When an allegation of a breach of the Standards of Conduct is alleged, the Councillors who are party to the allegation undertake to use their best endeavours to resolve it in a courteous and respectful manner without recourse to formal processes under this Code or under the Act. If, after these endeavours have been exhausted, the allegation remains unresolved, either or both of the Councillors may have recourse to any or all of the internal resolution processes set out in this Code.

Councillors accept the following three-phase internal resolution process:

- Formal discussion between the Councillors, facilitated by the Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor.
- Formal mediation between the Councillors, facilitated by a qualified mediator.
- Formal internal arbitration process.

Councillors recognise the first and second phases are voluntary and they are not obliged to agree to either of them but will endeavour to resolve allegations without resorting to the mandatory internal arbitration process.

### **9.1 The application**

An application alleging a breach of the Standards of Conduct must include the:

- (a) name of the Councillor alleged to have breached the Standards of Conduct;
- (b) clause(s) of the Standards of Conduct that the Councillor is alleged to have breached;
- (c) particular misconduct, or behaviour, that the Councillor is alleged to have engaged in that resulted in the breach; and
- (d) phase of the internal resolution process being pursued by the Councillor making the allegation at the first instance; and

be submitted to the Councillor Conduct Officer for:

- (a) action, if the application seeks engagement in the first or second phase of the internal resolution process; or
- (b) referral to the Principal Councillor Conduct Registrar, if the application seeks a formal internal arbitration process.

If an application received by the Councillor Conduct Officer does not meet the requirements of this Part 9.1, the Councillor Conduct Officer will return it to the Councillor submitting it with a brief statement of the ways in which the application is deficient.

A Councillor may revise and resubmit to the Councillor Conduct Officer a deficient application, provided that the Councillor submits the revised application no later than 3 months after the alleged breach of the Standards of Conduct occurred (see s 143(3) of the Act).

## **9.2 Process on receiving an application**

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks a facilitated discussion, the Councillor Conduct Officer will take the following steps:

- (a) notify Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor (as the case may be) and the CEO (for the CEO's information only) and provide them with a copy of the application;
- (b) notify the Councillor the subject of allegation in the application and provide them with a copy of the application;
- (c) request the Councillor the subject of the application to advise whether they will participate in the facilitated discussion within 5 days of receiving the application, noting that, if no advice is received, the Councillor will be taken to have declined;
- (d) if the Councillor agrees to participate in the facilitated discussion:
  - (i) the Councillor Conduct Officer will, with the cooperation of the Councillors involved in the application and the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be), arrange a suitable time and place for the facilitated discussion, to be no later than 5 days from the date of the advice provided under paragraph (c);
  - (ii) the facilitated discussion must be completed with the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be) providing a record of the outcome to the Councillors involved in the application and the CEO no later than 5 days after the discussion takes place; and
  - (iii) if the facilitated discussion is not complete within 5 days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in a facilitated discussion, unless both Councillors agree to extend the time for completion;

- (e) if the facilitated discussion is not completed in accordance with this Part 9.2 for whatever reason, or if the facilitated discussion does not resolve the allegation the subject of the application, the Councillor Conduct Officer will advise the:
  - (i) Councillor making the application and ask the Councillor to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase;
  - (ii) Councillor the subject of the application; and
  - (iii) CEO; and
- (f) the Councillor Conduct Officer will make arrangements to close or to escalate the application, as the case may be, according to the advice of the Councillor making the application.

### 9.3 Mediation

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks a mediation, or on escalating an application where a facilitated discussion has not been completed or has not resolved the allegation, the Councillor Conduct Officer will take the following steps:

- (a) notify the CEO and provide them with a copy of the application;
- (b) notify the Councillor the subject of allegation in the application and provide them with a copy of the application;
- (c) request the Councillor the subject of the application to advise whether they will participate in mediation within 5 days of receiving the application, noting, if no advice is received, the Councillor will be taken to have declined;
- (d) if the Councillor agrees to participate in mediation:
  - (i) the CEO, or a member of Council staff nominated by the CEO for the purpose (**the CEO's nominee**), will engage a mediator, to be chosen by the CEO (or the CEO's nominee);
  - (ii) the CEO (or the CEO's nominee) will, with the cooperation of the Councillors involved in the application, arrange a suitable time and place for the mediation, to be no later than 5 business days from the date of the advice provided under paragraph (c); and
  - (iii) if the mediation is not complete within 5 business days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in the mediation, unless both Councillors agree to extend the time for completion;



- (e) if the mediation resolves the application, the mediator will document the agreement reached by the Councillors involved and provide a copy of the agreement to both Councillors and to the CEO;
- (f) if the mediation is not completed in accordance with this Part 9.3 for whatever reason, the CEO (or the CEO's nominee) will advise the:
  - (i) Councillor making the application and ask the Councillor to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase; and
  - (ii) Councillor the subject of the application; and
- (g) the CEO (or the CEO's nominee) will ask the Councillor Conduct Officer to make arrangements to close or to escalate the application, according to the advice of the Councillor making the application.

#### **9.4 Internal arbitration**

A breach of the Standards of Conduct constitutes 'misconduct' for the purposes of the Act and may be referred to an arbiter for determination. The process for internal arbitration is prescribed by Part 6 of the Act and r 11 of the Regulations.

Internal arbitration may be commenced either after the first two phases of the internal resolution process prove unsuccessful in resolving the allegation, or as the first step in an application.

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks an internal arbitration process, or on escalating an application where a facilitated discussion and/or mediation has not been completed or has not resolved the allegation, the Councillor Conduct Officer will:

- (a) refer the application to the Principal Councillor Conduct Registrar;
- (b) notify the Councillors involved in the application of the referral;
- (c) notify the CEO of the referral (for the CEO's information only);
- (d) await advice from the Principal Councillor Conduct Registrar about the application; and
- (e) take such steps as are necessary to give effect to the Principal Councillor Conduct Registrar's advice, in accordance with any instructions received.

Councillors recognise an application for internal arbitration for an allegation of a breach of the Standards of Conduct will only be accepted by the Principal Councillor Conduct Registrar, and an arbiter will only be appointed, if the Principal Councillor Conduct Registrar is satisfied:

- (a) the application is not frivolous, vexatious, misconceived or lacking in substance; and
- (b) there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct.

It is for the Councillor or Councillors submitting an application to ensure the application meets these requirements.

If the Principal Councillor Conduct Registrar is satisfied an application for internal arbitration should be accepted, the Principal Councillor Conduct Registrar will appoint an arbiter from a panel list compiled by the Secretary to the Department of Jobs, Precincts and Regions.

In conducting an arbitration the arbiter must:

- (a) ensure the parties involved are given an opportunity to be heard;
- (b) ensure a Councillor who is a party does not have a right to representation, unless the arbiter considers representation is necessary to ensure the process is conducted fairly;
- (c) conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
- (d) ensure the hearing is not open to the public.

Additionally, in conducting an arbitration the arbiter:

- (a) may hear each party to the matter in person or solely by written or electronic means of communication;
- (b) is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit;
- (c) may at any time discontinue the hearing if the arbiter considers the:
  - (i) application is vexatious, misconceived, frivolous or lacking in substance; or
  - (ii) Councillor making the application, or representing the group of Councillors making the application, has not responded, or has responded inadequately, to a request for further information.

If, at the completion of the internal arbitration process, the arbiter determines a Councillor has breached the Standards of Conduct, the arbiter may make a finding of misconduct against the Councillor and impose any one or more of the following sanctions:

- (a) direct the Councillor to make an apology;
- (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter (not exceeding one month);
- (c) direct the Councillor be removed from any position where the Councillor represents Council for a period determined by the arbiter;
- (d) direct the Councillor is removed from being the chair of a delegated committee for a period determined by the arbiter; and/or
- (e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter must provide a written copy of the arbiter's findings and statement of reasons to:

- (a) Council;
- (b) the applicant(s) and the respondent; and
- (c) the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the arbiter's findings and statement of reasons are provided. If the arbiter's decision and statement of reasons contain any confidential information, the confidential information must be redacted before it is tabled.

Councillors recognise a failure to participate in and comply with the internal arbitration process or a direction given to the Councillor by an arbiter is 'serious misconduct' for the purposes of the Act.

Allegations of 'serious misconduct' are heard by a Councillor Conduct Panel.

### **9.5 Responsibilities of councillors**

It is the responsibility of a Councillor or the Councillors submitting an application to prepare the application, including by identifying and collating the evidence which supports it.

While members of Council staff may provide some administrative support, that support will not extend to assisting Councillors with the preparation of the substance of an application.

## **10. Adoption of this Code**

This Code was adopted by a resolution of Council made at the Council meeting held on 24 October 2022, with a majority of at least two thirds of all Councillors voting in favour of it.

This Code may be reviewed at any time during the Council term but need not be reviewed until after the general election to be held in October 2024.

## **11. Accountabilities**

For all queries or feedback regarding the Councillor Code of Conduct, please use the contact details for the responsible department below.

<b>Position Title</b>	<b>Contact number</b>	<b>Contact department email</b>
Manager Governance and Legal	9278 4470	<a href="mailto:boroondara@boroondara.vic.gov.au">boroondara@boroondara.vic.gov.au</a>

## 12. References

### 12.1 Related documents

Council policies:

- Councillor and Member of a Delegated Committee Expenses Policy
- Councillor Gift Policy
- Governance Rules
- Public Transparency Policy

Victorian legislation:

- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Independent Broad Based Anti-Corruption Commission Act 2011
- Local Government Act 1989
- Local Government Act 2020
- Occupational Health and Safety Act 2004
- Ombudsman Act 1973
- Public Administration Act 2004
- Public Interest Disclosure Act 2012
- Victorian Civil and Administrative Tribunal Act 1998
- Local Government (Governance and Integrity) Regulations 2020
- Occupational Health and Safety Regulations 2017

## 13. Definitions

Term	Definition
CEO Chief Executive Officer	The Chief Executive Officer of Council of the City of Boroondara
Chief Municipal Inspector	The Chief Municipal Inspector is responsible for investigating and prosecuting possible breaches and offences under the <i>Local Government Act 2020</i> , investigating allegations of Councillor misconduct, serious misconduct and gross misconduct, making an application for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor and making an application to the Victorian Civil and Administrative Tribunal (VCAT) for a finding of gross misconduct by a Councillor.
Conflict of Interest	A Councillor has; <ul style="list-style-type: none"><li>▪ a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result</li></ul>

Term	Definition
	<p>in that person acting in a manner that is contrary to their public duty.</p> <ul style="list-style-type: none"> <li>▪ a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</li> </ul>
Conduct Standards	The standards of Councillor conduct prescribed under Schedule 1 to the <i>Local Government (Governance and Integrity) Regulations 2020</i> .
Councillor	All references to 'Councillor' include the Mayor, Deputy Mayor and elected members of the Boroondara City Council except as expressly provided.
Councillor Conduct Officer	A person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process.
Councillor Conduct Panel	A panel established under the <i>Local Government Act 2020</i> to hear applications and make findings of alleged misconduct or serious misconduct by a Councillor.
Employee	An employee of Council includes all members of staff, contractors and volunteers under the direct control or supervision of the City of Boroondara.
gross misconduct	'Gross misconduct' by a Councillor means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature.
improper conduct	'Improper conduct' includes a failure to disclose a conflict of interest, a breach of confidentiality, the improper direction or influence of staff, the improper use of Council resources, or a breach of Council policy under the Code of Conduct by a Councillor.
misconduct	Misconduct by a Councillor means any breach by a Councillor of the prescribed conduct standards included in this Councillor Code of Conduct.

<b>Term</b>	<b>Definition</b>
Principal Councillor Conduct Registrar	The Principal Councillor Conduct Registrar receives applications for the establishment of Councillor Conduct Panels under the <i>Local Government Act 2020</i> .
serious misconduct	<p>Serious misconduct by a Councillor means:</p> <ul style="list-style-type: none"> <li>▪ failure by a Councillor to comply with the Council's internal arbitration process</li> <li>▪ failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147</li> <li>▪ the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor.</li> <li>▪ failure of a Councillor to comply with a direction of a Councillor Conduct Panel</li> <li>▪ continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the <i>Local Government Act 2020</i>.</li> <li>▪ bullying by a Councillor of another Councillor or a member of Council staff;</li> <li>▪ conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or member of Council staff.</li> <li>▪ the disclosure by a Councillor of information the Councillor knows or should reasonably know, is confidential information;</li> <li>▪ conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff.</li> <li>▪ the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the <i>Local Government Act 2020</i>.</li> </ul>
The Act	All references to 'the Act' are to the <i>Local Government Act 2020</i> .

## Version History

Councillor Code of Conduct

Adopted by Council on 22 February 2021

Adopted by Council on 13 February 2017

# MINUTES ATTACHMENTS



## **Council**

**Monday 24 October 2022**

**Attachments as annexed to the resolution:**

### **7.7 Recommendations of Audit and Risk Committee Meeting**

**Summary of reports tabled at Audit and Risk Committee meeting held  
8 September 2022**

Agenda No	Report Title	Summary of Content	Recommended Council Resolution
4	Chief Executive Officer Update	<p>The <b>Chief Executive Officer</b> informed the Audit and Risk Committee of an issue that has arisen in the organisation involving the receipt of payments. The Chief Executive Officer explained that in rare situations payments are made by owners who have sold the property in question. Said payment would then sit on Council's books and will eventually be credited back but to the new owner. The Chief Executive Officer emphasised that the problem is that the current owner was not the person who made the initial payment to Council. The following matters were discussed:</p> <ul style="list-style-type: none"> <li>• The total amount of funds eligible</li> <li>• The process put in place by the organisation to prevent and manage issue</li> <li>• Categories of properties impacted</li> <li>• Possibility of informing affected people</li> <li>• Effectiveness of current process</li> </ul>	Council note the Chief Executive Officer's update.
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. No discussion was held and no matters were identified.</li> </ol>	Council note the Officers, Auditors and Members had no matters to raise in response to the standard questions outlined in this report.



<b>Agenda No</b>	<b>Report Title</b>	<b>Summary of Content</b>	<b>Recommended Council Resolution</b>
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 meeting.
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 accept the report.
A5.4	Risk Management 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 insurance arrangements and active insurance claims for the purposes of s 54(2)(c) of the Local Government Act 2020.	Council receive and accept the report.
A5.5	Internal Audit Report - Asset Management	<p>This report updated the Audit and Risk Committee on the outcomes of the Internal Audit review of Council's Asset Management processes and key controls. The review was conducted in accordance with the Council adopted Strategic Internal Audit Plan.</p> <p>The internal audit report assesses the maturity of Council's policies, processes, and structures to govern Asset Management as being within the 'Established' threshold. Based on Council's Risk Management Framework the report assigns the residual risk as 'Medium'.</p> <p>The report provides four audit recommendations to further strengthen controls and processes over Asset Management. Management has agreed with the audit recommendations and provided commentary and implementation dates in the report.</p>	Council receive and accept the report.

<b>Agenda No</b>	<b>Report Title</b>	<b>Summary of Content</b>	<b>Recommended Council Resolution</b>
A5.6	Internal Audit Report - Business Continuity	<p>This report updated the Audit and Risk Committee on the outcomes of the Internal Audit review of Council's Business Continuity Planning processes and key controls. The review was conducted in accordance with the Council's adopted Strategic Internal Audit Plan.</p> <p>The internal audit report assesses the maturity of Council's policies, processes, and structures to govern Business Continuity Planning as being within the 'Established' threshold. Based on Council's Risk Management Framework the report assigns the residual risk as 'Moderate.'</p> <p>The report provides one audit recommendation to further strengthen controls and processes over Business Continuity Planning and one recommendation to support continuous improvement. Management has agreed with the audit recommendations and provided commentary and implementation dates in the report.</p>	Council receive and accept the report.
A5.7	Internal Audit Update	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.	Council receive and accept the report.
A5.8	Reports from VAGO and Other Regulatory Authorities	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.	Council receive and accept the report.
A5.9	Annual Update - Activities of the Fraud Control Group	This report updated the Audit and Risk Committee on the activities of the Fraud Control Group ('the Group') during the 2021-22 financial year.	Council receive and accept the report.

Agenda No	Report Title	Summary of Content	Recommended Council Resolution
A5.10	Annual Update - Management of Health and Safety	<p>This report updated the Audit and Risk Committee on Council's overall health, safety, and wellbeing (HSW) performance and management.</p> <p>The Health, Safety and Wellbeing Strategy 2020 - 2023 outlines Council's approach to ensuring the wellbeing of its people, by providing a simple and easy to access framework to address health and safety and ensure the resulting environment impacts positively on both our workforce and the community.</p> <p>Continued focus to managing the COVID-19 pandemic has meant a strong emphasis on the provision of mental health and wellbeing programs and support for a safe and effective hybrid working model but did allow some physical wellbeing initiatives to run with significant participation from staff.</p>	Council receive and accept the report.
A5.11	COVID-19 Update	<p>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.</p> <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>	Council receive and accept the report.

Agenda No	Report Title	Summary of Content	Recommended Council Resolution
A5.12	Transforming Boroondara - Project Update and Audit update	<p>This report updated the Audit and Risk Committee on the progress of the Transforming Boroondara Program. The Transforming Boroondara Program comprises 3 key objectives - customer value, core applications and services and process optimisation and capability uplift. Each of the objectives is supported by initiatives including technology uplift, people and culture and process improvement. The program is supported by a roadmap that prioritises the delivery of the new Target Operating Model, enabling a strong focus on customer experience and delivering agreed community and financial benefits.</p> <p>Overall, the Transforming Boroondara Program is tracking behind schedule with the progress at 47% against the 52% expected progress. Budget is currently underspent, however, with contractual commitments and projected spend, it is tracking to target overall. Benefits are tracking ahead of target.</p>	Council receive and accept the report.
A5.13	Outcomes of Legal and Ethical Certification Program	<p>The Audit and Risk Committee Annual Work Plan requires the Manager Governance and Legal to provide a written report to the Audit and Risk Committee on legal and ethical compliance.</p> <p>A certification statement was circulated to all managers. The certification statement covers the period 1 July 2021 to 30 June 2022. There has been a 100% return of completed certification statements.</p> <p>The legal and ethical certification program has not identified any issues which suggest adverse systemic or organisational wide trends.</p>	Council receive and accept the report.
A5.14	Annual Financial Statements and Performance Statement for the year ended 30 June 2022	This report presented to the Audit and Risk Committee the Annual Financial Statements and Performance Statement for the year ended 30 June 2022.	Council resolved this report as a standalone item on 24 September 2022. No further resolution required.

Agenda No	Report Title	Summary of Content	Recommended Council Resolution
A5.15	Employee Engagement Survey Results	This report updated the Audit and Risk Committee on Council's overall employee engagement.	Council receive and accept the report.
8	Special Audit Report	This report was provided to Audit and Risk Committee Members only.	Council acknowledge that the Audit and Risk Committee received and noted the report.

# MINUTES ATTACHMENTS



## **Council**

**Monday 24 October 2022**

**Attachments as annexed to the resolution:**

**7.8 Review of Instrument of Delegation Council to Council Staff**



## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Planning and Placemaking Department
<b>All Road and Path Maintenance Staff</b>	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
<b>All Traffic and Transport Staff</b>	means	All staff in the Traffic and Transport Department
<b>All Urban Planning Forestry Staff</b>	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
<b>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 Urban 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>LCO</b>	Means	Landscape Compliance Officer
<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>MPP</b>	means	Manager Planning and Placemaking
<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 Urban 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 or Senior Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer or Urban Planner
<b>SSP</b>	means	Senior Urban Planner
<b>SUPF</b>	means	Senior Urban Planning Forester
<b>SSTRP</b>	means	Senior Strategic Planner
<b>STRP</b>	means	Strategic Planner
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>TLUPF</b>	means	Team Leader Urban Planning Forestry
<b>UPF</b>	means	Urban Planning Forester
<b>Specific Urban Planning Officers</b>	means	MPP, CSP, PAC, PP, SSP, SP, SO and CP
<b>Supervising Urban Planning Officers</b>	means	MPP, 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

Chief Executive Officer

Mayor

Date

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<b>DOMESTIC ANIMALS ACT 1994</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>
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 food safety program	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 19GB	Power to request the proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.

<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>
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 food premises	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

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

<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 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	

<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 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

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

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 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, MPP, CSTRP, PSTRP, SSTRP, STRP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 4H	Duty to make amendments to the VPP available	CEO, DUL, MPP, SSTRP, CSTRP, PSTRP, STRP		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 12B(1)	Duty to review the planning scheme	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		

<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, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
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, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 18	Duty to make amendments etc. available	CEO, DUL & all Planning Officers	Until the proposed amendment is approved or lapsed	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP	Until the end of 2 months after the amendment comes into operation or lapses	
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP	Except submissions which request a change to the items in s 22(5)(a) and (b)	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 22(2)	Power to consider a late submission  Duty to consider a late submission, if directed by the Minister	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DUL & all Planning Officers		
s 26(1)	Power to make reports available for inspection	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL & all Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		
s 28	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP	Note: The power to make a decision to abandon an amendment cannot be delegated	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 30(4)(a)	Duty to say if an amendment has lapsed	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP		

<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, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 31(1)	Duty to submit adopted amendments to the Minister	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 32(2)	Duty to give more notice if required	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 36(2)	Duty to give notice of approval of amendments	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 40(1)	Function of lodging a copy of an approved amendment	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		
s 41	Duty to make approved amendment available	CEO, DUL, MPP, CSTRP, PSTRP,SSTRP, STRP		

<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 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, MPP, CSTRP, PSTRP, SSTRP, STRP	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.	
s 46AW	Function of being consulted by the Minister	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers,	Where Council is a responsible public entity	
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers,	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, DUL, MPP, CSTRP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers	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, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DUL, MPP, CSTRP and Supervising Urban 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 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DUL, MPP, CSTRP, and Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GR(2)	Power to consider a late submission.  Duty to consider a late submission if directed to do so by the Minister.	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DUL, MPP, CSTRP, SO and Supervising Urban Planning Officers	Where Council is the development agency	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	CEO, DUL, MPP, CSTRP, SO and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers	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, MPP, CSTRP & Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers	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	

<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 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan.  This duty does not apply where Council is that planning authority.	
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, DUL, MPP, CSTRP, CFO, CCO and Supervising Urban Planning Officers	Where the Council is the planning authority.  This duty does not apply where Council is also the collecting agency.	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan.  This provision does not apply where Council is also the relevant development agency.	
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DUL, MPP, CSTRP, CFO, CCO and Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan.  This provision does not apply where Council is also the collecting agency.	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DUL, MPP, CSTRP, CFO, CCO & Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency	
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
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, MPP, CSTRP, CFO, MCP, CRPS and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	<p>If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>	
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DUL, MPP, CSTRP, CFO, MCP, CRPS, CCO and Supervising Urban Planning Officers	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>	
s 46GZA(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, DUL, MPP CSTRP and Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, DUL, MPP CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DUL, MPP CSTRP, CFO, MCP, CRPS, SO and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency	

<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 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, DUL, MPP CSTRP, CFO, CRPS and Supervising Urban 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)  Function of receiving proceeds of a sale	CEO, DUL, MPP CSTRP, CFO, CRPS and Supervising Urban Planning Officers  CFO, MCP, CRPS	Where Council is the development agency under an approved infrastructure contributions plan  Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	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, MPP, CSTRP and Supervising Urban Planning Officers	Where Council is a collecting agency or development agency	
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCP, CRPS	Where Council is a collecting agency or development agency	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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 Urban Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DUL & Supervising Urban Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DUL & Supervising Urban Planning Officers		
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	CEO, DUL & Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DUL and Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DUL and Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DUL and Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DUL, CFO and Supervising Urban Planning Officers		
s 46Q(1A)	Duty to forward to a development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, DUL and Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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 Urban Planning Officers		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DUL and MPP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	CEO, DUL and MPP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DUL, CSTRP, MPP, and Supervising Urban Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DUL and MPP	With the consent of, and in the manner approved by, the Minister	

<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 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DUL and MPP		
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DUL and Supervising Urban Planning Staff	Where Council is a collecting agency or development agency	
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	CEO and DUL		



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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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 Urban Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DUL, Specific Urban Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	CEO, DUL, Specific Urban 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 50(4)	Duty to amend applications	CEO, DUL & Specific Urban Planning Officers		
s 50(5)	Power to refuse to amend applications	CEO, DUL & Specific Urban Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	CEO, DUL & Specific Urban Planning Officers, TLPP & PSO		
s 50A(1)	Power to make amendments to applications	CEO, DUL & Specific Urban Planning Officers		
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	CEO, DUL & Specific Urban Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	CEO, DUL & Specific Urban Planning Officers, TLPP & PSO		
s 51	Duty to make copies of applications available for inspection	CEO, DUL, Specific Urban Planning Officers, TLPP 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 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, DUL & Specific Urban Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	CEO, DUL & Specific Urban Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DUL & Specific Urban Planning Officers		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	CEO, DUL & Specific Urban Planning Officers		
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, DUL & Specific Urban Planning Officers		

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>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 Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DUL, MPP and Specific Urban Planning Officers	Power to refuse to extend time is limited to CEO, DUL, MPP and Supervising Urban Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	CEO, DUL and Specific Urban Planning Officers		
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	CEO, DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DUL and Supervising Urban 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 Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	CEO, DUL, Specific Urban Planning Officers, TLPP and PSO		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	CEO, DUL and Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	CEO, DUL and Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	CEO, DUL and Specific Urban Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DUL and Specific Urban Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DUL and Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	CEO, DUL and Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	CEO, DUL and Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	CEO, DUL and MPP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 60	Duty to consider certain matters	CEO, DUL and Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	CEO, DUL and Specific Urban 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 Urban Planning Officers		
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	CEO, DUL and Specific Urban Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has objected to the grant of the permit on any specified ground; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</li> </ul> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Planning and Placemaking (MPP) and/or the Co-ordinator Urban 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 Urban Planning Officers		<p>The following guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Compliance with the objectives of the Boroondara Planning Scheme and adopted Council Policies.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <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 Urban Planning Officers	<p>The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Planning and Placemaking (MPP) and/or the Coordinator Urban Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or</p> <p>CEO, DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions .	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	CEO, DUL, and Specific Urban Planning Officers	<p>Delegates must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the Planning and Environment Act 1987 or Regulations under that Act.</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager planning and Placemaking (MPP) and/or the Coordinator Urban Planning (CSP) and/or Planning Appeals Co- ordinator (PAC).</p>	

<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 Urban 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, MPP and Specific Urban Planning Officers	The Senior Urban Planner (SSP), Statutory Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Planning and Placemaking (MPP) and/or the Coordinator Urban 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 Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DUL and Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DUL and Specific Urban Planning Officers		
s62(2)	Power to include other conditions	CEO, DUL and Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DUL and Specific Urban Planning Officers		
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DUL and Specific Urban Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, DUL and Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DUL and Specific Urban Planning Officers		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, DUL and Supervising Urban Planning Officers		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, DUL and Specific Urban Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	CEO, DUL and Specific Urban Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	CEO, DUL and Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DUL and Specific Urban 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 Urban 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 Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s57	CEO, DUL and Specific Urban Planning Officers		
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DUL, Specific Urban Planning Officers, TLPP and PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DUL, Specific Urban Planning Officers, TLPP 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 Urban 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



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	CEO, DUL, Specific Urban Planning Officers, TLPP 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 Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	CEO, DUL, MPP and Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 69(2)	Power to extend time	CEO, DUL and Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> <li>• whether the time originally allowed was reasonable; or</li> <li>• whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or</li> <li>• whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or</li> <li>• the probability that a fresh application, if made, would be granted.</li> </ul>	
s 70	Duty to make copies of permits available for inspection	CEO, DUL, Specific Urban Planning Officers, TLPP and PSO		
s 71(1)	Power to correct certain mistakes	CEO, DUL and Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	CEO, DUL, Specific Urban Planning Officers, TLPP and PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MPP and Specific Urban Planning Officers	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:	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 Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Planning and Placemaking (MPP) and/or Co-ordinator Urban Planning (CSP) and/or Planning Appeals Co-ordinator (PAC )before exercising their delegation.</p>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision.	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL and Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	CEO, DUL, Specific Urban Planning Officers and PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Urban Planning Officers, TLPP 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 Urban 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 Urban 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	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DUL, Specific Urban Planning Officers, TLPP 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 Urban Planning Officers		
s 83	Function of being the respondent to an appeal	CEO, DUL and Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	CEO, DUL and Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	CEO, DUL and Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	CEO, DUL, Supervising Urban Planning Officers 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 Urban Planning Officers, TLPP and PSO	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 84(6)	Duty to issue permits on receipt of advice within 3 business days	CEO, DUL and Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DUL and Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	CEO, DUL and Specific Urban Planning Officers		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DUL and Supervising Urban 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 Urban Planning Officers	Officers must exercise delegation in accordance with delegations afforded under Section 61(1) in this Instrument	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DUL and Specific Urban 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 Urban Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	CEO, DUL, Specific Urban 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 93(2)	Duty to give notice of a VCAT order to stop development	CEO, DUL and Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	CEO, DUL and Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	CEO, DUL and Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DUL and MPP		
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DUL, and MPP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	CEO, DUL, MPP, CSTRP and Supervising Urban Planning Officers		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP and Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	CEO, DUL, MPP, CSTRP, PSTRP, SSTRP, STRP and Specific Urban Planning Officers		

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



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	CEO, DUL, MPP and Specific Urban Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	CEO, DUL, MPP and Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DUL and MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEODUL & MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DUL and MPP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DUL, MPP and Specific Urban Planning Officers		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DUL, MPP and Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DUL, MPP and Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	CEO, DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DUL, MPP and Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DUL and MPP		
s 101	Function of receiving claims for expenses in conjunction with claim	CEO, DUL and MPP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DUL and MPP	<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 MPP		
s 107(3)	Power to agree to extend the time for making claim	CEO, DUL and MPP		
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, MPP and Supervising Urban Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DUL, MPP, Supervising Urban Planning Officers, SSP and PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DUL, MPP and Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	CEO, DUL, MPP and Supervising Urban Planning Officers		
S 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			

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s 129	Function of recovering penalties	CEO, DUL and MPP		
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DUL and MPP, Supervising Urban Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DUL, MPP and Supervising Urban Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DUL, MPP and Supervising Urban Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DUL, MPP, SSP, SSTRP & STRP, CSTRP, PSTRP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DUL, MPP, MACP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 171(2)(g)	Power to grant and reserve easements	CEO, DUL, MPP, MACP		
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DUL, DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, DUL, DPS	Where Council is a collecting agency specified in an approved infrastructure contributions plan	
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	CEO, DUL, DCT, DCS, DPS, MACP, MPP, and MCS	Subject to a prior Council resolution.	

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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, MPP, Supervising Urban Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C and Supervising Urban Planning Officers		
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C and Supervising Urban Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS and CDM&C		

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s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C, Specific Urban 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, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers		
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTRP, CDM&C, SPP, PSTRP, STRP and Specific Urban Planning Officers		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTRP, CDM&C, PSTRPP, STRP and Specific Urban Planning Officers		
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Specific Urban Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTRP, CDM&C and Supervising Urban 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, MPP, MCS, SSP, CSTRP, CDM&C and Specific Urban Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B



<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, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B

<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, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Urban 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, MPP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Urban Planning Officers		
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, CDM&C and Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS 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, MPP, MCS, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Urban Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTRP, PSTRP, SSTRP, STRP, CDM&C, Specific Urban 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 MPP, and MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTRP, and Supervising Urban Planning Officers		
S 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTRP, and Supervising Urban Planning Officers		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	
<b>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, MPP, MCS, CDM&C, Supervising Urban Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	CEO, DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C and Specific Urban Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DUL, DCT, DCS, DPS, MPP, 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, ,MPP 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, MPP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Urban 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, MPP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Urban Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DUL, MPP and Specific Urban Planning Officers		
S 201(3)	Duty to make declaration	CEO, DUL, MPP and Specific Urban Planning Officers		

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

<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, MPP, CSTRP and Supervising Urban Planning Officers		
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DUL, MPP, CSTRP, Specific Urban Planning Officers, Urban Planning Forestry staff 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, MPP, CSTRP and Specific Urban Planning Officers, Urban Planning Forestry staff and PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DUL, MPP, CSTRP and Specific Urban Planning Officers, Urban Planning Forestry staff and PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DUL, MPP, CSTRP, Supervising Urban Planning Officers SSP, Urban Planning Forestry staff and PIO		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DUL, MPP and Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DUL, MPP, CSTRP & Supervising Urban Planning Officers		



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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DPS, MCP, MT&T, MACP	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	CEO, DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	CEO, DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copies of notices of proposed discontinuances	CEO, DPS, DCT, MACP, MCP, MT&T	Power of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.
s 12(6)	Function of hearing a person in support of their written submission		Function of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.

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<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	

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<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, CPA&PA	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, All AP&P staff	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I, CPA&PA	
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	

<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 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	CEO, DPS, MCP, MACP	
s 54(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, All AP&P Staff, CPA&PA	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, All AP&P Staff, CPA&PA	
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, All AP&P Staff, CPA&PA	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP, All AP&P Staff, CPA&PA	<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>

<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 123(1)	Power to charge for any service	CEO, DPS, MACP & MCP, All AP&P Staff, CPA&PA	<i>Note:</i> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> 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> <i>giving information.</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, All AP&P Staff, CPA&PA	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DPS, MCP, & MACP	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, All AP&P Staff, CPA&PA	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, All AP&P Staff, CPA&PA	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, All AP&P Staff, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DPS, MCP, & MACP, All AP&P Staff, CPA&PA	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 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, All AP&P Staff, CPA&PA	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DPS, MCP, & MACP, All AP&P Staff, CPA&PA	Where Council is the coordinating road authority
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DPS, MCP, & MACP, All AP&P Staff, CPA&PA	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 cl 16(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

<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 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
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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DUL & MPP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of the responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DUL, MPP, 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 & MPP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, DUL & MPP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, DUL & MPP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DUL & MPP, CSTRP	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> <li>a) <i>where the application is withdrawn and a new application is submitted;</i></li> <li>b) <i>the amendment combines separate items from multiple requests for an amendment; and</i></li> <li>c) <i>the amendment is intended to remove anomalies in the planning scheme.</i></li> </ul>
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MPP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> <li>a) <i>where the application is withdrawn and a new application is submitted;</i></li> <li>b) <i>the application relates to land used for charitable purposes; and</i></li> <li>c) <i>the fee is not warranted due to the minor nature of the application.</i></li> </ul>
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CEO, DUL, MPP, 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

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

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CEO, DPS, MCP & MACP	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