

# **COUNCIL MEETING**

## **AGENDA**

(Open to the public)

**6.30pm, Monday 27 March 2023**

Council Chambers, 8 Inglesby Road, Camberwell

Date of Issue: 17 March 2023

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

### **Order of Business**

- 1 Adoption and confirmation of the minutes for the Council meeting held on 27 February 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Deputations, presentations, petitions and public submissions**
  - 3.1 Deputation - Ms Judith Toohey
  - 3.2 Petitions
- 4 Informal Meetings of Councillors**
- 5 Public question time**
- 6 Notices of motion**
- 7 Presentation of officer reports**
  - 7.1 Disability Inclusion Bill Exposure Draft
  - 7.2 Neighbourhood Houses Framework Report
  - 7.3 Amendment C367boro - 57 & 60 Berkeley Street Hawthorn Heritage Overlay - Decision to Adopt
  - 7.4 Contract No 2022/131 - Transactional Banking Services
  - 7.5 January 2023 Monthly Financial Report
  - 7.6 Contract No 2022/28 - Electrical Services

7.7      MAV Membership

7.8      Rear 218-224 High Street, Kew - Proposed sale of Council land

7.9      Rear 6 Kooyongkoot Road, Hawthorn - Proposed sale of Council land

7.10     Review of Instrument of Delegation Council to Council Staff

**8        General business**

**9        Urgent business**

**10      Confidential business**

**11      Close of meeting**

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

#### 3.1 Deputation - Ms Judith Toohey

#### 3.2 Petitions

##### Report abstract

Council has received One (1) petition. Details of the petition is set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1183607-L3C9J9	<p>With regards to Mary Mackillop Reserve signatories request that Council:</p> <ul style="list-style-type: none"> <li>• Retain the fort entrance by cutting the concrete if necessary.</li> <li>• Retain the heritage picnic table settings (2 no.) and the four park seats with back and armrests - because of their safety, comfort, and aesthetic appearance.</li> <li>• Install a wheelchair access table in addition to above furniture.</li> </ul>	165	DPS

##### Legend:

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

#### Officers' recommendation

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.



## 4 Informal Meetings of Councillors

### Abstract

Chapter 6 of the Council Governance Rules requires a summary of the matters discussed at a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by a majority of councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

are tabled at the next convenient Council meeting.

The attached record of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with this requirement.

### Officers' recommendation

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

## Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Evening Councillor Planning and Budget Workshop <b>16 February 2023</b>	Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Mans Bassi (DCT) Amy Montalti (CFO) Mary-Anne Palatsides (EMPCD) Nicole White (MSP) Sapphire Allan (CMA) Kaitlyn Yeomans (CSPR) Gail Power (MAC)	<ul style="list-style-type: none"> <li>Receive Councillor feedback and gain consensus on the strategic indicator targets (draft Budget 2023-24)</li> <li>Endorse in principle the proposed fees and charges for 2023-24 (draft Budget 2023-24)</li> </ul>	Nil
Councillor Briefing & Discussion <b>27 February 2023</b>	Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Mans Bassi (DCT) Bryan Wee (MGL) David Cowan (MPP) Christine White (MCP) Kirstin Ritchie (CG) Arturo Ruiz (HoP)	<ul style="list-style-type: none"> <li>Glenferrie place Update</li> <li>John August Reserve Dog Friendly Improvements</li> <li>Electrify Boroondara - Cr Gault Proposal</li> <li>MAV Presidential Election</li> </ul>	Nil
Councillor Briefing & Discussion <b>6 March 2023</b>	Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Bryan Wee (MGL) David Shepard (MES&OS) Andrew McHugh (MHWS) Sam Taylor (SCSR) Elizabeth Manou (SGI) Brendon Burke (SLA)	<ul style="list-style-type: none"> <li>Public Realm Asset Manual</li> <li>Sportsground Provision Project</li> <li>Media</li> <li>Future discussions</li> </ul>	Nil

## 7 Presentation of officer reports

### 7.1 Disability Inclusion Bill Exposure Draft

#### Executive Summary

##### Purpose

The purpose of this report is to seek endorsement of Council officers' response on behalf of Council to the Victorian Government on the Disability Inclusion Bill Exposure Draft (**Attachment 1**).

##### Background

On 20 September 2022, the Victorian Government released the Disability Inclusion Bill Exposure Draft (**Attachment 2**) for public comment until 31 October 2022. Council was first notified of the community consultation by the Municipal Association of Victoria (MAV) on Friday 30 September 2022 and officers attended an information session for defined entities in October 2022.

The Disability Inclusion Bill Exposure Draft (Exposure Draft) is part of the Victorian Government's review of the *Disability Act 2006*, which it has been undertaking following the full roll out of the National Disability Insurance Scheme (NDIS) to ensure Victoria's disability legislation is contemporary and fit-for-purpose. The review of the Disability Act is also part of the broader reform agenda set out in the Victorian Government's Inclusive Victoria: state disability plan 2022-26.

The Exposure Draft outlines requirements for the Victorian Government and other defined entities (including Councils) to take a proactive approach to disability inclusion. The Disability Inclusion Act would sit alongside the Disability Act. It would replace the current provisions in the Disability Act in relation to the State Disability Plan, Disability Action Plans, and the Victorian Disability Advisory Council, and create a new legislative framework for whole-of-government action and accountability in pursuing disability inclusion in Victoria.

The Victorian Government invited feedback on all elements of the Exposure Draft and noted all stakeholder feedback would be considered to inform potential legislative reforms. As this is an Exposure Draft, it might be updated or changed and may or may not be introduced to Parliament following public consultation.

The Exposure Draft would apply to organisations with 50 or more employees that are part of state government, court services, local government and universities. Defined entities do not include businesses and community organisations.

The Victorian Government's Exposure Draft has the following six main purposes:

- promote and advance disability inclusion in Victoria
- establish a framework for the whole of the Victorian Government and defined entities to increase accountability and transparency in relation to disability inclusion
- provide for positive duties in relation to disability inclusion
- provide for the preparation of the State Disability Plan and Disability Action Plans
- establish the Commissioner for Disability Inclusion
- continue the Victorian Disability Advisory Council.

Due to the tight timeline for providing feedback, Council officers sought an extension from the Victorian Government to make a submission on the Exposure Draft, which was granted until 19 November 2022. As this timeline did not enable Council officers to present a report to Council, the feedback in **Attachment 1** was sent to the Victorian Government noting that a report would be presented to a future Council meeting seeking Council endorsement of the officer feedback.

Briefly outlined below and in further detail in the report is an overview of the feedback Council officers provided about aspects of the Exposure Draft as it relates to local government. The feedback was based on officers' operational and implementation experience with similar legislation and focused on ensuring the proposed legislation is realistic, achievable and sustainable from a local government perspective.

Council officers wrote to the MAV noting their concerns with key elements of the Exposure Draft, the short consultation period and asked that MAV continue to advocate on behalf of Council on the feedback provided to the Victorian Government.

### Key Issues

Under section 38 of the current legislation, the *Disability Act 2006*, a public sector body, which includes councils, must develop a Disability Action Plan for the purpose of:

- reducing barriers to persons with a disability accessing goods, services and facilities
- reducing barriers to persons with a disability obtaining and maintaining employment
- promoting inclusion and participation in the community of persons with a disability
- achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

The Disability Act also states that Council is required to report on the implementation of its Disability Action Plan in its annual report under section 98 of the *Local Government Act 2020*.

The City of Boroondara Disability Action Plan 2018-22, which is currently being refreshed, is Council's fifth Disability Action Plan and was prepared in line with the requirements under the Disability Act. Council also reports on the implementation of the Disability Action Plan in Council's annual report. Through the Boroondara Disability Action Plan 2018-22, Council is committed to creating an inclusive society in the City of Boroondara that enables people with a disability to fulfil their potential as equal citizens by improving access and reducing barriers to participation in social, built, economic and natural places, services, and activities.

To ensure our Disability Action Plan meets the current needs of people with disability, Council recently undertook extensive community consultation to refresh our Disability Action Plan. Through this process, we heard from almost 250 people with disability, their carers and families, as well as service providers and community organisations, including members of Council's Community Disability Advisory Committee. Council officers are currently drafting the Disability Action Plan 2023-27 based on the valuable feedback received from the community and plan to build on the work Council has already undertaken to further progress access and inclusion for people with disability.

Council officers are concerned that the additional requirements for defined entities as outlined in the Exposure Draft are not realistic, achievable or sustainable. To enable local government to be able to implement the obligations set out in the Bill, and not to be forced into a position that would see activities for the community reduced, officers strongly recommended that the Victorian Government provide full funding for resources, potentially based within a program framework. Additional funding is particularly important in the context of local governments' budgets being significantly impacted by COVID-19 expenditure and income loss, the rate cap limiting councils' ability to generate additional income, as well as the rapidly escalating costs to deliver needed infrastructure renewals. Local government cannot continue to absorb the costs of requirements imposed by the Victorian Government without additional resourcing.

The two key areas of feedback from Council officer response to the Exposure Draft relate to Part 3: Disability impact assessments and Part 4: Disability Action Plans. In these two parts of the Bill, there is a significant increase in what is required of local governments and no provision of additional resources from the Victorian Government to implement them.

#### Part 3: Disability impact assessment

The Exposure Draft includes new requirements for Council's to undertake disability impact assessments when developing or reviewing any policy, program or service provided by the entity that has a direct and significant impact on the public. Based on Council's recent experience undertaking Gender Impact Assessments as part of the *Gender Equality Act 2020*, we are aware that implementing disability impact assessments will be resource intensive as it requires developing tools and upskilling staff across the organisation. Officers have recommended that funding be provided to defined entities to undertake this work, as it cannot be undertaken within existing resources without redirecting staff and resources away from implementing actions in our Disability Action Plan.

#### Part 4: Disability Action Plans

Council is currently required to develop Disability Action Plans every four years and we are committed to this process. The Exposure Draft proposes a new purpose for Disability Action Plans, and we have recommended that the new purpose be removed. The purpose is '(e) coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS'. Most councils do not provide disability services and do not have the core expertise, nor authority, to conduct this work. Council officers have recommended that this requirement be removed from the Bill as this is outside the work of local government and local government is not best placed to undertake this work, nor receives funding to do this. If the Victorian Government believes this work needs to happen, it should be negotiated with the Federal Government, and either the State or Federal Government or both fund a regional approach contracting agencies with a strong understanding and expertise in the disability service systems such as NDIS Local Area Coordinators. Council officers anticipate that very significant funding would be required for any organisation to undertake this role.

Council officers are also concerned about the new requirement to produce a progress report every year, which captures the implementation of the strategies, measures and actions in the Disability Action Plan, as well as each disability impact assessment conducted during the year, including the policy, program or service that was subject of the assessment and any actions taken as a result of the assessment.

Officers have recommended that defined entities report towards the end of the 4-year cycle, as officers are not aware of what the progress reporting template would entail, and this process is likely to be time and resource intensive and take officers away from implementing initiatives for people with disability.

Council officers also provided feedback on the following parts of the Exposure Draft:

- Expanding the definition of defined entities
- Clarifying the definition of disability
- Removal of objective (g) from the Bill
- Clarification of inclusion principles
- Consultation requirements
- Resources and best practice guides.

Should this Bill be introduced in its current form, without the provision of adequate funding, Council would need to reduce activities in the community to undertake the obligations outlined in the Bill.

#### Next Steps

Officers will notify the Victorian Government and MAV of the outcome of the Council meeting. Officers will also seek to join the MAV's local government advisory group when it is established, which will support the MAV's role on the Victorian Government's Disability Act Review Advisory Group for the Exposure Draft.

When the outcome of the community consultation is known, a report will be presented to a future Council meeting or briefing updating Council on the outcome of the Exposure Draft and any implications for local government.

## **Officers' recommendation**

That Council resolves to endorse Council officers' feedback to the Victorian Government on the Exposure Draft (**Attachment 1**).

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**Responsible director:**     **Kate McCaughey, Director Community Support**

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## **1. Purpose**

The purpose of this report is to seek endorsement of Council officers' response on behalf of Council to the Victorian Government on the Disability Inclusion Bill Exposure Draft (**Attachment 1**).

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

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

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

Improving inclusion for people with disability supports the Community Vision as outlined in the BCP for 'a sustainable and inclusive community'. It also supports the goal of the Boroondara Disability Action Plan 2018-22, which is currently being refreshed, and aims 'to create an inclusive society in the City of Boroondara that enables people with a disability to fulfil their potential as equal citizens by improving access and reducing barriers to participation in social, built, economic and natural places, services and activities'.

## **3. Background**

On 30 September 2022, Council was notified by the MAV that the Victorian Government had released the Disability Inclusion Bill Exposure Draft (**Attachment 2**) for public exhibition from 20 September until 31 October 2022.

The Disability Inclusion Bill Exposure Draft (Exposure Draft) is part of the Victorian Government's review of the *Disability Act 2006*, which it has been undertaking following the full roll out of the National Disability Insurance Scheme (NDIS) to ensure Victoria's disability legislation is contemporary and fit-for-purpose. The review of the Disability Act is also part of the broader reform agenda set out in the Victorian Government's Inclusive Victoria: State disability plan 2022-26.

The Disability Inclusion Act would sit alongside the Disability Act. It would replace the current provisions in the Disability Act in relation to the State Disability Plan, Disability Action Plans and the Victorian Disability Advisory Council, and create a new legislative framework for whole-of-government action and accountability in pursuing disability inclusion in Victoria.

The Exposure Draft prescribes requirements for the Victorian Government and other defined entities such as Council to apply, with the aim of taking a proactive approach to disability inclusion. The Disability Inclusion Act would sit alongside the Disability Act.

The Victorian Government invited feedback on all elements of the Bill and noted all stakeholder feedback would be considered to inform potential legislative reforms. As this is an Exposure Draft, it might be updated or changed and may or may not be introduced to Parliament following public consultation.

In the Bill, a defined entity means an organisation with 50 or more employees that are part of state government, court services, local government and universities. Defined entities do not include businesses and community organisations.

The Bill has the following six main purposes:

- promote and advance disability inclusion in Victoria
- establish a framework for the whole of Victorian Government and defined entities to increase accountability and transparency in relation to disability inclusion
- provide for positive duties in relation to disability inclusion
- provide for the preparation of the State Disability Plan and Disability Action Plans
- establish the Commissioner for Disability Inclusion
- continue the Victorian Disability Advisory Council.

The Bill also includes 8 objectives and 14 inclusion principles; see part 1 section 7 and 8 respectively of **Attachment 2** for detail.

Due to the tight timeline for providing feedback, Council officers sought an extension from the Victorian Government to make a submission to the Exposure Draft, which was granted until 19 November 2022. As this timeline did not enable Council officers to present a report to Council, the feedback in **Attachment 1** was sent to the Victorian Government noting that a report would be presented to a Council meeting in early 2023 seeking Council endorsement of the officer feedback.

Briefly outlined below is an overview of the feedback Council officers provided about aspects of the Bill as it relates to local government. The feedback was based on officers' operational and implementation experience with similar legislation and ensuring that the proposed legislation is realistic, achievable and sustainable.

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

Under section 38 of the current legislation, the *Disability Act 2006*, a public sector body, which includes councils, must develop a Disability Action Plan for the purpose of:

- reducing barriers to persons with a disability accessing goods, services and facilities
- reducing barriers to persons with a disability obtaining and maintaining employment
- promoting inclusion and participation in the community of persons with a disability
- achieving tangible changes in attitudes and practices which discriminate against persons with a disability.



The Disability Act also states that Council is required to report on the implementation of its Disability Action Plan in its annual report under section 98 of the *Local Government Act 2020*.

The City of Boroondara Disability Action Plan 2018-22, which is currently being refreshed, was Council's fifth Disability Action Plan and prepared in line with the requirements under the Disability Act. Council also reports on implementation of the Disability Action Plan in Council's annual report.

Through Boroondara's Disability Action Plan 2018-22, Council is committed to creating an inclusive society in the City of Boroondara that enables people with a disability to fulfil their potential as equal citizens by improving access and reducing barriers to participation in social, built, economic and natural places, services, and activities.

To ensure our Disability Action Plan meets the current needs of people with disability, Council recently undertook extensive community consultation to refresh our Disability Action Plan. Through this process we heard from almost 250 people with disability, their carers, and families, as well as service providers and community organisations, including members of Council's Disability Advisory Committee. Council officers are currently drafting the Disability Action Plan 2023-27 based on the valuable feedback we received from the community to build on the work Council has already undertaken to further progress access and inclusion for people with disability in Boroondara.

The Exposure Draft includes new requirements for defined entities to undertake disability impact assessments and expands the purpose of Disability Action Plans as well as the reporting requirements. While changes in legislation that will help improve inclusion for people with disability are welcome, Council officers are concerned that the additional requirements for defined entities are not realistic, achievable, or sustainable. Additional funding would be required from the Victorian Government to undertake the new requirements, as they cannot be undertaken within existing resourcing.

To enable local government to be able to implement the obligations set out in the draft Bill, and not to be forced into a position where activities to the community are reduced, officers strongly recommended that the Victorian Government provide full funding for resources, potentially based within a program framework. Additional funding is particularly important in the context of local governments' budgets being significantly impacted by COVID-19 expenditure and income loss, the rate cap limiting councils' ability to generate additional income, as well as the rapidly escalating costs to deliver needed infrastructure renewals. Local government cannot continue to absorb the costs of requirements imposed by the Victorian Government without additional resourcing.

**Table One: Feedback summary** outlines the key concerns and feedback contained in **Attachment 1**.

**Table One: Feedback summary**

Issue	Description
Disability Impact Assessments	<p>Part 3 of the Exposure Draft outlines a new requirement that defined entities must conduct disability impact assessments when developing or reviewing any policy, program or service provided by the entity that has a direct and significant impact on the public. Based on Council's recent experience undertaking Gender Impact Assessments as part of the <i>Gender Equality Act 2020</i>, we are aware that implementing disability impact assessments will be resource intensive as it requires developing tools and upskilling staff across the organisation. Officers have recommended that funding be provided to defined entities to undertake this work as it cannot be undertaken within existing resources without redirecting staff and resources away from implementing actions in our Disability Action Plan.</p>
Disability Action Plans	<p>Part 4, Division 2 of the Exposure Draft outlines the requirements of defined entities when preparing Disability Action Plans. Councils are currently required to develop a Disability Action Plans every four years and we are committed to this process. The Exposure Draft proposes a new purpose for Disability Action Plans, which we have recommended be removed. The purpose is '(e) coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS'. Most councils do not provide disability services and do not have the core expertise, nor authority, to conduct this work. It is outside the work of local government and local government is not best placed to undertake this work, nor receives funding to do this. If the Victorian Government believes this work needs to happen, it should be negotiated with the Federal Government, and either the State or Federal Government or both fund a regional approach contracting agencies with a strong understanding and expertise in the disability service systems such as NDIS Local Area Coordinators. We anticipate that very significant funding would be required for any organisation to undertake this role.</p> <p>Council officers are also concerned about the new requirement in Part 4 Division 3 of the Exposure Draft to produce a progress report every year, which captures the implementation of the strategies, measures, and actions in the Disability Action Plan, as well as each disability impact assessment conducted during the year, including the policy, program or service that was subject of the</p>

Issue	Description
	assessment and any actions taken as a result of the assessment. Officers have recommended that defined entities report towards the end of the 4-year cycle, as officers are not aware of what the progress reporting template would entail, and this process is likely to be time and resource intensive and take officers away from implementing initiatives for people with disability.
Defined entities	Council officers believe the legislation should apply to all public and private organisations with 50 or more employees, to better support disability access and inclusion in Victoria.
Definition of disability	Clarification be provided on how the definition of disability in the Bill relates to the definition of disability in the <i>Federal Disability Discrimination Act 1992</i> as they are different.
Removal of objective (g) from the Bill	Recommending the following objective of the Bill be removed for the reasons noted above, as it is a role for the State and Federal Government and not one for defined entities - (g) 'to coordinate and integrate universal services and supports with services and supports that are funded or provided under the NDIS'.
Clarification of inclusion principles	Recommending clarification be provided on how the 14 inclusion principles are to be considered in preparing Disability Action Plans and any resourcing implications.
Consultation	Recommending that the requirement on defined entities to consult with people with disability be amended to allow for considered, strategic and meaningful consultation when developing policies, programs, and in delivery services that are provided to the public or have a direct and significant impact on the public. Officers are concerned about overloading people with disability with consultation requests considering the substantial number of programs, policies and services councils provide, and the feedback we have received from the community in relation to previous consultations.
Resources and best practice guides	Recommending the Victorian Government develop resources and guides about best practice engagement methods to assist organisations wanting to reach a diversity of people with disability and that the Victorian Government support investment in the access services industry as currently there are limited suppliers in some areas of access, including Easy English translation, Audio Description, and Auslan interpretation.

## 5. Consultation/communication

As noted above, the MAV notified Council of the Exposure Draft on 30 September 2022, which was open for public exhibition from 20 September to 31 October 2022. Council officers from the Community Support Directorate attended information sessions for defined entities in October 2022.

Due to the short timeframe for providing feedback, officers sought an extension for submitting feedback from the Victorian Government. An extension was granted until 19 November 2022. Officers submitted feedback on behalf of Council by this date, noting that formal endorsement of Council's position would be sought at a Council meeting in early 2023 and that officers would inform the Victorian Government of the outcome of the Council meeting.

Council's is committed to the inclusion of people with disability as evident by the work of our Community Disability Advisory Committee. Members of this Committee include people with disability and carers as well as organisational representatives. The Committee plays an important role in providing feedback and advice on Council initiatives. The members also played a key role in promoting the opportunity to participate in the community consultation for the refresh of the Disability Action Plan and providing feedback to inform the refresh of the Plan. The Committee members were briefed on officers' response on behalf of Council to the Victorian Government on the Exposure Draft on 15 February 2023 during the Community Disability Advisory Committee meeting. The Committee noted they were disappointed not to be able to review and provide input into officers' response on behalf of Council prior to its submission due to the tight timeframe. Officers' feedback was from a local government perspective relating to operational and implementation concerns.

Officers also wrote to the MAV noting our concerns around the short timeline for meaningful consultation, providing a copy of Council's response to the Victorian Government and asking that they continue to advocate on behalf of local government on the issues raised. It was also noted that formal endorsement of Council's position would be sought at a Council meeting in early 2023 and that officers would inform the MAV of the outcome of the Council meeting.

In MAV's response to Council in early February, they shared their response to the Victorian Government on the Bill and noted they had been invited by the Victorian Government to be members of the Disability Act Review Advisory Group for the Bill. The MAV plans to set up a local government advisory group once the Victorian Government responds to the public consultation in early 2023. Council officers from the Community Planning and Development Department will nominate to participate in this local government advisory group.

Council officers spoke with officers at several Southern and Eastern Metropolitan councils regarding the Exposure Draft. Officers from other councils raised similar concerns about the proposed changes and tight timeframe to provide feedback, and some also received an extension to provide feedback.

The Victorian Government's response to the public consultation is expected in early 2023.

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

The preparation of officers' feedback on the Exposure Draft was undertaken within the operational budget of the Community Planning and Development department. Should this Bill be introduced in its current form, without the provision of adequate funding, Council would need to reduce service levels in the community to be able to undertake the obligations outlined in the Bill.

## **7. Governance issues**

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

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

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

Improving inclusion for people with disability is essential for ensuring people with disability can participate fully in community life. Council's Disability Action Plan, which is currently under review, guides the work across Council to improve access and reduce barriers to participation in the social, built, economic and natural places, services, and activities. While Council is supportive of measures to improve access and inclusion for people with disability, any changes to legislation need to be realistic, achievable and sustainable within the existing resources of defined entities.

## **9. Conclusion**

Following the Council meeting, officers will write to the Victorian Government and the MAV noting the outcome of the Council meeting. Officers will also express an interest in participating in the MAV's local government advisory group, which will support the MAV's role on the Victorian Government's Disability Act Review Advisory Group for the Exposure Draft. Council will be briefed on the outcome of the Exposure Draft and any implications for local government when known.

**Manager:** **Fiona Brown, Manager Community Planning and Development**

**Report officer:** Katherine Wright, Senior Coordinator Social Planning and Research

**Attachment 1****Submission to the Disability Inclusion Bill Exposure Draft**

The following document outlines officer feedback on behalf of the City of Boroondara on elements of the Disability Inclusion Bill Exposure Draft and in particular, requirements that relate to defined entities.

**Part 1: Purpose, defined entities and definitions**

The City of Boroondara agrees with the stated purposes of the draft Bill to improve inclusion for people with disability in Victoria. While we support expanding the definition of defined entities from the *Disability Act 2006* to include other public organisations, we recommend the legislation apply to all public and private organisations with 50 or more employees whether they are for profit or not-for-profit organisations. Government and defined entities represent only a portion of organisations in our community, and they cannot alone achieve the purposes and objectives of the Bill. For the inclusion of people with disability to be truly realised in Victoria, the legislation must include public and private organisations. This may require the Victorian Government to modify the requirements on defined entities in the Bill, so they are realistic for all organisational types.

The City of Boroondara is also supportive of the Bill's definitions and in particular the definition of disability, as it is in-line with the social model of disability and community values. However, we do perceive a risk in defining disability differently to the Federal *Disability Discrimination Act 1992* (DDA). We recommend clarification on how this Bill's new definition relates to the definition in the DDA and if there are any risks that organisations may not be compliant with the DDA if they use this definition.

**Objectives of the Bill**

We support all but one of the objectives included in section 7 of the Bill as they support existing legislation and align with directions within Council's existing Disability Action Plan. The objective we do not support is (g) 'to coordinate and integrate universal services and supports with services and supports that are funded or provided under the NDIS'.

As outlined below in further detail, it is unclear how this objective applies to defined entities and in particular local government, as this is a role for the State and Federal Government and not one that defined entities should be expected to undertake, as local government does not have the authority nor resources to do this. We therefore recommend the Victorian Government remove this objective. If it is intended that this objective applies only to some defined entities (e.g. government departments) and not local government, we recommend this is explicitly stated in the Bill. If the Victorian Government perceives a lack of coordination and integration of universal services and supports with the NDIS program, we believe the Victorian Government would be best placed to negotiate with the Federal Government. The NDIA has already put in place Local Area Coordinators whose role includes linking people with disability with the NDIS, providing people with disability with information and support in the community, and working with their local community to make sure it is both welcoming and inclusive for

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people with disability. Additional funding could be provided for organisations providing the Local Area Coordinator role to extend the work they undertake to include this role. Given the Bill defines universal service or support as 'a service or support provided to the Victorian community, other than a service or support that is funded or provided under the NDIS', it is hard to quantify the cost to undertake this coordination role but it is anticipated that very significant funding would be required for any organisation to do this role as there is an exceedingly high volume of services and supports that would be considered universal services or supports. Further details on what would be required to undertake this role is outlined below.

### **Inclusion principles**

We support the inclusion principles listed in section 8 of the Bill as they align with the key themes raised during the community consultation and research undertaken for the refresh of our Disability Action Plan. They also align with human rights and the key principles for progressing disability inclusion. However, we note that the Bill states that in preparing a Disability Action Plan, a defined entity must have regard to the inclusion principles and would recommend more clarity be provided on how the 14 inclusion principles are to be considered in Disability Action Plans and any resourcing implications.

### **Part 2: Duty to promote disability inclusion**

The City of Boroondara supports involving people with disability in decision making that affects them as demonstrated through the extensive community consultation we recently undertook to inform the refresh of our Disability Action Plan. However, it is important that consultation is carried out in a respectful and meaningful way. We have heard from our disability communities and Aboriginal and Torres Strait Islander communities that consultation fatigue is an issue.

We do not wish to overburden and damage relationships with these communities through excessive consultation. It is also important to note that local government provides a huge volume of programs, services and policies. It is not always appropriate or possible to consult, due to the scale, time frame or the resources available. Therefore, we recommend the requirement in the Bill for defined entities to consult with persons with disability be amended to allow for considered, strategic and meaningful consultation where relevant when developing policies and programs and in delivering services that are provided to the public or have a direct and significant impact on the public. We also recommend the Victorian Government develop resources and guides about best practice engagement methods to assist organisations wanting to reach a diversity of people with disability.

We also recommend the Victorian Government supports investment in the access services industry. There are a limited number of suppliers in some areas of access, including Easy English translation, Audio Description and Auslan interpretation. We recently had difficulty finding suppliers that were able to undertake the service within our time frames, as these suppliers were too busy. When we have been able to engage suppliers, the costs can be prohibitive. When consulting with our community for the refresh of our Disability Action Plan, we wanted to ensure best practice access and engaged suppliers to create an Easy English survey, Easy English web content and an Auslan video. The cost was approximately \$8,000, which would not be affordable for all consultations undertaken by councils. We recommend more investment and support from the Victorian Government to grow these valuable services for our community so that they are affordable and available.

### Part 3: Disability impact assessments

City of Boroondara is committed to making our policies, programs and services accessible and inclusive for people with disability and supports processes that will help achieve this. However, based on Council's experience implementing Gender Impact Assessments (GIAs) as part of the requirements under the *Gender Equality Act 2020*, we are concerned about the requirement for defined entities to undertake disability impact assessments due to the lack of resources in local government. If the Victorian Government wants defined entities to undertake disability impact assessments, then funding needs to be provided for additional resources to take on this work.

Undertaking GIAs is resource intensive and required Council to develop relevant tools as those provided by the Commission for Gender Equality in the Public Sector were too onerous and did not suit Council's processes. Council staff were also required to upskill staff across the organisation in gender equality, the process for completing GIAs and how to consider intersectionality. This meant staff have had less time to work on gender equality initiatives in the community. Council is concerned that if we are required to undertake disability impact assessments, this will again mean that we must redirect staff resources to developing tools and upskilling staff across the organisation in how to complete a disability impact assessment, as occurred with GIAs, rather than directing our efforts to supporting activities that foster inclusion of people with disabilities in the community.

To ensure disability impact assessments are effective and practical for local government, we recommend the Victorian Government consider the following points:

- The provision of additional resources to defined entities. Completing disability impact assessments will take officers away from implementing actions within Disability Action Plans. Delivering GIAs within existing resources caused disruption to staff, budgets and projects. As disability impact assessments are even more complex and require greater levels of upskilling to be delivered, we recommend the Victorian Government provide funding to defined entities to employ additional staff to oversee this work on a recurrent basis, as the work will be ongoing and would ideally be part of a program similar to the previous MetroAccess Program, a Victorian Government initiative, which aimed to increase inclusion for people with a disability. We estimate three EFT would be required to upskill staff across Council in completing disability impact assessments, access considerations and universal design principles.
- The need to reduce and remove any duplication in effort. Given that GIAs require an intersectional approach, consider ways in which these processes can be undertaken jointly.
- That the Commissioner for Disability Inclusion take a supportive approach in the first few years of defined entities implementing disability impact assessments rather than an enforcement approach. This is in line with the approach taken by the Gender Equality Commissioner. In the initial years of the *Gender Equality Act's* operation,



there has been a transition period for defined entities to move towards fully understanding and adequately meeting their obligations under the Bill.

- That the Victorian Government provides funding and resources to upskill staff in defined entities through training and the provision of relevant and easy to use resources and tools. To effectively complete a disability impact assessment requires considerable knowledge of:
  - a diverse range of disabilities (e.g. physical, mental, intellectual, cognitive, learning, communication or sensory disability)
  - the complex and sometimes competing access requirements of different disabilities (e.g. providing a well-lit space for people with low vision might make it unsuitable for someone with sensory sensitivities)
  - universal design principles
  - the policy, service or program being assessed.

Most staff in defined entities would not have a detailed knowledge about the diverse range of disabilities, breadth of possible access requirements or universal design principles. Without the upskilling of staff in defined entities, the disability impact assessment process cannot be effectively implemented.

- That the Victorian Government designs the tools and resources for disability impact assessments so that case studies are relevant for defined entities including local government and the process be adaptable and scalable to the diverse range of programs, services and policies local government deliver. The design should be undertaken with consultation with the defined entities.
- That discretion is provided to defined entities to determine what policies, programs and services require a disability impact assessment. The Bill states the trigger for disability impact assessments is when developing or reviewing 'a policy, program or service with a direct and significant impact on the public'. As Council has a high volume of policies, services and programs that have a direct and significant impact on the public, it is not realistic to expect Council to undertake a disability impact assessment on them all. Instead defined entities should be able to determine criteria for assessing direct and significant impact that is achievable within existing resources. For example, Council has developed a toolkit for assessing which annual initiatives in the budget require a GIA.
- That the Victorian Government undertake consultation with local governments to understand what worked well and what could have been improved with the roll out of GIAs so that any learnings from that process can be taken on board for the implementation of disability impact assessments.
- The requirement to complete disability impact assessments will raise community expectations that actions will be taken in response to the assessments. As there may be a significant cost associated with implementing the recommended actions from an assessment, it may not be possible for Council to undertake these actions due to

budgetary constraints. For example, the approximate costs of undertaking some recent accessible and inclusive projects in Boroondara are outlined below:

- implementation of the Disability Sports Hub concept at Boroondara Sports Complex received a grant for \$130,000
- installation of a Changing Places facility at Canterbury Community Precinct cost \$220,000
- the development of access keys and social stories for Kew Traffic School cost approximately \$10,000.

We recommend the Victorian Government provide financial support to address the actions recommended as a result of disability impact assessments, as the community will expect that action will be taken and local governments will need additional funding to undertake these actions.

#### **Part 4: State Disability Plans and Disability Action Plans**

The City of Boroondara is supportive of the requirement to produce a disability action plan every four years and this aligns with our current practice and provides a whole-of-Council approach to creating a community that is accessible and inclusive for people with disability. We also support the first four purposes of disability action plans for defined entities as noted in Part 4, section 15 of the Bill. These closely align with the four purposes of a Disability Action Plan for public sector bodies in section 38 of the *Victorian Disability Act 2006* and they have been useful in providing direction for our actions in our Disability Action Plan. However, we have significant concerns with the fifth point, which is '(e) coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS'. As noted earlier, this requirement should be removed from the Bill as this is outside the work of local government and local government is not best placed to undertake this work. Most councils do not provide disability services and do not have the core expertise to be able to conduct this work. The extent of 'coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS' is a major role and a State and Federal Government responsibility. It would also be an inefficient service delivery model for each defined entity to undertake this work.

If the Victorian Government believes this work needs to happen, it should be negotiated with the Federal Government, and either the State or Federal Government or both fund a regional approach contracting agencies with a strong understanding and expertise in the disability service systems. The NDIA has already put in place Local Area Coordinators whose role includes linking people with disability with the NDIS, providing people with disability with information and support in the community, and working with their local community to make sure it is both welcoming and inclusive for people with disability. Additional funding could be provided for organisations providing the Local Area Coordinator role to extend their remit to coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS if the Victorian Government thinks further work is required to be undertaken in this area. As noted earlier, very significant funding would be required for any organisation to undertake this role. The definition of universal services in the Bill means it is not possible to accurately quantify the cost involved. However, there would need to be a management structure and a team of community development staff who would

be professionally qualified and experienced to undertake this work. The level of work involved would require a discrete team in of itself, which would most likely need to be a manager, coordinator, community development workers and supporting administration and resulting corporate overheads, including vehicles, IT hardware and software.

We are also concerned about the need to produce a progress report every year, which captures implementation of the strategies, measures and actions in the Disability Action Plan and each disability impact assessment conducted during the year including the policy, program or service that was subject of the assessment and any actions taken as a result of the assessment. As we are not aware what the progress reporting template would entail and given this process would require significantly more detail than is currently reported in the Annual Report and be time and resource intensive and take officer time away from implementing initiatives for people with disabilities, we recommend that defined entities report towards the end of the 4-year cycle. Yearly progress reporting on disability impact assessments via a progress report will divert resources and reduce capacity to develop and deliver actions to improve inclusion. It will also reduce our capacity to work on longer-term changes that are critical to achieving disability inclusion. We also note that the Victorian Government will be reporting every second year on the State Disability Plan and recommend that this report includes a breakdown of what actions have been undertaken by the Victorian Government in each municipality. For example, this should list the actions the Victorian Government has taken to improve access to public transport in each municipality.

The Bill also notes that in preparing a Disability Action Plan, a defined entity must have regard to several things including the objectives (8) and inclusion principles (14) in the Bill and the priorities (22), systemic reforms (6), outcomes (14) and progress measures (37) in the State Disability Action Plan. The State Disability Action Plan contains several priorities, outcomes and progress measures that councils are not able to directly influence other than through advocacy (for example, health and housing). Local governments are also not able to measure many of the progress measures in the outcomes' framework. For example, under the inclusive communities' pillar it is not clear how local government would capture data to measure 'local neighbourhoods are more inclusive' or 'people with disability report increased connections to culture and community'. Therefore, we recommend the Victorian Government clarify how councils apply the 22 priorities and outcomes framework to their Disability Action Plans. The Victorian Government should also consider ways it can collect information about people with a disability at a local level, as currently local government does not have capacity to collect data related to the progress measures. Considering there is currently limited data related to people with disability, this will help measure change over the four years of the State Disability Action Plan and support the development of councils' Disability Action Plans. This will help ensure the outcomes can be measured and achieved. We also recommend additional funding be provided to local governments to support the alignment of actions at a local level to help reach outcomes in the State Disability Action Plan.

## Attachment 2

### Disability Inclusion Bill

#### Exposure Draft

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## **Disability Inclusion Bill**

### **Exposure Draft**

#### **Part 1—Preliminary**

##### **1 Purposes**

The main purposes of this Act are—

- (a) to promote and advance disability inclusion in Victoria; and
- (b) to establish a framework for whole of government and defined entity accountability and transparency in relation to disability inclusion; and
- (c) to provide for positive duties in relation to disability inclusion; and

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- (d) to provide for the preparation of the State Disability Plan and Disability Action Plans; and
- (e) to establish the Commissioner for Disability Inclusion; and
- (f) to continue the Victorian Disability Advisory Council.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 October 2024, it comes into operation on that day.

## 3 Definitions

In this Act—

***ableism*** means a belief that persons with disability are, as a result of disability, less worthy of respect and consideration, less able to contribute to or participate in society or of less inherent value than persons without disability;

***accessibility*** means provision for access by a person with disability, on an equal basis with other persons, to the following—

- (a) the physical environment;
  - (b) transportation;
  - (c) information and communications (including information and communications systems and technologies);
  - (d) other facilities and services open or provided to the public;
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***accessible format*** means a format that presents a document or other communication in a manner that enables the document or communication to be accessible by persons with disability and includes audio, screen readers, Easy English and Auslan and any other prescribed format;

***Advisory Council*** means the Victorian Disability Advisory Council continued under section 48;

***authorised person*** means a person authorised by the Commissioner under section 44;

***barrier*** means anything, including anything physical, architectural, technological or attitudinal, that hinders the full and equal participation in society of persons with impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment;

***Commissioner*** means the Commissioner for Disability Inclusion established under section 32;

***communication***—see section 6;

***Council*** has the same meaning as in the **Local Government Act 2020**;

***Councillor*** has the same meaning as in the **Local Government Act 2020**;

***Court Services Victoria*** has the same meaning as in the **Court Services Victoria Act 2014**;

***defined entity*** has the meaning given by section 5;

***Department*** means the Department of Families, Fairness and Housing;

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***disability*** means any impairment (including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment) or functional limitation (whether or not the impairment or limitation is permanent, temporary, episodic in nature or evident) that, in interaction with a barrier, hinders a person's full and equal participation in society;

***Disability Action Plan*** means—

- (a) a Disability Action Plan prepared under section 15; or
- (b) a document determined to be a Disability Action Plan under section 16;

***Disability Action Plan Progress Report*** means a report prepared under section 22;

***disability impact assessment*** means an assessment conducted under section 11;

***disability inclusion*** means a process intended to achieve equality between persons with disability and other members of the Victorian community by—

- (a) ensuring equality of rights, opportunities, responsibilities and outcomes between persons with disability and other members of the Victorian community; or
  - (b) redressing disadvantage or discrimination affecting persons with disability; or
  - (c) addressing stigma, stereotyping, prejudice, violence, abuse, neglect or exploitation affecting persons with disability; or
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(d) accommodating difference by way of structural change; or

(e) addressing barriers, including barriers compounded by intersectionality;

***employee***, of a defined entity, means a person employed by the defined entity on a full-time, part-time, casual or fixed-term basis (including an apprentice or trainee) but does not include the following—

(a) a contractor or subcontractor;

(b) an outworker;

(c) a person on a vocational placement;

(d) a student gaining work experience;

(e) a volunteer;

***Evaluation Report*** means a report prepared by the Commissioner under section 42;

***governing body***, in relation to a defined entity, means a board of directors, board of trustees, committee of management, council or other governing authority of the defined entity;

***inclusion principles*** means the principles set out in section 8;

***intersectionality*** means the interconnected nature of protected attributes of a person or group of persons that create overlapping and interdependent systems of disadvantage or discrimination;

***NDIA*** has the same meaning as Agency has in the NDIS Act;

***NDIS*** means the National Disability Insurance Scheme within the meaning of the NDIS Act;

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***NDIS Act*** means the National Disability Insurance Scheme Act 2013 of the Commonwealth;

***NDIS Commissioner*** means the Commissioner of the NDIS Quality and Safeguards Commission referred to in section 181C of the NDIS Act;

***protected attribute*** has the same meaning as attribute has in the **Equal Opportunity Act 2010**;

***public entity*** has the same meaning as in the **Public Administration Act 2004**;

***public service body*** has the same meaning as in the **Public Administration Act 2004**;

***Secretary*** means the Secretary to the Department;

***special body*** has the same meaning as in the **Public Administration Act 2004**;

***State Disability Plan*** means a plan prepared by the Minister under section 12;

***State Disability Plan Progress Report*** means a report prepared under section 14;

***universal design*** means the design of a building, facility, product or environment so that it is accessible to all members of the Victorian community to the greatest extent possible without the need for adaptation or specialised design;

***universal service or support*** means a service or support provided to the Victorian community, other than a service or support that is funded or provided under the NDIS.

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#### 4 Application of this Act to defined entities

- (1) Despite anything to the contrary in this Act, a provision of this Act does not apply to a defined entity during the 12-month period beginning on—
  - (a) in the case of a defined entity established before the commencement day that is not a public sector body within the meaning of section 38 of the **Disability Act 2006** as in force before the commencement day—the commencement day; or
  - (b) in the case of a defined entity that is established on or after the commencement day, the later of the following—
    - (i) the day on which the entity is established;
    - (ii) the day on which the entity becomes a defined entity within the meaning of this Act.

- (2) In this section—

*commencement day* means the day on which section 66 comes into operation.

#### 5 Meaning of *defined entity*

- (1) For the purposes of this Act, an entity is a *defined entity* on a particular day if, on the most recent 30 June before that day—
  - (a) it is an entity that has 50 or more employees; and
  - (b) it is one of the following—
    - (i) a public service body;
    - (ii) a public entity;
    - (iii) a special body;
    - (iv) a Council;

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- (v) Court Services Victoria;
  - (vi) a university within the meaning of the **Education and Training Reform Act 2006**;
  - (vii) a prescribed entity.
- (2) The regulations may prescribe a defined entity to be exempt from the application of this Act or any provision of this Act.

## 6 Communication

For the purposes of this Act, a reference to communication includes communication by any of the following—

- (a) the use of any language;

**Example**

Signed languages like Auslan.

- (b) the display of text;
- (c) braille;
- (d) tactile communication;
- (e) signs;
- (f) large print;
- (g) accessible multimedia;
- (h) written, audio or plain language;
- (i) a human reader;
- (j) augmentative and alternative modes, means and formats of communication.

**Examples**

Communication boards, symbol boards or charts used by non-verbal people to communicate.

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## **7 Objectives**

The objectives of this Act are—

- (a) to support and further the purpose and principles of the Convention on the Rights of Persons with Disabilities; and
  - (b) to further promote the right to equality set out in the Convention on the Rights of Persons with Disabilities and in the Charter of Human Rights and Responsibilities; and
  - (c) to promote, encourage and facilitate—
    - (i) disability inclusion; and
    - (ii) improvement in the status of people with disability; and
    - (iii) representation of people with disability in leadership positions and advisory roles across the Victorian community; and
    - (iv) achievement of the full potential of people with disability as equal members of the Victorian community; and
  - (d) to provide a framework for whole of government and defined entity accountability and transparency in relation to progress made in disability inclusion in Victoria; and
  - (e) to recognise that barriers to disability inclusion may be compounded by intersectionality; and
  - (f) to promote the involvement of people with disability in the design of government and government-funded programs, services and policies that affect people with disability; and
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- (g) to coordinate and integrate universal services and supports with services and supports that are funded or provided under the NDIS; and
- (h) to support and further the purposes and principles of the following instruments in their application to people with disability—
  - (i) the International Covenant on Civil and Political Rights;
  - (ii) the International Covenant on Economic, Social and Cultural Rights;
  - (iii) the International Convention on the Elimination of All Forms of Racial Discrimination;
  - (iv) the Convention on the Elimination of All Forms of Discrimination against Women;
  - (v) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - (vi) the Convention on the Rights of the Child.

## **8 Inclusion principles**

For the purposes of this Act, the inclusion principles are the following—

- (a) all Victorians should live in a safe and equal society, have access to equal power, resources and opportunities and be treated with dignity, respect and fairness;
  - (b) impairment is an expected dimension of human diversity;
  - (c) advancing disability inclusion is a shared responsibility across the Victorian community;
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- (d) disability inclusion brings significant economic, social and health benefits for Victoria;
  - (e) accessibility is a precondition for the full and equal enjoyment of the right to equality;
  - (f) special measures and reasonable adjustments may be necessary to advance disability inclusion;
  - (g) people with disability provide valuable expertise in the design of programs, services and policies that affect people with disability;
  - (h) disability inclusion is a precondition for the prevention of violence, abuse, neglect and exploitation of people with disability;
  - (i) people with disability have historically experienced segregation, discrimination and disadvantage on the basis of disability, ableism and other barriers to disability inclusion;
  - (j) barriers to disability inclusion may be compounded by intersectionality;
  - (k) all people, regardless of disability, should be free to develop their personal abilities, to pursue work, careers and vocations and to make choices about their lives without being limited by stereotypes or prejudices;
  - (l) the right of Aboriginal people with disability in Victoria to self-determination and cultural safety should be recognised and supported, including by upholding social, economic and cultural rights and sustaining connections with family, community, culture and Country;
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- (m) relationships between people with disability and their families, carers and other significant people are a crucial part of the lives of people with disability and should be preserved;
- (n) advocacy on behalf of people with disability, including self-advocacy and systemic advocacy, should be recognised as essential to advance disability inclusion.

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Part 2—Duty to promote disability inclusion

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## **Part 2—Duty to promote disability inclusion**

### **9 Duty to promote disability inclusion**

- (1) A defined entity must, in developing policies and programs and in delivering services that are provided to the public, or have a direct and significant impact on the public—
  - (a) consider and promote disability inclusion; and
  - (b) consult with persons with disability; and
  - (c) foster good relations between persons with disability and other members of the Victorian community; and
  - (d) take necessary and proportionate action to advance disability inclusion.
- (2) A defined entity, in consulting or engaging with persons with disability for the purposes of subsection (1), must ensure that its communications are provided in one or more accessible formats.

### **10 Duty does not give rise to legal rights**

Nothing in this Part is intended—

- (a) to create in any person any legal right or give rise to any civil cause of action; or
- (b) to affect in any way the interpretation of any law in force in Victoria; or
- (c) to affect the validity, or provide grounds for review, of any judicial or administrative act or omission.

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Part 3—Disability impact assessments

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## **Part 3—Disability impact assessments**

### **11 Defined entity must conduct disability impact assessment**

- (1) A defined entity must conduct a disability impact assessment when developing or reviewing any policy of, or program or service provided by, the entity that has a direct and significant impact on the public.
- (2) A disability impact assessment must—
  - (a) assess the effects that the policy, program or service may have on persons with disability; and
  - (b) state how the policy, program or service will be developed or varied in order to—
    - (i) ensure accessibility; and
    - (ii) promote universal design; and
    - (iii) reduce, remove and prevent barriers to disability inclusion; and
    - (iv) promote disability inclusion; and
  - (c) to the extent practicable, take into account any barriers to disability inclusion that may be compounded by intersectionality.

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Part 4—State Disability Plans and Disability Action Plans

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## **Part 4—State Disability Plans and Disability Action Plans**

### **Division 1—State Disability Plan**

#### **12 State Disability Plan**

- (1) The Minister must ensure that a State Disability Plan is prepared—
    - (a) on or before 14 March 2026; and
    - (b) at the end of each subsequent 4-year period.
  - (2) A State Disability Plan must—
    - (a) set out outcomes and measures for coordinated whole of government action in Victoria that are necessary to build the attitudinal, behavioural, structural and normative changes required to improve disability inclusion; and
    - (b) identify strategies for coordinated whole of government action to achieve the objectives of this Act and to advance the inclusion principles.
  - (3) Without limiting subsection (2), a State Disability Plan must—
    - (a) identify the needs and experiences of persons with disability; and
    - (b) establish priorities for action to improve outcomes for persons with disability; and
    - (c) identify objectives and policy priorities for the development and delivery of universal services and supports as well as services specifically for persons with disability; and
    - (d) identify strategies that may be required for achieving those objectives and priorities.
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Part 4—State Disability Plans and Disability Action Plans

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- (4) In preparing, amending and implementing a State Disability Plan, the Minister—
- (a) must have regard to the objectives of this Act and the inclusion principles; and
  - (b) must consider the varied needs and experiences of persons with disability and the strategies that may be required in response to those needs and experiences; and
  - (c) must consult with the Advisory Council in accordance with any prescribed requirements; and
  - (d) may consult with any other person or body the Minister thinks appropriate.
- (5) In preparing or amending a State Disability Plan, the Minister must consult with the public.

**13 Publication of State Disability Plan**

The Minister must ensure that a State Disability Plan is published—

- (a) on the Department's website as soon as reasonably practicable after it is prepared or amended; and
- (b) in one or more accessible formats.

**14 State Disability Plan Progress Report**

- (1) The Minister must prepare a State Disability Plan Progress Report on or before 13 March in every second year after the preparation of a State Disability Plan.
  - (2) The State Disability Plan Progress Report must include—
    - (a) an assessment of progress in the previous 2 years in relation to the implementation of the State Disability Plan and disability inclusion in Victoria; and
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Part 4—State Disability Plans and Disability Action Plans

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- (b) an assessment of that progress in accordance with the regulations.
- (3) In preparing a State Disability Plan Progress Report, the Minister may consider any Evaluation Report submitted to the Minister.
- (4) A State Disability Plan Progress Report must not identify or report on a policy, program or service if it would disclose—
  - (a) information that, if it were included in a document, would make that document an exempt document within the meaning of the **Freedom of Information Act 1982**; or
  - (b) information the disclosure of which is prohibited or restricted by a provision of another enactment; or
  - (c) information about any other confidential matter.
- (5) The Minister must cause a State Disability Plan Progress Report to be tabled in each House of the Parliament as soon as reasonably practicable after the completion of the Report.

**Division 2—Disability Action Plans**

**15 Defined entity must prepare Disability Action Plan**

- (1) Subject to section 16, a defined entity must prepare a Disability Action Plan every 4 years.
  - (2) The purpose of a Disability Action Plan is to support the implementation of the State Disability Plan by—
    - (a) reducing, removing and preventing barriers to persons with disability accessing goods, services and facilities; and
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- (b) reducing, removing and preventing barriers to persons with disability obtaining and maintaining employment; and
  - (c) promoting inclusion and participation in the community of persons with disability; and
  - (d) realising meaningful change in attitudes and practices that discriminate against persons with disability; and
  - (e) coordinating and integrating universal services and supports with services and supports that are funded or provided under the NDIS.
- (3) A Disability Action Plan must include—
- (a) strategies and measures for the defined entity to promote disability inclusion; and
  - (b) actions to be taken by the entity to advance disability inclusion.
- (4) In preparing a Disability Action Plan, a defined entity must—
- (a) have regard to the following matters—
    - (i) the objectives of this Act;
    - (ii) the inclusion principles;
    - (iii) the priorities, outcomes and measures in the State Disability Plan;
    - (iv) any prescribed matters; and
  - (b) in accordance with any prescribed requirements, consult with—
    - (i) persons with disability; and
    - (ii) employees of the entity and the representatives of those employees; and
    - (iii) any other persons whom the entity considers relevant.
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Part 4—State Disability Plans and Disability Action Plans

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- (5) A defined entity must ensure that adequate resources are allocated to preparing and implementing a Disability Action Plan.

**16 Document may be determined to be Disability Action Plan**

- (1) A defined entity may submit to the Commissioner a document prepared by the entity for another purpose and request that the Commissioner determine the document to be a Disability Action Plan.
- (2) The Commissioner may determine that a document is a Disability Action Plan if the Commissioner is satisfied that the document—
- (a) includes the matters set out in section 15(3); and
  - (b) was prepared in the manner required by section 15(4); and
  - (c) was prepared within 12 months of the request under subsection (1).

**17 Publication of Disability Action Plan**

Within a reasonable time after preparing a Disability Action Plan, a defined entity must—

- (a) publish the Disability Action Plan—
- (i) on its website; and
  - (ii) in one or more accessible formats; and
- (b) notify the governing body, the employees of the entity and the representatives of those employees of that publication.

**18 Defined entity may amend Disability Action Plan**

- (1) A defined entity may amend its Disability Action Plan at any time if it considers that the amendment is necessary.
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- (2) In amending a Disability Action Plan, a defined entity must—
  - (a) have regard to the matters set out in section 15(4)(a); and
  - (b) consult with the persons referred to in section 15(4)(b) in accordance with any prescribed requirements.
- (3) Within a reasonable time after amending a Disability Action Plan, a defined entity must—
  - (a) publish the amended Disability Action Plan—
    - (i) on its website; and
    - (ii) in one or more accessible formats; and
  - (b) notify the governing body, the employees of the entity and the representatives of those employees of that publication.

**19 Submission of Disability Action Plan to Commissioner**

After preparing or amending a Disability Action Plan, a defined entity must submit a copy of the Disability Action Plan to the Commissioner as soon as reasonably practicable.

**20 Register of Disability Action Plans**

- (1) The Commissioner must keep a register of Disability Action Plans.
- (2) The Commissioner may publish a Disability Action Plan as the Commissioner considers appropriate.

**21 Implementation of Disability Action Plan**

A defined entity must make reasonable and material progress in implementing its Disability Action Plan.

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Part 4—State Disability Plans and Disability Action Plans

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**Division 3—Disability Action Plan Progress Reports**

**22 Defined entity must prepare Disability Action Plan Progress Report**

- (1) A defined entity must prepare a Disability Action Plan Progress Report each year on the implementation of its Disability Action Plan.
- (2) A defined entity must include in a Disability Action Plan Progress Report information regarding the following—
  - (a) each disability impact assessment conducted by the entity during that year, including—
    - (i) the policy, program or service that was the subject of the assessment; and
    - (ii) any actions taken as a result of the assessment;
  - (b) implementation of the strategies, measures and actions referred to in section 15(3).
- (3) Despite subsection (2)(a), a defined entity must not identify or report on a policy, program or service if it would disclose—
  - (a) information that, if it were included in a document, would make that document an exempt document within the meaning of the **Freedom of Information Act 1982**; or
  - (b) information the disclosure of which is prohibited or restricted by a provision of another enactment; or
  - (c) information about any other confidential matter.

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Part 4—State Disability Plans and Disability Action Plans

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**23 Publication of Disability Action Plan Progress Report**

A defined entity must include a Disability Action Plan Progress Report in any general annual report published by the entity.

**24 Submission of Disability Action Plan Progress Report to Commissioner**

After publishing a Disability Action Plan Progress Report in accordance with section 23, a defined entity must submit a copy of the Report to the Commissioner as soon as reasonably practicable.

**25 Register of Disability Action Plan Progress Reports**

The Commissioner must keep a register of Disability Action Plan Progress Reports submitted to the Commissioner under section 24.

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Part 5—Monitoring and compliance

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## **Part 5—Monitoring and compliance**

### **26 Compliance notices**

- (1) Subject to subsection (2), the Commissioner may issue a compliance notice to a defined entity if the Commissioner reasonably believes that the entity, without reasonable excuse, has failed to comply with this Act by not doing one or more of the following as required by this Act—
  - (a) preparing a Disability Action Plan;
  - (b) submitting a Disability Action Plan to the Commissioner;
  - (c) making reasonable and material progress in implementing a Disability Action Plan.
- (2) Before issuing a compliance notice, the Commissioner must take reasonable steps to resolve the matter informally.
- (3) A compliance notice may require a defined entity to do one or more of the following—
  - (a) prepare a Disability Action Plan;
  - (b) submit a Disability Action Plan to the Commissioner;
  - (c) take any other action reasonably required to comply with this Act.
- (4) A defined entity must comply with a compliance notice.

### **27 Form and content of compliance notices**

- (1) A compliance notice issued to a defined entity must—
    - (a) state each requirement of this Act with which the Commissioner believes that the entity has failed to comply; and
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Part 5—Monitoring and compliance

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- (b) state the basis for the Commissioner's belief that the entity has failed to comply with that requirement; and
  - (c) state the action that the entity must take to comply with that requirement; and
  - (d) specify the date by which the entity must take that action; and
  - (e) state the further action that the Commissioner may take if the entity does not comply with the notice; and
  - (f) state that the entity may disagree with the notice within 14 days after receiving the notice.
- (2) For the purposes of subsection (1)(d), the date specified in the compliance notice must be—
- (a) for a requirement to prepare a Disability Action Plan, not less than 60 days after the notice is issued; or
  - (b) in any other case, not less than 14 days after the notice is issued.
- (3) The Commissioner, by further written notice, may extend the date specified in a compliance notice under subsection (1)(d) by a period of up to 24 months.

**28 Defined entity may disagree with compliance notice**

- (1) If a defined entity disagrees with a compliance notice, the entity may give a written response to the Commissioner within 14 days after receiving the notice setting out the entity's reasons for disagreeing with the notice.

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- (2) The Commissioner must consider a response given under subsection (1) and by written notice may—
  - (a) withdraw the compliance notice; or
  - (b) vary the compliance notice; or
  - (c) affirm the compliance notice.
- (3) If the Commissioner varies or affirms a compliance notice, the notice under subsection (2) must specify the date by which the defined entity must take the action required to comply.
- (4) A defined entity must comply with a compliance notice as varied or affirmed.

**29 VCAT review of compliance notices**

- (1) A defined entity may apply to VCAT for review of a decision to vary or affirm a compliance notice under section 28(2).
- (2) An application under subsection (1) must be made within 28 days after the defined entity receives notice of the decision.

**30 Commissioner may take action following non-compliance**

If a defined entity does not comply with a compliance notice by the date specified in the notice, the Commissioner may do one or more of the following—

- (a) accept a written undertaking by which the entity commits to take certain action to comply with this Act;
- (b) recommend that the Minister take any action that the Commissioner considers appropriate to ensure the entity's compliance with this Act;

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Part 5—Monitoring and compliance

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- (c) publish on the Commissioner's website the name of the entity and the requirement of this Act with which the entity has failed to comply;
- (d) apply to VCAT for an order directing the entity to comply with the notice.

**31 Enforceable undertakings**

- (1) This section applies if the Commissioner accepts a written undertaking by which a defined entity commits to take certain action to comply with this Act.
  - (2) The defined entity may withdraw or vary the undertaking with the Commissioner's consent.
  - (3) While the undertaking is in effect and the defined entity is complying with the undertaking, the Commissioner must not—
    - (a) take any further action under section 30; or
    - (b) issue any further compliance notices with respect to the subject matter of the undertaking.
  - (4) If the Commissioner reasonably believes that the defined entity has failed to comply with any term of the undertaking, the Commissioner may apply to VCAT for an order to enforce the undertaking.
  - (5) If VCAT determines that the defined entity has failed to comply with a term of the undertaking, VCAT may—
    - (a) order the entity to comply with that term of the undertaking; or
    - (b) order the entity to take specified action to comply with that term of the undertaking; or
    - (c) make any other order that VCAT considers appropriate.
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Part 6—Commissioner for Disability Inclusion

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## **Part 6—Commissioner for Disability Inclusion**

### **Division 1—Commissioner for Disability Inclusion**

#### **32 Commissioner for Disability Inclusion**

There is to be a Commissioner for Disability Inclusion.

#### **33 Appointment of Commissioner**

- (1) Subject to subsection (2), on the recommendation of the Minister, the Governor in Council, by instrument, may appoint a person to be the Commissioner for Disability Inclusion.
- (2) The Governor in Council must not appoint a person as the Commissioner if the person is—
  - (a) a member of the Parliament of Victoria or of the Commonwealth or of another State or a Territory; or
  - (b) a Councillor.
- (3) In making a recommendation under subsection (1), the Minister—
  - (a) may consult the Advisory Council if the Minister considers it appropriate to do so; and
  - (b) must ensure that the person the Minister recommends is a person with disability.

#### **34 Terms and conditions of appointment of Commissioner**

- (1) Subject to this Part, the Commissioner is appointed on the terms and conditions set out in the instrument of appointment.

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Part 6—Commissioner for Disability Inclusion

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- (2) The Commissioner—
- (a) holds office for the period, not exceeding 5 years, specified in the instrument of appointment; and
  - (b) subject to subsection (3), is eligible for reappointment; and
  - (c) is entitled to the remuneration and allowances determined from time to time by the Governor in Council.
- (3) A person may hold office as the Commissioner for not more than 11 years (whether appointed for consecutive terms or otherwise).
- (4) The Commissioner may hold office on a full-time or part-time basis.
- (5) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to the Commissioner in respect of the office of the Commissioner.
- (6) Without the consent of the Minister, the Commissioner must not engage in paid or unpaid employment or conduct any trade or business outside the duties of the Commissioner.

**35 Vacancy and resignation of Commissioner**

The Commissioner ceases to hold office if the Commissioner—

- (a) resigns by notice in writing delivered to the Minister; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or

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(d) nominates for election for or is elected to the Parliament of Victoria or of the Commonwealth or of another State or a Territory, or a Council; or

(e) is removed from office under section 36.

**36 Suspension of Commissioner and removal from office**

- (1) On the recommendation of the Minister, the Governor in Council may suspend or remove the Commissioner from office on any of the following grounds—
- (a) neglect of the Commissioner in carrying out the duties of office;
  - (b) any misconduct of the Commissioner in carrying out the duties of office;
  - (c) inability of the Commissioner to carry out the duties of office;
  - (d) engaging in employment (whether paid or unpaid) or conducting any trade or business outside the duties of office without the consent of the Minister.
- (2) The Minister may suspend the Commissioner from office on any other ground on which the Minister is satisfied that the Commissioner is unfit to hold office.
- (3) A suspension under subsection (1) or (2) must not exceed 12 months.
- (4) If the Commissioner is suspended from office under subsection (1) or (2), the Commissioner is taken not to be the Commissioner during the period of suspension.
- (5) The Commissioner is restored to office at the end of the period of suspension unless the Commissioner is earlier removed from office.
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**37 Acting Commissioner**

- (1) Subject to subsection (2), on the recommendation of the Minister, the Governor in Council may appoint a person to act as the Commissioner—
    - (a) during a vacancy in the office of the Commissioner; or
    - (b) during any period when the Commissioner is absent from duty or from the State or, for another reason, is unable to perform the functions and duties of the office.
  - (2) The Governor in Council must not appoint a person to act as the Commissioner if the person is—
    - (a) a member of the Parliament of Victoria or of the Commonwealth or of another State or a Territory; or
    - (b) a Councillor.
  - (3) An appointment under subsection (1) is for the period, not exceeding 12 months, set out in the instrument of appointment.
  - (4) On the recommendation of the Minister, the Governor in Council may remove the acting Commissioner from office at any time.
  - (5) While a person is acting in the office of the Commissioner the person has all the powers and may perform all the functions and duties of the Commissioner under this Act or any other Act.
  - (6) An acting Commissioner is entitled to receive the remuneration and allowances determined by the Governor in Council.
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## **Division 2—Functions and powers of Commissioner**

### **38 Functions of Commissioner**

The Commissioner has the following functions—

- (a) to promote and advance the objectives of this Act across the whole of government, defined entities and the Victorian community;
- (b) to support defined entities to comply with this Act;
- (c) to provide advice to defined entities about the operation of this Act;
- (d) to establish and undertake information and education programs for defined entities in order to encourage best practice and to facilitate compliance with this Act;
- (e) to undertake research into any matter related to the operation and objectives of this Act;
- (f) to report to the Minister on whole of government and defined entity progress in advancing disability inclusion as set out in Disability Action Plans and Disability Action Plan Progress Reports, with particular regard to their alignment with and contribution to the outcomes set out in the State Disability Plan;
- (g) to report to the Minister on any other matter arising from performance of the Commissioner's functions;
- (h) any other functions conferred on the Commissioner under this Act or any other Act.

### **39 Powers of Commissioner**

The Commissioner has all the powers necessary to perform the Commissioner's functions.

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Part 6—Commissioner for Disability Inclusion

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**40 Ministerial direction**

- (1) The Commissioner is subject to the general direction of the Minister.
- (2) The Minister may give a direction to the Commissioner regarding the performance of the Commissioner's functions and the exercise of the Commissioner's powers under this Act or any other Act.
- (3) A direction given by the Minister under this section must be in writing.
- (4) The Commissioner must ensure that a direction under subsection (2) is published—
  - (a) on the Commissioner's website; and
  - (b) in the Commissioner's annual report referred to in section 43.

**41 Delegation**

- (1) Subject to subsection (2), the Commissioner may delegate, by instrument, any power of the Commissioner under this Act or any other Act, other than this power of delegation, to any person who—
  - (a) is employed under the **Public Administration Act 2004**; and
  - (b) has the necessary skills to exercise that power.
- (2) Before delegating a power under subsection (1), the Commissioner must consider delegating the power to a person with disability.

**42 Evaluation Reports**

- (1) The Commissioner must submit to the Minister, on or before 31 August in every second year after the commencement of this Part, a report

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evaluating whole of government and defined entity progress in advancing disability inclusion.

(2) An Evaluation Report must—

- (a) be informed by Disability Action Plans and Disability Action Plan Progress Reports; and
- (b) include an evaluation of the extent to which Disability Actions Plans are achieving the outcomes set out in the State Disability Plan within the relevant period; and
- (c) report on the progress within the relevant period in relation to the strategies and measures set out in Disability Action Plans.

(3) In this section—

***relevant period*** means the 2 financial years ending on the immediately preceding 30 June.

**43 Annual report**

- (1) The Commissioner must make a report to the Minister by 31 August in each year on the performance of the functions and the exercise of the powers of the Commissioner under this Act and any other Act during the financial year ending on the immediately preceding 30 June.
- (2) The Commissioner must publish a report under subsection (1) on the Commissioner's website.

**Division 3—General**

**44 Authorised person**

- (1) Subject to this section, the Commissioner may authorise a person employed in the Department to assist the Commissioner in performing a function of the Commissioner.
  - (2) An authorisation under subsection (1)—
    - (a) must be in writing; and
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- (b) may be general or limited to a specific function of the Commissioner.
- (3) The Commissioner must not authorise a person under this section unless the Commissioner is satisfied that the person is appropriately qualified or has successfully completed appropriate training.
- (4) Before authorising any person under this section, the Commissioner must consider authorising a person with disability.

**45 Staff to be provided**

- (1) The Secretary must ensure that the Commissioner is provided with any employees who are necessary to assist the Commissioner in performing the Commissioner's functions.
- (2) An employee provided by the Secretary under subsection (1) must be employed under Part 3 of the **Public Administration Act 2004**.

**46 Assistance to be provided**

The Secretary must ensure that the Commissioner or an authorised person is provided with any assistance in connection with the reasonable performance of the Commissioner's functions that the Commissioner or the authorised person reasonably requires.

**47 Use and disclosure of information**

- (1) Subject to subsection (2), the Commissioner, an authorised person or an employee referred to in section 45 must not use or disclose any information obtained by or provided to the Commissioner, authorised person or employee under this Act or the **Disability Act 2006**.
  - (2) The Commissioner, an authorised person or an employee referred to in section 45 may use or disclose information obtained or provided under
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this Act or the **Disability Act 2006** if the use or disclosure—

- (a) is for the purpose for which the information was obtained or provided; or
- (b) is reasonably necessary for the purpose of performing a function or exercising a power under this Act or any other Act; or
- (c) is reasonably necessary to enable the Advisory Council to provide advice or perform a function under this Act or any other Act; or
- (d) is to the Minister or the Secretary; or
- (e) is to a prescribed statutory authority for the purpose of enabling that authority or the Commissioner to perform a function or exercise a power under this Act or any other Act; or
- (f) is authorised by the person to whom the information relates; or
- (g) is reasonably necessary for the preparation for, conduct of or participation in, a proceeding in any court or tribunal; or
- (h) is reasonably necessary for the purpose of the administration or enforcement of an order of a court or tribunal; or
- (i) is to a legal practitioner for the purpose of obtaining legal advice or representation; or
- (j) is required or authorised by or under this Act or any other Act.

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Part 7—Victorian Disability Advisory Council

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## **Part 7—Victorian Disability Advisory Council**

### **48 Victorian Disability Advisory Council**

The Victorian Disability Advisory Council established under section 11 of the **Disability Act 2006**, as in force immediately before the commencement of section 64, is continued under this Act.

### **49 Functions and powers of Advisory Council**

- (1) The Advisory Council has the following functions—
    - (a) to provide advice to the Minister in respect of—
      - (i) whole of government policy directions and strategic planning and the implementation of initiatives for persons with disability; and
      - (ii) the barriers to full inclusion and participation in the Victorian community of persons with disability and the strategies for the identification, reduction, removal and prevention of those barriers; and
      - (iii) the State Disability Plan and each State Disability Plan Progress Report; and
      - (iv) any matter relating to disability or disability inclusion referred to the Advisory Council by the Minister;
    - (b) to provide information and advice to the Commissioner that the Advisory Council considers relevant to the performance of the Commissioner's functions under this Act or any other Act;
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Part 7—Victorian Disability Advisory Council

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- (c) at the request of the Commissioner, to provide advice to the Commissioner in respect of the performance of the Commissioner's functions under this Act or any other Act;
  - (d) to effectively communicate with persons with disability, the Government of Victoria and the Victorian community;
  - (e) to raise awareness of the rights and contributions of persons with disability and of the role of government, the business sector and the Victorian community in promoting the rights of persons with disability;
  - (f) to consult and work with other disability advisory councils or bodies, whether at a national, state or local government level;
  - (g) to monitor the implementation of the State Disability Plan and other strategies for promoting inclusion and participation in the Victorian community of persons with disability and for removing barriers to inclusion and participation.
- (2) The Advisory Council must report annually to the Minister on the performance of its functions.

**50 Membership of Advisory Council**

- (1) The Advisory Council must consist of at least 8 members but not more than 14 members appointed by the Minister.
  - (2) The Minister must ensure that the members of the Advisory Council—
    - (a) reflect the diversity of persons with disability, including in rural, regional and metropolitan communities; and
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Part 7—Victorian Disability Advisory Council

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- (b) reflect the cultural and Aboriginal backgrounds of persons with disability; and
  - (c) have appropriate skills, knowledge and experience in matters relevant to persons with disability, including children and young persons with disability; and
  - (d) have personal experience of disability.
- (3) The Minister must ensure that at least 75 per cent of the members of the Advisory Council are persons with disability.
- (4) The Minister must appoint one of the members to be the chairperson of the Advisory Council.

**51 Provisions applying to Advisory Council**

- (1) A member of the Advisory Council—
- (a) holds office for the period, not exceeding 3 years, specified in the instrument of appointment but, subject to paragraph (b), is eligible for reappointment; and
  - (b) cannot hold office for more than 2 consecutive terms; and
  - (c) holds office on the terms and conditions specified in the instrument of appointment; and
  - (d) is entitled to the remuneration and allowances determined from time to time by the Governor in Council for the purposes of this section; and
  - (e) may resign from the office of member by notice in writing delivered to the Minister; and
  - (f) may be removed from the office of member by the Minister in accordance with subsection (2); and
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Part 7—Victorian Disability Advisory Council

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- (g) is in respect of the office of member subject to the **Public Administration Act 2004** (other than Part 3 of that Act).
  - (2) The Minister may remove a member of the Advisory Council from the office of member if—
    - (a) in the opinion of the Minister, the member—
      - (i) has neglected the duties of office; or
      - (ii) is unable to carry out the duties of office; or
    - (b) the member has engaged in misconduct in carrying out the duties of office; or
    - (c) the member is or becomes an insolvent under administration; or
    - (d) the Minister is of the opinion that any other act or omission of the member has adversely affected the operation of the Advisory Council.
  - (3) A majority for the time being of the members of the Advisory Council constitutes a quorum of the Advisory Council.
  - (4) The Advisory Council must keep minutes of its meetings.
  - (5) Subject to this Act and any regulations, the Advisory Council may regulate its own proceedings.
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Part 8—General and miscellaneous

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## **Part 8—General and miscellaneous**

### **Division 1—Guidelines**

#### **52 Guidelines relating to obligations of defined entities**

- (1) The Minister, or the Minister in consultation with a relevant Minister, may issue guidelines for the purpose of assisting defined entities—
    - (a) to meet the requirements under this Act; and
    - (b) to comply with the duty to promote disability inclusion.
  - (2) Without limiting subsection (1), guidelines may include matters relating to the following—
    - (a) complying with the inclusion principles and objectives of this Act;
    - (b) advancing employment of persons with disability by defined entities;
    - (c) collecting data about the participation of persons with disability in universal services and supports;
    - (d) universal design;
    - (e) accessible communication and information;
    - (f) preparing Disability Action Plans;
    - (g) making reasonable and material progress in implementing Disability Action Plans;
    - (h) preparing Disability Action Plan Progress Reports;
    - (i) any other matter that the Minister considers appropriate.
  - (3) In preparing guidelines under this section, the Minister must consult with the Advisory Council.
  - (4) A defined entity must have regard to the guidelines issued under subsection (1).
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Part 8—General and miscellaneous

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(5) In this section—

***relevant Minister***, in relation to a defined entity,  
means the Minister administering the Act  
under which the defined entity is established  
or regulated.

**53 Funding guidelines**

- (1) The Treasurer or the Minister responsible for administering Part 7 of the **Financial Management Act 1994**, in consultation with the Minister, may issue guidelines for the purpose of promoting and advancing disability inclusion relating to—
  - (a) the allocation of funding or grants; or
  - (b) entering into service agreements.
- (2) A defined entity that is subject to guidelines issued under subsection (1) must have regard to those guidelines.

**54 Procurement guidelines**

- (1) The Minister responsible for administering Part 7 of the **Financial Management Act 1994**, in consultation with the Minister, may issue guidelines relating to procurement policies and practices for the purposes of promoting and advancing disability inclusion.
- (2) A defined entity that is subject to guidelines issued under subsection (1) must have regard to those guidelines.

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Part 8—General and miscellaneous

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**Division 2—Review of Act**

**55 Review of operation of Act after 4 years**

- (1) The Minister must cause a review to be conducted of the first 4 years of operation of this Act.
- (2) On completing the review, the Minister must cause a report of the review to be laid before each House of the Parliament.

**56 Review of operation of Act after 8 years**

- (1) The Minister must cause a review to be conducted of the 5th to 8th years of operation of this Act.
- (2) On completing the review, the Minister must cause a report of the review to be laid before each House of the Parliament.

**Division 3—Regulations**

**57 Regulations**

- (1) The Governor in Council may make regulations for or with respect to the following matters—
    - (a) compliance by defined entities with the duty to promote disability inclusion under Part 2;
    - (b) the format and contents of disability impact assessments;
    - (c) the methods and processes for undertaking disability impact assessments;
    - (d) the format and contents of Disability Action Plans;
    - (e) the format and contents of Disability Action Plan Progress Reports;
    - (f) the methods and processes used to consult with persons with disability under this Act;
-



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Part 8—General and miscellaneous

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- (g) the preparation and amendment of a State Disability Plan, including any consultation requirements to be met;
  - (h) the implementation of a State Disability Plan;
  - (i) assessment of progress in the implementation of a State Disability Plan and in advancing disability inclusion in Victoria;
  - (j) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
  - (b) may differ according to differences in time, place or circumstances; and
  - (c) may apply, adopt or incorporate any matter contained in any document, whether wholly or partially or as amended by the regulations or as in force at a particular time or as in force from time to time; and
  - (d) may confer a discretionary authority or impose a duty on specified persons or bodies or specified classes of persons or bodies; and
  - (e) may provide in specified cases or classes of cases for the exemption of persons or things or classes of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.
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Disability Inclusion Bill  
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Part 9—Transitional provisions

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## Part 9—Transitional provisions

### 58 Definitions

In this Part—

*new Advisory Council* means the Advisory Council;

*old Advisory Council* means the Victorian Disability Advisory Council as constituted under Division 2 of Part 3 of the **Disability Act 2006** immediately before the commencement of section 48.

### 59 Disability Action Plans under Disability Act 2006

- (1) This section applies to a Disability Action Plan that was—
  - (a) prepared under section 38 of the **Disability Act 2006** as in force before the commencement day; and
  - (b) in effect immediately before the commencement day.
- (2) A Disability Action Plan referred to in subsection (1) is taken to be a Disability Action Plan prepared under section 15 of this Act until the earlier of the following—
  - (a) the date on which the Disability Action Plan would have ceased to be in effect as specified in the Plan;
  - (b) the first date on which a State Disability Plan is published under this Act.
- (3) In this section—

*commencement day* means the day on which section 66 comes into operation.

Disability Inclusion Bill  
Exposure Draft

Part 9—Transitional provisions

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**60 State Disability Plan**

- (1) The State Disability Plan as in existence under section 37 of the **Disability Act 2006** immediately before the commencement day is taken to be a State Disability Plan prepared under section 12 during the period—
  - (a) beginning on the commencement day; and
  - (b) ending on the earlier of the following—
    - (i) 13 March 2026;
    - (ii) the commencement of the first State Disability Plan prepared after the commencement day.
- (2) In this section—

*commencement day* means the day on which section 65 comes into operation.

**61 Advisory Council members**

- (1) A person who is a member of the old Advisory Council immediately before the day on which section 48 comes into operation is taken to be appointed as a member of the new Advisory Council under that section—
    - (a) until the end of the period for which the member would have been entitled, but for the repeal of Division 2 of Part 3 of the **Disability Act 2006**, to hold office as a member of the old Advisory Council; and
    - (b) on the terms and conditions specified in the instrument of appointment under that Act.
  - (2) Nothing in this section prevents a person from resigning or being dismissed as a member of the old Advisory Council at any time after Part 7 comes into operation in accordance with the terms and conditions of the member's appointment.
-

Disability Inclusion Bill  
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Part 10—Amendment of Disability Act 2006

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## **Part 10—Amendment of Disability Act 2006**

### **62 Definitions**

In section 3(1) of the **Disability Act 2006**, the definition of *Victorian Disability Advisory Council* is **repealed**.

### **63 Objectives of Act**

After section 4(a) of the **Disability Act 2006** insert—

"(ab) having regard to the Convention on the Rights of Persons with Disabilities, to promote and protect the human rights and the inherent dignity of people with disability;"

### **64 Division 2 of Part 3 repealed**

Division 2 of Part 3 of the **Disability Act 2006** is **repealed**.

### **65 Section 37 repealed**

Section 37 of the **Disability Act 2006** is **repealed**.

### **66 Section 38 repealed**

Section 38 of the **Disability Act 2006** is **repealed**.

### **67 Repeal of Part**

This Part is **repealed** on 1 October 2025.

#### **Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Disability Inclusion Bill  
Exposure Draft  
Endnotes

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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By Authority. Government Printer for the State of Victoria.

## 7.2 Neighbourhood Houses Framework Report

### Executive Summary

#### Purpose

The purpose of this report is to present to Council the Boroondara Neighbourhood Houses Framework 2023 (**Attachment 1**) for adoption.

#### Background

Boroondara supports a network of eleven neighbourhood houses, which provide a range of programs and services to the broader community where people of all ages and backgrounds can come together to connect, learn, and contribute to their community through social, educational, recreational and support activities.

In recent years, neighbourhood houses have played a key role in responding to the COVID-19 pandemic, providing food relief, making personal protective equipment, shopping, and supporting their communities through a range of programs to help community members stay connected and engaged, reducing social isolation. Neighbourhood houses' position in the community and strong relationships with community and stakeholders mean that they are ideally placed to support community recovery and rebuild community connections.

Council values the role that neighbourhood houses play in health and wellbeing and community connections and recognises this through the provision of funding, assistance and advice, capacity building, training, and maintaining high-quality facilities from which neighbourhood houses operate.

With the adoption of the Boroondara Community Plan 2021-2031 (BCP), it is timely to develop the Boroondara Neighbourhood Houses Framework (the Framework) to articulate how Council and neighbourhood houses will work together to deliver on strategies of the BCP, particularly under *Theme 1 Community, Services and Facilities*.

#### Key Issues

Seven of the 11 neighbourhood houses receive funding from the Department of Families, Fairness and Housing (DFFH) under the Neighbourhood House Coordination Program (NHCP). Neighbourhood houses also receive triennial operational funding from Council to deliver services on our behalf; and play an important role in helping Council to ensure community services and programs are high quality, sustainable, inclusive and strengthen resilience.

The Framework has been developed in consultation with Boroondara's neighbourhood houses. It builds on our existing relationship and articulates a partnership approach to delivering community programs and services that respond to community need, are inclusive and facilitate social connections and belonging.

The Framework outlines Council's commitment to Boroondara's neighbourhood houses and how Council and the neighbourhood houses will work together. It also captures the many ways in which Council works with and supports the neighbourhood houses.

The Framework includes 7 principles, which are:

- Collaboration
- Empowerment
- Support
- Partnership
- Accountability
- Diversity
- Community Development.

These 7 principles will be included in the neighbourhood house triennial funding agreements.

A key element of the Framework is the Neighbourhood House Annual Action Plan (annual Action Plan). The annual Action Plan will:

- be developed around the four strategies in the BCP 2021-2031 listed in **Table One** of this report
- capture how Council and the neighbourhood houses will deliver on the objectives in the Boroondara Community Plan 2021-2031
- be included in the triennial funding agreements and reviewed annually to ensure relevance and track progress.

## Officers' recommendation

That Council adopt the Neighbourhood Houses Framework 2023.

**Responsible director:** Kate McCaughey, Director Community Support

## 1. Purpose

The purpose of this report is to present to Council the Boroondara Neighbourhood Houses Framework 2023 (**Attachment 1**) for adoption.

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

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

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

The Framework is aligned with Council's key strategic document, the Boroondara Community Plan 2021-31 (BCP). The BCP, which incorporates the Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25, sets the strategic direction for the City of Boroondara and shows how Council will deliver our community's aspirations over the next 10 years. The Neighbourhood House Framework is informed by our community's vision as outlined in the BCP for 'a sustainable and inclusive community'.

Neighbourhood houses support the delivery of strategies under several of the BCP 2021-31 priority themes. The Framework seeks to address Priority Theme 1 - Community, services, and facilities. Key strategies of relevance under Theme 1 are listed in **Table One** below.

**Table One: Key BCP 2021-2031 strategies**

Strategy #	Description
<b>Strategy 1.1</b>	Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining, and activating places for people to meet, organise activities and celebrate events.
<b>Strategy 1.2</b>	Health and wellbeing is improved through delivering, facilitating, and advocating for services and programs that are accessible and affordable.
<b>Strategy 1.5</b>	Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community.
<b>Strategy 1.7</b>	Community resilience, safety and public health are improved by working in partnership with community and government organisations.



The BCP 2021-31 also identifies six health and wellbeing priorities that can positively influence community health and wellbeing:

- improving mental wellbeing and social connection
- tackling climate change and its impact on health
- preventing all forms of violence
- reducing harmful alcohol use
- increasing healthy eating
- increasing active living.

The principles and actions in the Framework will contribute to the health priorities, particularly improving mental wellbeing and social connections, and increasing active living through participation in activities and events.

### **3. Background**

Neighbourhood houses are not-for-profit organisations that provide a range of programs and activities to the broader community in response to identified community need. Neighbourhood houses bring people together to connect, learn and contribute to their community through social, educational, recreational and support activities using a unique community development approach.

Boroondara supports a network of eleven neighbourhood houses that each play an important role in the community, offering social support and learning opportunities to a wide range of people and age groups, including retirees, children and young people, parents, people living with a disability, new migrants, low-income earners, multiculturally diverse communities, Aboriginal and Torres Strait Islanders, skilled professionals and people seeking pathways to employment and professional development, and those seeking social connections. Neighbourhood houses also offer volunteer opportunities for those wishing to share their diverse skills.

The neighbourhood houses are:

- Bowen Street Community Centre
- Hawthorn Community House
- Camberwell Community Centre
- Balwyn Community Centre
- Canterbury Neighbourhood Centre
- Surrey Hills Neighbourhood Centre
- Alamein Neighbourhood Learning
- Ashburton Community Centre
- Craig Family Centre
- Kew Neighbourhood and Learning Centre
- Trentwood at the Hub.

Seven of the 11 neighbourhood houses receive funding from the Department of Families, Fairness and Housing (DFFH) under the Neighbourhood House Coordination Program (NHCP).

During 2022, a total of 8,457 participants attended programs and activities at local neighbourhood houses. This figure is an increase on the 2021 figures, when operations were affected by the COVID-19 pandemic, and more than the 7,062 participants of 2019.

The pandemic had an impact on the neighbourhood houses during 2020 and 2021. Like many organisations, the neighbourhood houses delivered services and classes online, and reduced class sizes to meet COVID safe requirements when face to face activities were permitted. They supported their members to move online by connecting them with digital mentors and offering a technical support hotline. Neighbourhood houses were also instrumental in delivering the Victorian government's COVID safe messaging to hard-to-reach cohorts of the community, while some also provided food relief and essential goods such as hand sanitiser and hygiene products to vulnerable people in their communities, as well as mobilising volunteers to participate in phone support lines and making face masks.

Through the recent consultation for the BCP 2021-2031, we know that our community services, facilities, and activities are highly valued and continue to play a pivotal role in fostering community connections and contributing to people's health and well-being in Boroondara. Neighbourhood houses play a key role in the health and wellbeing of our community, particularly as we recover from the pandemic and rebuild community connections. Council recognises this, providing funding, support and advice, capacity-building workshops and infrastructure.

It is timely to develop the Boroondara Neighbourhood Houses Framework (the Framework) to articulate how Council and neighbourhood houses will work together to deliver on strategies in the BCP, particularly under *Theme 1 Community, Services and Facilities*.

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

##### Theme 1 Community, Services and Facilities

The Framework will support Council's commitment to delivering on strategies under *Theme 1 Community, Services and Facilities* to ensure that community services and facilities are high quality, sustainable, inclusive and strengthen resilience, and capture the many ways in which Council works with and supports the neighbourhood houses.

Boroondara's neighbourhood houses play a central role in strengthening community connections, providing opportunities for lifelong learning, and delivering positive impacts on health and wellbeing. Council invests in neighbourhood houses through triennial operational funding and annual grants, infrastructure, marketing and communications support, access to volunteer resources through the Boroondara Volunteer Resource Centre (BVRC), and a dedicated officer for advice and support. While Council generously funds the neighbourhood houses, they are a State Government responsibility as noted above. Council also requires neighbourhood houses to actively seek funding from other sources, including other levels of government, to build a financially sustainable operating model.

With the relocation of Canterbury Neighbourhood House to the Canterbury Community Precinct, all Boroondara's neighbourhood houses operate from Council-owned properties leased to them at peppercorn rent. In recent years, Council has invested in the redevelopment and renewal of neighbourhood house facilities, ensuring that community facilities are high quality, inclusive and meet the changing needs of the community. This includes the development of Greythorn Community Hub to include a new neighbourhood house, Trentwood at the Hub, the redevelopment of Balwyn Community Centre and Camberwell

Community Centre, the recent renovation of the former South Camberwell Maternal and Child Health Centre for use by Bowen Street Community Centre, the renewal and upgrade of Alamein Neighbourhood Learning, and the recently completed Canterbury Community Precinct, which provides a permanent home for Canterbury Neighbourhood Centre.

Council also delivers regular capacity building activities for committees of management and staff, which cover topics including strategic planning, financial management, risk management and marketing to support good governance, sustainability, and enriched program delivery. Workshops have also been held to identify opportunities to partner with Council in delivering programs.

#### Key principles to inform on-going partnership

The Framework is predicated on a mutual obligation of both the neighbourhood houses and Council to work together to deliver accessible and inclusive services and programs that build community wellbeing, connectivity, participation, and resilience, as well as provide opportunities for residents to participate in community life. It includes information on the neighbourhood houses and is built around 7 principles, which are outlined in **Table Two** below.

**Table Two: Boroondara Neighbourhood Houses Framework principles**

Principle	Description
	Council and the neighbourhood houses:
<b>Collaboration</b>	<ul style="list-style-type: none"> <li>will work collaboratively together to meet the needs and aspirations of the community.</li> </ul>
<b>Empowerment</b>	<ul style="list-style-type: none"> <li>respect each other's individual needs and aspirations and values the important role they each play in connecting, supporting, and empowering our community.</li> </ul>
<b>Support</b>	<ul style="list-style-type: none"> <li>support efforts to increase the sustainability of neighbourhood houses through access to a diverse range of funding and supports, community infrastructure, resources, and capacity building within the parameters of Council's resources.</li> </ul>
<b>Partnership</b>	<ul style="list-style-type: none"> <li>are committed to working in partnership together and seek to foster new and constructive ways of working together to respond to community needs.</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>are committed to working openly and transparently with each other. The roles and responsibilities of Council and neighbourhood houses are clearly articulated in leases, licences and funding agreements.</li> </ul>
<b>Diversity</b>	<ul style="list-style-type: none"> <li>welcome, respect and celebrate diversity within the Boroondara community and support each other to ensure there are programs and services offered by neighbourhood houses that meet all needs within the community.</li> </ul>
<b>Community Development</b>	<ul style="list-style-type: none"> <li>work within a community development framework and are guided by the principles of community ownership and participation, empowerment, access and equity, inclusion, networking, advocacy, self-help, social action and lifelong learning.</li> </ul>

### Neighbourhood House Annual Action Plan

A key component of the Framework is the Neighbourhood House Annual Action Plan (annual Action Plan), which will capture how both Council and the neighbourhood houses will partner to deliver on the Boroondara Community Plan 2021-2031.

The Action Plan will be:

- reviewed annually in consultation with the neighbourhood houses to ensure relevance and track progress
- included in the neighbourhood houses triennial funding agreements.

## **5. Consultation/communication**

The Framework has been informed by community consultation, research and desktop analysis including:

- a benchmarking and review of neighbourhood house policies, plans and strategies across Victoria's 79 LGAs
- a review and analysis of the annual neighbourhood house annual survey results
- an analysis of volunteering trends observed by BVRC
- a review of learnings and impacts arising from the COVID-19 pandemic
- a review of the BCP and other Council plans relevant to Neighbourhood Houses including:
  - Add Life to Your Years – Healthy Ageing in Boroondara Plan,
  - Children and Young People Action Plan,
  - Disability Action Plan 2018-22
  - It's Your Place - Boroondara Placemaking Framework, 2019
  - Library Services Plan 2020-2025
  - Multicultural Action Plan 2019-23
  - Sports and Recreation Strategy

Benchmarking and review of neighbourhood house policies, plans and strategies across Victoria's 79 LGAs revealed that only 4 of the 79 councils in Victoria had a neighbourhood house policy that captured the strategic role of neighbourhood houses in delivering on Council objectives. This included City of Melbourne, City of Yarra, Cardinia Shire Council and Otway-Colac Shire. The City of Yarra's Neighbourhood Houses Partnership Strategy 2018-21 was the only policy to include an action plan.

Discussion forums were held with the neighbourhood houses and relevant Council officers in December 2022 and February 2023 to obtain feedback on the Framework and the proposed Action Plan.

There was representation at both forums from all Boroondara neighbourhood houses, both staff and committees of management, and feedback about the Framework was positive.

A further workshop will be held with the neighbourhood houses in early 2023 to receive input on the development of the annual Action Plan.

Moving forward, there are opportunities to expand on this approach with other community partners and precincts. This could include the development of actions with a broader range of community partners, which captures integrated

placemaking and neighbourhood programming in response to community needs.

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

Actions outlined in the Framework will be funded through the operational budget of Community Planning and Development.

## **7. Governance issues**

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

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

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

Neighbourhood houses deliver a range of programs and services that respond to current and emerging needs across Boroondara and are focused on social inclusion. While programs and activities are offered across all age groups, others respond to key demographic groups, for example those looking to acquire skills and return to work, people who have a mental illness or an intellectual disability and vulnerable people living in public housing. All offer health and wellbeing programs while some offer childcare and others have men's sheds.

The development and strengthening of relationships at a local level is vital to improve the health, wellbeing, and sustainability of a community. Neighbourhood houses have a key role to play in building inclusive and cohesive communities, particularly as we recover from the COVID 19 pandemic.

A Framework will support a coordinated and strategic approach to Council's partnership with the neighbourhood houses, which in turn will contribute to the positive impact neighbourhood houses make in Boroondara and in delivering on the BCP strategic objectives.

## **9. Evaluation and review**

The annual Action Plan will be monitored through Council's corporate reporting system. Community Planning and Development is responsible for overseeing implementation and evaluation of actions in the Framework. The Framework will be reviewed on a four yearly cycle, with the next revision due in 2027. As outlined in section 5 above, there are opportunities to build on learning from this approach to consider opportunities for integrated placemaking and neighbourhood programming.

**Manager:** **Fiona Brown, Manager Community Planning and Development**  
**Report officer:** Katelyn Stanyer, Community Development Officer  
(Neighbourhood and Community Projects)

# Neighbourhood House Framework 2023

**Responsible Directorate:** Community Planning & Development  
**Authorised By:** Council  
**Date of Adoption:** March 2023  
**Review Date:** 2027  
**Policy Type:** Council





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The City of Boroondara acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and original custodians of this land and pays our respects to their Elders past and present.





## 1. Introduction

Boroondara has 11 neighbourhood houses, and Council provides important support and works closely with them to offer services, programs and activities that respond to community needs. Neighbourhood houses are places where people can come together to connect, learn, and contribute to their community through social, educational, recreational and support activities using a unique community development approach.

Through the recent consultation for the Boroondara Community Plan 2021-2031 (BCP), we know that our community services, facilities, and activities are highly valued and continue to play a pivotal role in fostering community connections and contributing to people's health and wellbeing in Boroondara. These findings are particularly relevant as our community reconnects following the isolation experienced by many during the COVID pandemic.

Neighbourhood houses play an important role fostering community connections, providing a place for people to meet and participate in programs and activities that are affordable and respond to a wide range of community interests. Council recognises this by providing funding, support and advice, capacity building for committees of management and staff through workshops, and buildings for neighbourhood houses to operate from.

With the adoption of the BCP, it is timely to develop the Boroondara Neighbourhood Houses Framework (the Framework) to articulate how Council and neighbourhood houses will work together to deliver on strategies under *Theme 1 Community, Services and Facilities* to ensure that community services and facilities are high quality, sustainable, inclusive and strengthen resilience.

The Framework has been developed in consultation with the Boroondara neighbourhood houses. It builds on our existing relationship and is predicated on a mutual obligation to work in partnership to deliver community programs and services that are responsive, inclusive and facilitate social connections and belonging. It outlines Council's commitment to a strategic and coordinated approach to supporting and promoting neighbourhood houses as key hubs for community learning, community participation, development, and capacity building.

A key element of the Framework is the Action Plan. The Action Plan is based on the objectives in the BCP and will be reviewed annually to ensure relevance and track progress.

Moving forward, there are opportunities to evaluate and expand on this approach with other community partners and precincts. This could include the development of a methodology around action planning with a broader range of community partners which captures integrated placemaking and neighbourhood programming which respond to community needs



## 1.1. Corporate framework

The Boroondara Community Plan (BCP) 2021-31 incorporating the 10-Year Community Vision, Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25 is Council's key strategic document. Between 2020-21, Council undertook community consultation to renew the BCP, with over 5,000 community members participating in the development of our community vision for 'a sustainable and inclusive community.' The renewed BCP reflects our community's values, aspirations, and priorities for the next 10 years and outlines how they will be delivered.

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

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

Neighbourhood houses support the delivery of strategies under several of the BCP priority themes. The following strategies in the under Theme 1: Community, Services and Facilities are particularly relevant:

- **Strategy 1.1:** Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining, and activating places for people to meet, organise activities and celebrate events
- **Strategy 1.2:** Health and wellbeing is improved through delivering, facilitating, and advocating for services and programs that are accessible and affordable
- **Strategy 1.5:** Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community
- **Strategy 1.7:** Community resilience, safety and public health are improved by working in partnership with community and government organisations.

Council is committed to enhancing wellbeing for people who live, work, study or recreate in the municipality as an outcome of everything we do. The BCP identifies six health and wellbeing priorities that can positively influence community health and wellbeing. They are:

- improving mental wellbeing and social connection
- tackling climate change and its impact on health
- preventing all forms of violence
- reducing harmful alcohol use
- increasing healthy eating
- increasing active living.

Neighbourhood houses play an important role in delivering the BCP health priorities, in particular, 'Improving mental wellbeing and social connection' and 'Increasing active living', through providing spaces and programs where residents can connect, learn, and play. While overall Boroondara residents experience good health and quality of life, there is room for improvement. Research shows that social connection and having the opportunity and



capacity to contribute to community, in places like neighbourhood houses, is a protective factor that promotes and protects good mental health and wellbeing. Findings from the 2020-2021 BCP consultations also support this, as residents told us making connections locally was important to them and helped in creating a sense of belonging and community.

There are several Council policies and plans relevant to neighbourhood houses, including:

- Boroondara Community Strengthening Grants Policy 2023
- Boroondara Reconciliation Strategy 2022-2026
- Boroondara Volunteer Resource Centre Strategic Service Plan 2022
- Assets Leasing and Licensing Policy
- Add Life to Your Years – Healthy Ageing in Boroondara Plan
- Children and Young People Action Plan
- Disability Action Plan 2018-22
- It's Your Place - Boroondara Placemaking Framework 2019
- Library Services Plan 2020-2025
- Multicultural Action Plan 2019-23
- Sports and Recreation Strategy

Many of these plans identify a role for neighbourhood houses in working with Council to deliver on the actions and strategic objectives outlined in each plan, while three support their operations.

The Boroondara Volunteer Resource Centre Strategic Service Plan 2022 promotes opportunities for volunteering in Boroondara, which is integral to the operation of volunteer involving organisations such as neighbourhood houses. The financial support provided to Boroondara's neighbourhood houses is outlined in the Boroondara Community Strengthening Grants Policy, while the Assets Leasing and Licensing Policy makes provision for peppercorn rental for neighbourhood houses operating from Council owned facilities.

The adoption of the BCP is a timely opportunity to develop a Framework to capture the many ways Council and the neighbourhood houses will work together to deliver on the BCP strategies and health priorities outlined above. The Framework will formally recognise the important partnership role of neighbourhood houses in delivering services, programs and activities in Boroondara and promote a strategic and coordinated approach to our collaboration with neighbourhood houses to deliver on key priorities.

## **2. Background**

Neighbourhood houses are independent community organisations which provide a range of programs and activities for people of all ages in response to identified community needs. Neighbourhood houses play a critical role in the community, offering social support and learning opportunities for a wide range of people and age groups, including those with disabilities, from culturally diverse backgrounds, on low incomes, Aboriginal and Torres Strait Islanders and those seeking social connections.

### **2.1. History of neighbourhood houses**

Neighbourhood houses and learning centres were first established in Victoria in the early 1970s. The movement arose from local community need with a vision to bring people together in an informal, non-threatening and nurturing environment that supported individualised learning and enhanced opportunities to connect people and communities.



They are referred to by a variety of names, reflecting their varied historical beginnings, including community houses, community centres, living and learning centres, neighbourhood centres and learning centres.

There are over 400 neighbourhood houses in Victoria. Each house or centre is a not-for-profit legal entity or auspiced by a legal entity governed by an independent committee of management made up of representatives from the local community. They are responsible for consulting with their community and designing programs and activities that respond to local needs.

## 2.2. The neighbourhood house community development model

Neighbourhood houses operate within a community development model, which has a strong focus on people and place, participation, and partnerships. It involves local people, community organisations, government, and business working together to build vibrant and sustainable communities. Neighbourhood houses welcome people of all ages and backgrounds and create opportunities for people to be involved through programs and activities that respond to needs in their local community.

The model of neighbourhood house community development practice comprises 6 principles. These principles enable houses to play a key role in local area planning to meet the needs of their local communities. They are:

- **Involving** the community and encouraging participation and inclusion, and valuing diversity and difference at all levels of neighbourhood house operations.
- **Identifying** community needs and aspirations.
- **Determining** appropriate community programs, activities, and services in response to those needs, ensuring that diversity and difference are valued.
- **Partnering** with community organisations, businesses, government, and philanthropic organisations to secure appropriate funding and support.
- **Delivering** quality programs, activities, and services.
- **Evaluating** the effectiveness of all aspects of neighbourhood house operations, including programs, practice, and governance <sup>1</sup>.

Neighbourhood houses are one of the key means by which Council supports and facilitates community development within the municipality.

## 2.3. Boroondara neighbourhood houses

The City of Boroondara supports a network of 11 neighbourhood houses that provide a range of programs and services, facilitating social connections for people of all ages. They are:

- Bowen Street Community Centre (Bowen Street CC)
- Hawthorn Community House (Hawthorn CH)
- Camberwell Community Centre (Camberwell CC)
- Balwyn Community Centre (Balwyn CC)
- Canterbury Neighbourhood Centre (Canterbury NC)
- Surrey Hills Neighbourhood Centre (Surrey Hills NC)
- Alamein Neighbourhood Learning (Alamein NL)
- Ashburton Community Centre (Ashburton CC)

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<sup>1</sup> Neighbourhood Houses Victoria  
[Community Development Framework, NHs and International Standards for CD Practice](#)



- Craig Family Centre (Craig FC)
- Kew Neighbourhood and Learning Centre (Kew NLC)
- Trentwood at the Hub (Trentwood ATH)

As mentioned above, neighbourhood houses offer a diversity of programs and activities for all ages. Approximately 8,000 people participate in programs and activities at Boroondara neighbourhood houses including health and wellbeing programs, creative pursuits, languages, technology, work skills, and support for vulnerable people.

Some examples of these programs and activities are:

- digital literacy (accessing the internet, social media, managing apps/iPhones/iPads)
- information technology skills (introduction Excel/Word)
- work skills (event management, horticulture, carpentry, office skills, medical reception, and barista training)
- community activities (knitting and sewing groups, community gardens).
- creative pursuits (painting, creative writing, drawing, French polishing, mosaics, pottery and sewing)
- health and wellbeing (exercise classes, yoga, belly-dancing, line dancing, tai chi, Pilates, Qigong, walking and Zumba)
- languages (English as an additional language, English literacy, French, German, Italian, Mandarin, and Spanish)
- general interest (cooking, history, walking tours, bike riding groups, cards, and board games).

While neighbourhood houses offer programs across all age groups, each may offer programs that respond to key demographic groups, which also provide important points of difference. For example, Kew NLC, Trentwood ATH and Hawthorn CH provide programs and activities for people who have a mental illness or an intellectual disability, and Alamein NL works closely with vulnerable people living in public housing. Others such as the Camberwell CC and Ashburton CC have a range of arts, computer, history, language and recreational programs.

In addition to their general programs, two neighbourhood houses (Kew NLC and Alamein NL) have men's sheds, four offer occasional childcare (Craig FC, Balwyn CC, Kew NLC and Bowen Street CC), two (Hawthorn CC and Trentwood ATH) offer National Disability Insurance Scheme (NDIS) programs, and two (Kew NLC and Alamein NLC) provide Adult Community and Further Education (ACFE) funded pre-accredited training in hospitality, horticulture and computer and digital skills. Neighbourhood houses also collaborate with Council on a broad range of events and activities, such as Children's Week and Cultural Diversity Week, and have developed projects in partnership with Council. For example, throughout 2021, the neighbourhood houses partnered with the Boroondara Library Service to host taster programs across the library's five branches and online, which continued at the neighbourhood houses. This partnership has promoted collaboration between the two services and increased opportunities for residents to engage in programs that improve health, wellbeing, and a sense of community.

In 2022, Boroondara Youth developed and delivered a workshop to neighbourhood houses to provide advice and information on developing networks and engaging with young people, youth-led consultation and creating welcoming spaces for young people. The workshop also included space for exploring opportunities for partnerships and collaboration, which has resulted in the Boroondara Youth team having a presence at neighbourhood house events and activities. Neighbourhood houses also collaborated with Council, Victoria Police and Neighbourhood Watch to deliver a series of pop-up activities for Community Safety Week 2022, promoting personal safety and community resilience.



Neighbourhood houses also play a crucial role in responding to the needs of an ageing population through programs and services that provide lifelong learning and opportunities to engage with the community. Residents over the age of 55 make up a significant proportion of neighbourhood house participants, with many programs and activities at neighbourhood houses providing opportunities for learning and social connection, such as art, craft, and language courses. Balwyn CC and Camberwell CC host weekly social clubs such as chess, mah-jong and bridge while Camberwell CC hosts three senior citizen's clubs. Some offer intergenerational programs. Bowen Street CC offers a range of playgroups for grandparents while Canterbury NC, in partnership with BASS Care, has an intergenerational music program that combines social activity between older adults and children with the benefits of music therapy. Some offer more specialised programs, such as Surrey Hills NC for those living with dementia and their carers.

Neighbourhood houses partner with local traders' associations to host community events that activate public spaces and engage the local community. Ashburton CC partners with the Ashburton Traders Association and Rotary to deliver 'Ashburton-A-Fair', a quarterly craft market. Trentwood ATH partners with the Greythorn Traders Association and Boroondara Youth to host an annual family focused Halloween event, and the Surrey Hills Music Festival brings together the Surrey Hills NC and local traders in a celebration that is attended by over 2,000 community members.

Some neighbourhood houses have also delivered programs from other facilities such as sporting pavilions, sometimes in partnership with another organisation. In March 2022, Surrey Hills Neighbourhood Centre partnered with Lynden Park Recreation Facility Joint Management Committee to deliver a Community Day, as a prelude to planning for an ongoing program of activities.

The increasing cultural diversity in Boroondara has also presented opportunities for neighbourhood houses to respond to community needs and interests. Kew NLC, Alamein NLC and Hawthorn CH offer English conversation groups and classes, Craig FC offers Mandarin Classes, and Alamein NL offers specialist courses to improve English skills using technology such as iPads or computers. Camberwell CC has also built connections with community groups such as the Chinese Warblers Choir and Chinese Gospel Community Church.

Neighbourhood houses also played a significant role in enabling community members to stay connected during the COVID-19 pandemic, providing support to their communities through a range of services such as food relief, shopping and social support. Some neighbourhood houses were also able to draw on their strong connections with the community to mobilise volunteers to participate in activities, such as making face masks and phone support lines to connect people who are socially isolated. Kew NLC's social enterprise, the Spare Chair Café, provided meals to community members in need through its 'pay it forward' community meal scheme.

Many of the neighbourhood houses moved to online service delivery, running classes and activities online using platforms such as zoom, and implemented digital support services to build the capacity of community members to stay connected online, reducing social isolation.

Neighbourhood houses in Boroondara play a key role in helping people develop new skills, share time with others, connect to their communities and feel a deeper sense of purpose by contributing to their community in a meaningful way. This can be through diverse volunteering opportunities such as office administration, acting as digital mentors, assisting with newsletter distribution, website development and maintenance, homework tutoring,



leading walking groups and conversation classes, gardening and maintenance, festival and event development, coordination and delivery, and contributing professional skills on volunteer Committees of Management.

## **2.4. Council support**

Seven of the 11 neighbourhood houses in Boroondara receive funding through the Department of Families, Fairness and Housing (DFFH) under the Neighbourhood House Coordination Program (NHCP). Some neighbourhood houses receive additional program funding such as Adult Community and Further Education (ACFE), Commonwealth Home Support Program (CHSP) and My Aged Care (MAC). Each neighbourhood house is also required to actively seek funding from other sources, including other levels of government, to assist in the ongoing operations of the neighbourhood house and to build a financially sustainable operating model.

Council makes a significant commitment to Boroondara's neighbourhood houses. This includes triennial operational funding, and all neighbourhood houses operate from facilities owned and maintained by Council.

Neighbourhood houses also receive the following Council support:

- advice and support through a dedicated resource
- access to the Community Strengthening Grants program
- biannual Governance Workshops for Committees of Management
- tailored capacity building workshops for managers, staff and volunteers based on identified needs such as marketing or strategic planning
- access to Council's Community OnBoard Workshop Program for staff and volunteers of community organisations in governance, risk management, networking, partnership development, fundraising and marketing
- access to volunteer management support services through the Boroondara Volunteer Resource Centre, including volunteer recruitment, volunteer leader network meetings and forums, training for volunteers and events
- a page in the Boroondara Bulletin to promote programs and events
- a page on the Boroondara website with link to Live & Learn guide
- a contribution toward the production of the Live & Learn guide
- Boroondara Neighbourhood Houses Network
- annual planning day with Boroondara City Council and neighbourhood houses.

Council has also invested heavily in the redevelopment and renewal of neighbourhood house facilities to ensure that community facilities are high quality, inclusive and meet the needs of the community now and in the future. This includes the development of Greythorn Community Hub in 2018 with a new neighbourhood house, Trentwood at the Hub, the redevelopment of Balwyn Community Centre and Camberwell Community Centre in 2021, the renovation of the former South Camberwell Maternal and Child Health Centre for the use of Bowen Street Community Centre in 2022 and the upgrade of Alamein Neighbourhood Learning in 2022, and the Canterbury Community Precinct in 2023, which includes a new home for the Canterbury Neighbourhood Centre.

## **3. Neighbourhood House Framework**

### **3.1. Purpose and Vision**

The Framework is underpinned by the mutual obligation of Council and the neighbourhood houses to work together to deliver accessible and inclusive services and programs that build





community wellbeing, connectivity, provide opportunities for people to participate in community life. Council will work in partnership with neighbourhood houses to build their individual and collective capacity to deliver services and activities that respond to community need. Council provides important support to the neighbourhood houses, as they are a key partner in delivering strategic objectives in the BCP. The Framework includes 7 principles and 16 actions that promote collaboration, resource sharing and long-term sustainability.

The purpose of the Framework is to:

- articulate a shared vision and commitment of Council and the neighbourhood houses to work in partnership
- strengthen the relationship between neighbourhood houses and Council
- encourage collaboration amongst neighbourhood houses in community engagement, program design and delivery, marketing, and operations
- encourage knowledge, information, and resource sharing
- support strategic planning by neighbourhood houses to deliver programs, activities and services that respond to community need.

The vision of the Framework is for Council and the neighbourhood houses to work collaboratively to create vibrant and resilient communities that thrive, grow and connect using a community development approach.

The Framework supports our community's vision as outlined in the Boroondara Community Plan 2021-31, for 'a sustainable and inclusive community'.

### 3.2. Framework Principles

The Framework is underpinned by the following 7 principles:

- **Collaboration:** Council and the neighbourhood houses will work collaboratively together to meet the needs and aspirations of our community.
- **Empowerment:** Council and the neighbourhood houses respect each other's individual needs and aspirations and value the important role each play in connecting, supporting, and empowering our community.
- **Support:** Council will continue to support neighbourhood houses through access to funding, community infrastructure, resources, and capacity building opportunities within the parameters of Council's resources.
- **Partnership:** Council and neighbourhood houses are committed to working in partnership together and seek to foster new and constructive ways of working together to respond to community needs.
- **Accountability:** Council and the neighbourhood houses are committed to working openly and transparently with each other. The roles and responsibilities of Council and neighbourhood houses are clearly articulated in leases, licences, and funding agreements.
- **Diversity:** Councils and neighbourhood houses welcome, respect and celebrate diversity within the Boroondara community and support each other to ensure there are programs and services offered by neighbourhood houses that meet all the needs within the community.





- **Community Development:** Council and neighbourhood houses work within a community development framework and are guided by the principles of community ownership and participation, empowerment, access and equity, inclusion, networking, advocacy, self-help, social action, and lifelong learning.

These principles will be included in the neighbourhood houses triennial funding agreements, which are renewed every three years and outline the terms and conditions of Council's funding with the neighbourhood houses.

### 3.3. Action Plan

As noted above in Section 1.2, under **Theme 1: Community, Services and Facilities;** Community services and facilities are high quality, sustainable, inclusive and strengthen resilience in the Boroondara Community Plan 2021– 2031, 4 of the strategies are relevant to the Framework.

The Action Plan has been developed around these 4 strategies:

- **Strategy 1.1:** Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining, and activating places for people to meet, organise activities and celebrate events.
- **Strategy 1.2:** Health and wellbeing is improved through delivering, facilitating, and advocating for services and programs that are accessible and affordable.
- **Strategy 1.5:** Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community.
- **Strategy 1.7:** Community resilience, safety and public health are improved by working in partnership with community and government organisations.

## 4. Development

The Framework was informed by the following research and consultation steps outlined below.

### 4.1. Stage one: consultation with neighbourhood house managers and committees

In 2021, Council facilitated a series of three Bouncing Back Better workshops with the neighbourhood house managers and committee members to reflect on the impact of the COVID19 pandemic on their operations and learnings, identify emerging needs for their communities and opportunities for collaboration. Historically, collaborative projects between Council and the neighbourhood houses have been managed on an ad-hoc basis. The need for a strategic framework was identified to plan actions and further promote collaboration, resource sharing, and sustainability.

In Workshop Three, the Framework was outlined and discussed. The group explored a statement of shared principles, vision and commitment for Council and the neighbourhood houses to work in partnership, as the basis for the Framework.



#### **4.2. Stage two: benchmarking local government policies, plans and strategies**

A desktop review of relevant neighbourhood house policies, plans and strategies was undertaken against 79 councils in Victoria. This information helped guide the development of the Framework and assess what approaches other councils were using to capture their partnership with neighbourhood houses.

#### **4.3. Stage three: review of draft Framework and development of action plan**

Two forums were scheduled with the neighbourhood houses and relevant Council officers in December 2022 and February 2023 to obtain feedback on the Framework and the proposed Action Plan.

There was representation at both forums from all Boroondara neighbourhood houses, and feedback about the Framework was very positive. Questions raised points of clarification or confirmation of the process of the development of the Action Plan.

A further workshop will be scheduled with the neighbourhood houses in early 2023 to receive input into the development of the annual Action Plan, which will be reviewed annually.

### **5. Implementation, monitoring and review**

#### Implementation

The Action Plan will be included in the neighbourhood houses triennial funding agreements.

The implementation of actions in the Framework and progress will be reported on annually through Council's internal corporate reporting system.

A key component of the Framework is the Neighbourhood House Annual Action Plan (annual Action Plan), which will capture how both Council and the neighbourhood houses will partner to deliver on the Boroondara Community Plan 2021-2031.

A workshop will be held with the neighbourhood houses each year to develop the annual Action Plan. Progress on actions from the previous year's annual Action Plan will also be reviewed.

#### Monitoring and review

The Framework will be reviewed on a four yearly cycle, with the next revision due in 2027.

Moving forward, there are opportunities to evaluate and expand on this approach with other community partners and precincts. This could include action planning with a broader range of community partners to support integrated placemaking and neighbourhood programming to respond to community needs.

#### **5.1. Accountabilities**

The Framework will be overseen by the Community Development Officer (Neighbourhoods and Community Projects).



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

Position Title	Contact number	Contact department email
Community Development Officer (Neighbourhoods and Community Projects)	(03) 9278 4767	communityplanning@boroondara.vic.gov.au

## 6. References

### 6.1. Related documents

Provide the names of all related or supporting documentation (internal and external) Acts, legislation and any associated forms.

- [Boroondara Community Plan 2021-31](#)
- [Neighbourhood House Coordination Program Guidelines 2016-2019](#)

## 7. Appendix 1: Action Plan

The actions outlined below have been developed in consultation with Boroondara neighbourhood houses. While responsibility has been assigned to individual departments, all actions involve the neighbourhood houses. The actions will be reviewed annually in consultation with the neighbourhood houses to ensure they are still relevant and to identify additional actions for an annual Action Plan. The Action Plan below will be included in the neighbourhood houses' triennial funding agreements. The successful implementation of the annual Action Plan will be dependent on the neighbourhood houses working collaboratively with Council to achieve agreed outcomes.

### Theme 1: Theme 1: Community, Services and Facilities

Community services and facilities are high quality, sustainable, inclusive and strengthen resilience.

#### Strategic Objective 1.1

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

No.	Area	Action	Responsibility	Timeline	Resources
1	Partnerships	Partner with neighbourhood houses across Boroondara to deliver services and programs for children, young people, and families	Health and Wellbeing Services  Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing
2		Partner with neighbourhood houses to deliver activities in collaboration with Boroondara Library Service that promote lifelong learning and social connections	Community Development Officer (Neighbourhoods & Community Projects)  Boroondara Library Service, Innovation & Community Programming Lead	2023-27	Existing

3		Engage neighbourhood houses in the co-design of a community arts project to activate neighbourhood house spaces	Arts & Culture Cultural Development Officer	2023-27	Existing
4		Engage neighbourhood houses in the co-design of a school holiday program, including promotion and marketing material with children and young people to encourage their attendance at school holiday programs and experiences	Health and Wellbeing Services	2023-27	Existing
5	Events & Celebrations	Engage neighbourhood houses in the promotion and delivery of key celebrations and events e.g., Children's Week, Cultural Diversity Week, Boroondara Sustainability Festival, International Women's Day, Reconciliation Week, NAIDOC Week, International Day of People with Disability, Community Safety Week	Health and Wellbeing Services  Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing

**Strategic Objective 1.2**

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

No.	Area	Action	Responsibility	Timeline	Resources
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6	Social inclusion	Increase opportunities for community members to volunteer in the neighbourhood houses, including people with a disability, Aboriginal and Torres Strait Islanders and people from culturally diverse backgrounds	Boroondara Volunteer Resource Centre  Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing
7		Build the capacity of neighbourhood houses to promote the inclusion and participation of people with disability and from multicultural backgrounds through training, information, and resource sharing	Community Development Officer (Neighbourhoods & Community Projects)  Social Inclusion Policy & Project Officer	2023-27	Existing
8		Work with neighbourhood houses to deliver digital literacy initiatives across Boroondara	Active Ageing Policy and Projects Officer, Active Ageing  Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing
9		Support neighbourhood houses to create and strengthen reciprocal relationships with Aboriginal and Torres Strait Islander stakeholders to contribute to reconciliation in Boroondara	Community Development Officer (Neighbourhoods & Community Projects)  Social Inclusion Policy & Project Officer	2023-27	Existing

10		Consider the use of signage and messaging in neighbourhood houses that create welcoming environments to encourage participation from Boroondara's diverse residents including Aboriginal and Torres Strait Islanders	Community Development Officer (Neighbourhoods & Community Projects)  Social Inclusion Policy & Project Officer	2023-27	Existing
11	Health & Wellbeing	Partner with Boroondara neighbourhood houses and men's sheds to promote community connection opportunities and support the recovery from COVID-19	Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing

**Strategic Objective 1.5**

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

<b>N</b>	<b>Area</b>	<b>Action</b>	<b>Responsibility</b>	<b>Timeline</b>	<b>Resources</b>
12	Marketing & Promotions	Promote programs and events, including through Council's marketing channels to increase awareness of neighbourhood house programs and activities	Strategic Communications  Community Development Officer (Neighbourhoods & Community Projects)	2023-27	Existing
13		Participate in Neighbourhood Houses Week and promote programs and activities through	Strategic Communications	2023-27	Existing

		Council's comms and marketing channels to encourage participation	Community Development Officer (Neighbourhoods & Community Projects)		
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**Strategic Objective 1.7**

Community resilience, safety and public health are improved by working in partnership with community and government organisations.

No.	Area	Action	Responsibility	Timeline	Resources
14	Consultation	Council to engage neighbourhood houses in the consultation for the development of key strategies and plans	Community Development Officer (Neighbourhoods & Community projects)	2023-27	Existing
15		Council to hold workshops with neighbourhood houses to support capacity building, information sharing, collaboration and sustainability e.g. disability awareness training, engaging young people	All neighbourhood houses and Council officers from relevant departments e.g., Health and Wellbeing, Local Economies, Sustainability etc.	2023-27	Existing
16	Skill development	Identify opportunities for skill development for neighbourhood house staff, volunteers, and committees of management	Community Development Officer (Neighbourhoods & Community projects)	2023-27	Existing



## 7.3 Amendment C367boro - 57 & 60 Berkeley Street Hawthorn Heritage Overlay - Decision to Adopt

### Executive Summary

#### Purpose

The purpose of this report is to seek Council's adoption of Amendment C367boro to the Boroondara Planning Scheme, following the Urban Planning Delegated Committee (UPDC) decision at its meeting on 6 February 2023.

#### Background

Amendment C367boro proposes to include 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay on a permanent basis.

Amendment C67boro was exhibited from 12 May to 14 June 2022, and a report on the outcomes of the exhibition process was considered by the UPDC on 1 August 2022. The UPDC resolved to request appointment of a planning panel and refer all submissions received to the panel for consideration.

A public planning panel was held over four days between 19 September and 27 October 2022 to consider all submissions to the amendment, together with Amendment C368boro (unrelated). One opposing submitter to C367boro was represented in relation to 57 Berkeley Street Hawthorn. The submitter opposing the inclusion of 60 Berkeley Street, Hawthorn was not represented at the Panel.

#### Key Issues

The Panel's report was received on 25 November 2022 and is contained at **Attachment 1**. The report was made public in accordance with the requirements of the *Planning and Environment Act 1987* on 29 November 2022.

The Panel supports the inclusion of both 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay.

The Panel supported Council's submission and that of its expert on 57 Berkeley Street, Hawthorn that the 1995 addition did not detract from the overall intactness of the house. While the Panel formed the view that Criterion E (aesthetic significance) was not met, it concluded that Criterion D (representativeness) was met. The Panel accepted Council's submission and the evidence of its expert (which was not challenged at the hearing) that 60 Berkeley Street, Hawthorn was individually significant. The panel did not recommend any changes.

On 6 February 2023, a report on the outcomes of the planning panel was presented to the Urban Planning Delegated Committee. Officers recommended accepting the Panel's recommendation, including minor changes in relation to the heritage citation and Statement of Significance for 57 Berkeley Street, Hawthorn.

The UPDC resolved unanimously to accept the panel's recommendations and referred Amendment C367boro to an Ordinary Meeting of Council for adoption.

### Next Steps

Officers recommend that Council formally adopt Amendment C367boro and resolve to submit Amendment C367boro to the Minister for Planning for final approval.

## **Officers' recommendation**

That the Council resolve to:

1. Adopt Amendment C367boro to the Boroondara Planning Scheme, as shown in **Attachments 1 to 6**, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.
2. Submit Amendment C367boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
3. Following the Minister's approval of Amendment C367boro, update two (2) reference documents to the Boroondara Planning Scheme (the Boroondara *Schedule of Gradings Map* and *Boroondara Heritage Property Database*) to include heritage gradings and relevant heritage citations for properties affected by Amendment C367boro.
4. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.

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**Responsible director:**     **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to seek a resolution from the Council to:

- Inform Council of the outcomes of the Urban Planning Delegated Committee (UPDC) meeting on 2 May 2022.
- Seek Council's adoption of Amendment C367boro as endorsed by the UPDC on 6 February 2023, including:
  - Attachment 1: Schedule to Clause 43.01 - Heritage Overlay (Sub-Clause 2.5 HO801 to HO1000)
  - Attachment 2: Schedule to Clause 72.04 - List of Incorporated Documents
  - Attachment 3: Schedule to Clause 72.08 - List of Background Documents
  - Attachment 4: Planning scheme amendment map
  - Attachment 5: 57 Berkeley Street, Hawthorn Statement of Significance Incorporated Document
  - Attachment 6: 60 Berkeley Street, Hawthorn Statement of Significance Incorporated Document

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

### **Boroondara Community Plan**

The Boroondara Community Plan 2021-31 sets out the 10-year vision for Boroondara's future based on values, aspirations and priorities important to the community, and includes the Council Plan 2021-25.

The amendment implements Strategic Objective 4 of the Plan: *"Protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development"*.

Specifically, the amendment implements the following Strategy 4.1 - "Boroondara's heritage places are protected through ongoing implementation of the heritage protection controls in the Boroondara Planning Scheme."

### **Heritage Action Plan 2016**

The Heritage Action Plan was adopted by Council on 2 May 2016 and establishes the framework to guide Council's heritage work program as it relates to the identification, protection, management and promotion of Boroondara's heritage assets.

The amendment is consistent with the following actions of the Heritage Action Plan 2016:

- Knowing: which seeks to identify, assess and document heritage places;

- Protecting: which seeks to provide statutory protection for identified heritage places.

### **Boroondara Planning Scheme**

The amendment is consistent with the objectives of the Planning Policy Framework. Specifically, it addresses the following Clauses:

- Clause 2.03-4 Built environment and heritage of the Municipal Planning Strategy – which includes the strategic direction to ‘protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance’.
- Clause 15.03-1S Heritage conservation – which seeks to ‘ensure the conservation of places of heritage significance’ and to ‘identify, assess and document places of natural and cultural heritage significance as a basis for inclusion in the planning scheme’.
- Clause 15.03-1L Heritage in Boroondara – which seeks to ‘preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm’.

The Planning Policy Framework seeks to ensure the Heritage Overlay is applied to protect places of heritage significance in the City of Boroondara.

### **Plan Melbourne 2017-2050**

The identification, assessment and protection of places of local heritage significance are supported by Outcome 4 of *Plan Melbourne* which seeks to ensure that ‘*Melbourne is a distinctive and liveable city with quality design and amenity*’. Direction 4.4 recognises the contribution heritage makes to Melbourne’s distinctiveness and liveability and advocates for the protection of Melbourne’s heritage places.

Policy 4.4.1 recognises the need for ‘*continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change*’.

The amendment is consistent with these *Plan Melbourne* directions and initiatives.

### **Planning and Environment Act 1987**

The amendment is consistent with the objectives of planning in Victoria, in particular the objective detailed in Section 4(1)(d) of the *Planning and Environment Act 1987* (the Act), being:

*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

This means that Council has a statutory obligation to continuously identify and protect places of heritage significance through the Heritage Overlay.

### 3. Background

The table below provides a timeline of Amendment C367boro.

Date	Event
25 August 2020	Survey date of draft citation as prepared by Peter Andrew Barrett for 57 Berkeley Street, Hawthorn.
March 2021	Survey date of draft citation as prepared by Trethowan Architects for 60 Berkeley Street, Hawthorn.
4 May to 4 June 2021	<p>Preliminary consultation period for heritage investigation of 57 and 60 Berkeley Street, Hawthorn.</p> <p>As a result of the preliminary consultation process, Council received 57 submissions including three (3) opposing and 54 supporting submissions.</p>
4 October 2021	<p>Council's Urban Planning Delegated Committee (UPDC) considered a report on the outcomes of preliminary consultation and resolved to:</p> <ul style="list-style-type: none"> <li>• receive and note, the feedback received, and the outcomes of the preliminary consultation process undertaken on the draft heritage citations for 57 and 60 Berkeley Street, Hawthorn</li> <li>• adopt the heritage citations for 57 and 60 Berkeley Street, Hawthorn contained in Attachment 1 and 2, as annexed to the UPDC minutes</li> <li>• endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citations outlined in Attachment 3, as annexed to the UPDC minutes</li> <li>• write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the Planning and Environment Act 1987 to include 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay</li> <li>• following receipt of authorisation from the Minister for Planning, exhibit Amendment C367boro in accordance with Section 19 of the Planning and Environment Act 1987</li> <li>• authorise the Director of Council's Urban Living Unit to undertake administrative changes to Amendment C367boro which do not change the intent of the amendment, or any changes required under the Minister of Planning's Authorisation prior to the commencement of exhibition</li> </ul>
11 October 2021	Council Officers wrote to the Minister for Planning and sought authorisation to prepare Amendment C367boro.
12 November 2021	Minister for Planning authorised Council to prepare Amendment C367boro.
12 May to 14 June 2022	<p>Amendment C367boro formally exhibited.</p> <p>As a result of the public exhibition process, Council received 33 submissions including two opposing and 31 supporting submissions.</p>
1 August 2022	<p>Council's Urban Planning Delegated Committee (UPDC) considered a report on the outcomes of exhibition and resolved to:</p> <ul style="list-style-type: none"> <li>• receive and note the submissions to Amendment C367boro to the Boroondara Planning Scheme in accordance with Section 22 of the Planning and Environment Act 1987</li> <li>• endorse the officers' response to submissions and</li> </ul>

	<p>recommended change to Amendment C367boro as shown at Attachment 2 of the UPDC minutes</p> <ul style="list-style-type: none"> <li>• request that the Minister for Planning appoint a Planning Panel under Section 153 of the Planning and Environment Act 1987 to consider unresolved submissions to Amendment C367boro</li> <li>• refer Amendment C367boro and all submissions to a Planning Panel in accordance with section 23(1) of the Planning and Environment Act 1987</li> <li>• authorise the Director of Council's Urban Living Unit to undertake administrative changes to Amendment C367boro that do not change the intent of the amendment prior to a Panel Hearing</li> </ul>
3 August 2022	Request to appoint Panel submitted to Planning Panels Victoria.
4 August 2022	Con Tsotsoros appointed as Chair.
22 August 2022	Directions Hearing held.
24 August 2022	Panel reconstituted to appoint Michael Ballock as Chair.
24 August 2022	Directions issued by Planning Panels Victoria.
19 September to 27 October 2022	Planning Panel held over four days to consider all submissions received.
25 November 2022	Planning Panel report received.
29 November 2022	Planning Panel report made public in accordance with the <i>Planning and Environment Act 1987</i> .
6 February 2023	<p>Council's Urban Planning Delegated Committee (UPDC) considered a report on the outcomes of the Planning Panel process and resolved to;</p> <ul style="list-style-type: none"> <li>• receive and acknowledge the Panel's report and recommendations, in accordance with Section 27(1) of the Planning and Environment Act 1987</li> <li>• endorse the officers' response to the Panel's recommendations and recommended changes to Amendment C367boro to the Boroondara Planning Scheme</li> <li>• adopt the revised heritage citation for 57 Berkeley Street, Hawthorn</li> <li>• refer the updated Amendment C367boro to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the Planning and Environment Act 1987</li> <li>• authorise Officers to undertake administrative changes to the amendment and associated planning controls that do not change the intent of Amendment C367boro</li> </ul>

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

##### Panel report and recommendations

The Panel generally supported the amendment and considered it to be well founded, strategically justified and consistent with the relevant Ministerial Directions.

Accordingly, the Panel recommended the amendment should be adopted as exhibited subject to some minor changes to the citation for 57 Berkeley Street, Hawthorn.

## 57 Berkeley Street, Hawthorn

Council was represented by Maddocks Lawyers and called expert evidence from Dr Sue Silberberg in support of the citation prepared by Peter Andrew Barrett. The owners of 57 Berkeley Street, Hawthorn engaged Ms Katherine White (Lovell Chen) to provide expert evidence against the inclusion of 57 Berkeley Street, Hawthorn under the Heritage Overlay.

Five submitters addressed the Panel to provide their support for the inclusion of 57 Berkeley Street, Hawthorn in the Heritage Overlay.

The primary point of contention regarding 57 Berkeley Street Hawthorn was the extent to which the 1995 extension to the home diminishes the significance of the building.

Council's expert witness argued that the home exhibited a high level of integrity, and that the alterations were minor and visually detached from the home, and did not diminish the significance of the place. This argument was informed by the following key points:

- The extension does not dominate the original building which can still be read clearly.
- The extension is consistent with Council's heritage guidelines.
- There is considerable precedence for properties with extensions in a Heritage Overlay in Boroondara.

The owners' expert witness argued that the 1995 extension was a significant modification which was not sufficiently distinguishable from the original part of the house. Their view was that the house was not a "fine and intact example of a Federation style villa". The owner's expert witness also argued that the home did not meet Criterion E (aesthetic significance). This argument was based on the comparative analysis against other homes being inappropriate, as it used examples of earlier homes that were more typical of the period, where 57 Berkeley Street was an aesthetic outlier for the year it was built.

The Panel considered the submissions and expert evidence presented and found that 57 Berkeley Street, Hawthorn should be included in the Heritage Overlay.

The Panel formed the view that Criterion D (representative significance) was met and therefore inclusion in the Heritage Overlay is justified. In reaching this conclusion the Panel found that the house is a substantial villa built during a period of intensive residential development of this area of Hawthorn on a large garden site. The Panel considered this to be an important example demonstrating the principal characteristics of the early settlement of Hawthorn south of Riversdale Road.

The Panel also noted that the Statement of Significance should be amended to acknowledge that the 1995 extension is not significant to the place, consistent with Council's submission.

However, the Panel accepted the opposing expert evidence that Criterion E was not satisfied. The Panel found that the home was an example of a Federation Villa, but not a 'fine example' of one, and therefore does not meet the requisite standard for Criterion E. Accordingly, the Panel recommended deletion of this Criterion from the heritage citation and Statement of Significance.

At its meeting on 6 February 20223, the UPDC accepted the recommendations of the Panel.

### **60 Berkeley Street Hawthorn**

Council called expert evidence from Mr Aron Paul, of Trethowan Architects, who undertook the heritage assessment and prepared the heritage citation for 60 Berkeley Street, Hawthorn. No expert witness was called to give evidence against the inclusion of 60 Berkeley Street in the Heritage Overlay.

The owner's submission regarding 60 Berkeley Street, Hawthorn was that the home had not been identified in earlier studies as having heritage significance and that there had been some alterations to the rear of the home.

Council's expert witness argued that new information regarding the architect had not been available in previous assessments. This new information was critical to the re-assessment and meant that the place's significance was elevated to meet the threshold for inclusion in the Heritage Overlay.

Council's expert witness also argued that it was common for individually significant properties to have undergone some minor alterations., The changes made to the house do not preclude inclusion in the Heritage Overlay, especially given these additions or alteration are located towards the rear.

The Panel considered the submissions and expert evidence presented and found that 60 Berkeley Street, Hawthorn should be included in the Heritage Overlay.

The Panel did not recommend any changes to the Statement of Significance.

### **UPDC consideration of Panel report**

On 6 February 2023, the Urban Planning Delegated Committee considered a report on the outcomes of the Panel and resolved to refer Amendment C367boro to Council for adoption.

## **5. Consultation/communication**

All submitters were notified of and given the opportunity to appear at the public hearing and to address the Panel in support of their submission.

Submitters who chose not to appear at the hearing had their written submission considered by the independent Panel.

All relevant parties were notified in writing of the release of the Panel report.



All submitters, as well as owners and occupiers of the affected and adjoining properties were notified of the UPDC meeting held on 6 February 2023 to consider the outcomes of the Panel, as well as this Council meeting.

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

Cost associated with the preparation and implementation of the amendment will be funded through the Planning and Placemaking Department operational budget for the 2022/23 financial year.

## **7. Governance issues**

The officers responsible for this report have no direct or indirect interests requiring disclosure.

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

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

The inclusion of the individually significant properties in the Heritage Overlay recommended by the study would have positive social effects by contributing to the continual protection and management of the City's heritage. The amendment is not determined to have any environmental impacts.

**Manager:** David Cowan, Manager Planning and Placemaking

**Report officer:** Emil Dickson, Strategic Planner

**BOROONDARA PLANNING SCHEME**16/05/2019  
C293**SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY****1.0**26/05/2022  
C354boro**Application requirements**

The following application requirements apply to an application under Clause 43.01, in addition to those specified elsewhere in the planning scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

**Demolition and subdivision of 'significant', 'contributory' and 'non-contributory' places**

- An application for a new building or works to accompany a demolition or subdivision application. The demolition or removal of any heritage place or part of a heritage place will not normally be approved until a replacement building or development is approved. Subdivision will not normally be approved prior to approval of any buildings or buildings envelopes for any resulting lots.
- A Demolition Management Plan and/or Conservation Management Plan.

**Conservation and alterations**

- Evidence of original details and finishes when they are proposed to be reinstated.

**New buildings and additions**

- For upper-storey additions:
  - A sight line diagram (see Clause 15.03-1L, Figure 1).
  - Oblique view diagrams (see Clause 15.03-1L, Figures 2-3).
- For new buildings, a streetscape elevation.

**Archaeological sites**

- A report prepared by an archaeologist where sites are known to contain archaeological material or have been identified as likely to contain archaeological material.

**2.0**14/04/2022  
C362boro**Heritage places**

The requirements of this overlay apply to both the heritage place and its associated land.

## BOROONDARA PLANNING SCHEME

## 2.1

04/11/2022  
VC226

## HO1 to HO200

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO1	<i>Golf Links Estate, Camberwell</i> Includes Camberwell Rd (part), Christowel St (part), Fairmont Ave (part), Finsbury Way, Lansell Cres, Lyric Grove, Maple Cres, Marlborough Ave, Murdoch St (part), Orrong Cres, Tyrone St (part).	No	No	No	Yes	No	No	No	No
HO2	<i>House</i> 19 Anderson Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO3	<i>Ercildoune</i> 424 Auburn Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO4	<i>Xavier College</i> 135 Barkers Road, Kew	-	-	-	Yes	-	Yes Ref No H893	Yes	No
HO5	<i>House</i> 62 Barkers Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO6	<i>Preshil Junior School</i> 395 Barkers Road, Kew	-	-	-	Yes	-	Yes Ref No H72	Yes	No
HO7	<i>House</i> 492 Barkers Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO8	<i>Werona</i> 500 Barkers Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO9	<i>St Ouen</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	520 Barkers Road, Hawthorn East								
HO10	<i>Turinville</i> 53 Barnard Grove, Kew	Yes	No	No	Yes	No	No	Yes	No
HO11	<i>D'estaville</i> 7 Barry Street, Kew	-	-	-	Yes	-	Yes Ref No H201	Yes	No
HO12	<i>Marathon</i> 1 Beaconsfield Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO13	<i>House</i> 10 Beaconsfield Rd, Hawthorn East	No	No	No	Yes	No	No	No	No
HO14	<i>House</i> 12 Beaconsfield Rd, Hawthorn East	No	No	No	Yes	No	No	No	No
HO15	<i>Avondale</i> 22 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO16	<i>House (formerly Wakato)</i> 38 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO17	<i>Broughton Hall (formerly Tara)</i> 2 Berwick Street, Camberwell	-	-	-	Yes	-	Yes Ref No H1176	Yes	No
HO18	<i>Former ES&amp;A Bank</i> 482 Riversdale Road, Hawthorn East	-	-	-	Yes	-	Yes Ref No H534	Yes	No
HO19	<i>Nachemo</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	997 Burke Road, Hawthorn East								
HO21	<i>House</i> 1093 Burke Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO22	<i>Ultima</i> 1099 Burke Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO23	<i>Former Invergowrie Lodge</i> 8 Palmer Place, Hawthorn	-	-	-	Yes	-	Yes Ref No H517	Yes	No
HO24	<i>Manresa Peoples Centre (Former ES&amp;A Bank)</i> 343 Burwood Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H516	Yes	No
HO25	<i>House</i> 759 Burwood Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO26	<i>Kardinia</i> 8 Calvin Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO28	<i>Camberwell Court House and Police Station</i> 311-317 Camberwell Rd, Camberwell	-	-	-	Yes	-	Yes Ref No H1194	Yes	No
HO29	<i>Canterbury Mansions</i> 208 Canterbury Road and 126 Maling Road, Canterbury	-	-	-	Yes	-	Yes Ref No H869	Yes	No
HO30	<i>Grace Park House</i> 19 Chrystobel Crescent, Hawthorn	-	-	-	Yes	-	Yes Ref No H730	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO31	<i>Huntingtower</i> 106 Church Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO32	<i>Former Bridge Hotel</i> 155 Church Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H449	Yes	No
HO33	<i>House</i> 27 Constance Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO34	<i>Second Church of Christ Scientist</i> 41 Cookson Street, Camberwell	-	-	-	Yes	-	Yes Ref No H1196	Yes	No
HO36	<i>Invergowrie</i> 21 Coppin Grove, Hawthorn	-	-	-	Yes	-	Yes Ref No H195	Yes	No
HO37	<i>Wimba</i> 235 Cotham Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO38	<i>Ross House (formerly Charleville)</i> 292 Cotham Road, Kew	-	-	-	Yes	-	Yes Ref No H202	Yes	No
HO39	<i>The Hawthorns</i> 5 Creswick Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H457	Yes	No
HO40	<i>Mackillop House (Sisters of St Joseph)</i> 13 Havelock Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO41	<i>Riverton</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	22 Elm Street, Hawthorn								
HO42	<i>Hawthorn Railway Station Complex</i> 54 Burwood Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H1566	Yes	No
HO43	<i>House</i> 10 Faircroft Avenue, Glen Iris	No	No	No	Yes	No	No	No	No
HO44	<i>Toxtern</i> 4 Fordholm Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO45	<i>Konsley</i> 7 Fordholm Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO46	<i>Glenferrie Railway Station Complex</i> 668 Glenferrie Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H1671	Yes	No
HO47	<i>House</i> 568 Glenferrie Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO48	<i>Hawthorn Presbyterian Church</i> 580-582 Glenferrie Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO50	<i>Cottingley</i> 16 Glenroy Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO51	<i>Oxbridge House</i> 12 Grandview Grove, Hawthorn East	Yes	No	No	Yes	No	No	Yes	No
HO52	<i>Alloarmo</i>	-	-	-	Yes	-	Yes	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	5 Grattan Street, Hawthorn						Ref No H552		
HO53	<i>House</i> 15 Grattan Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO54	<i>Rotha</i> 29 Harcourt Street, Hawthorn East	-	-	-	Yes	-	Yes Ref No H510	Yes	No
HO63	<i>House</i> 3 Henrietta Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO64	<i>Boroondara General Cemetery, Springthorpe Memorial &amp; Cussen Memorial</i> 430-440 High Street, Kew	-	-	-	Yes	-	Yes Ref No H49 & Ref No H522 & Ref No H2036	Yes	No
HO67	<i>National Australia Bank</i> 185 High Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO68	<i>Former Kew Post Office</i> 186 High Street, Kew	-	-	-	Yes	-	Yes Ref No H885	Yes	No
HO69	<i>Police Station and former Court House</i> 188 High Street, Kew	-	-	-	Yes	-	Yes Ref No H944	Yes	No
HO70	<i>Holy Trinity Church and Vicarage</i> 249-251 High Street, Kew	Yes	No	No	Yes	No	No	Yes	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO71	<i>Houses</i> 5 & 7 Higham Road, Hawthorn East <b>Statement of Significance:</b> 5 & 7 Higham Road, Statement of Significance, February 2021	No	No	Yes - Oak at rear of 5 Higham Road	Yes	No	No	No	No
HO72	<i>House</i> 3/2 Hodgson Street, Kew <b>Statement of Significance:</b> River House Statement of Significance, June 2021	Yes	Yes	Yes - Oak trees (x3), Cypress tree, Stone Pine, Stand of Elms	Yes	Yes, jetty and landing	No	Yes	No
HO73	<i>Wandara</i> 5 Hollingsworth Avenue, Hawthorn	No	No	No	Yes	No	No	No	No
HO74	<i>Oxford</i> 21 Isabella Grove, Hawthorn	-	-	-	Yes	-	Yes Ref No H196	Yes	No
HO75	<i>House</i> 96 Kilby Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO76	<i>Colinetta</i> 9 Kildare Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO77	<i>Shenton, also known as Immigration Reception Centre</i> 41 Kinkora Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H788	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO78	<i>Talandoon</i> 10-12 Kooyongkoot Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO79	<i>Crossakiel</i> 26 Kooyongkoot Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO80	<i>House</i> 45 Liddiard Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO81	<i>House</i> 51 Liddiard Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO82	<i>House</i> 71 Liddiard Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO83	<i>Glenferrie Oval Grandstand</i> 34 Linda Crescent, Hawthorn	-	-	-	Yes	-	Yes Ref No H890	Yes	No
HO84	<i>Maroondah</i> 22 Lisson Grove, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO85	<i>Cintra</i> 34 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO86	<i>Formerly Austral</i> 38 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO87	<i>Kinvonvie</i> 42 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO88	<i>Valetta</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	47 Lisson Grove, Hawthorn								
HO89	<i>Formerly Roslyn</i> 58 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO90	<i>House</i> 65 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO91	<i>House</i> 12 MacDonald Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO92	<i>Ivy Grange</i> 3 Malmsbury Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO93	<i>House</i> 11 Manningtree Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO94	<i>House</i> 81 Manningtree Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO95	<i>Glenferrie Primary School No. 1508</i> 78-98 Manningtree Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H1630	Yes	No
HO96	<i>Carrigal</i> 18-20 Mason Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO97	<i>Craignethorn</i> 24-26 Mason Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO98	<i>Eyre Court</i>	-	-	-	Yes	-	Yes	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	2 Molesworth Street, Canterbury						Ref No H817		
HO99	<i>Frognall</i> 54 Mont Albert Road, Canterbury	-	-	-	Yes	-	Yes Ref No H707	Yes	No
HO100	<i>Former Dairy</i> 2 Neave Street, Hawthorn East First 5 metres from Myrniong Grove, including facade of the former dairy.	No	No	No	Yes	No	No	No	No
HO101	<i>Xavier Preparatory School (formerly Studley House, also known as Wren House)</i> 2 Nolan Avenue, Kew	-	-	-	Yes	-	Yes Ref No H789	Yes	No
HO102	<i>Formerly Goldthorns</i> 86 Normanby Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO103	<i>Formerly Ramornie</i> 24 Pakington Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO104	<i>Formerly Roseneath</i> 62 Peel Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO105	<i>Parlington</i> 46 Parlington Street, Canterbury	-	-	-	Yes	-	Yes Ref No H731	Yes	No
HO106	<i>Booroke</i> 131 Power Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO107	<i>Manor Court Lodge</i> 144 Power Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO108	<i>House</i> 174 Power Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO109	<i>Former Willsmere Hospital</i> 1-258 Wiltshire Drive and 21 Vaughan Crescent, Kew	-	-	-	Yes	-	Yes Ref No H861	Yes	No
HO110	<i>Auburn Primary School No. 2948</i> 51 Rathmines Road, Hawthorn East	-	-	-	Yes	-	Yes Ref No H1707	Yes	No
HO111	<i>Eyrecourt</i> 11 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO112	<i>House</i> 62 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO113	Summerlea 7 Summerlea Grove, Hawthorn (Also known as 76 Riversdale Road)	No	No	No	Yes	No	No	No	No
HO114	<i>House</i> 82 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO115	<i>House</i> 169 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO116	<i>Former Robin Boyd House</i>	-	-	-	Yes	-	Yes	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	664-666 Riversdale Rd, Camberwell						Ref No H879		
HO117	<i>McCartney House</i> 19 Rockingham Close, Kew	Yes	No	No	Yes	No	No	Yes	No
HO118	<i>Ennis Mount</i> 5 Rosslyn Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO119	<i>Cullymont</i> 4 Selwyn Street , Canterbury	-	-	-	Yes	-	Yes Ref No H811	Yes	No
HO120	<i>'The Haven' homes for women</i> 2 Station Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO121	<i>'The Haven' homes for women</i> 2A Station Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO122	<i>'The Haven' homes for women</i> 4 Station Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO123	<i>'The Haven' homes for women</i> 4A Station Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO125	<i>House</i> 77 St Helens Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO126	<i>Boatsheds and Boat House, Studley Park</i> Studley Park	Yes	No	No	Yes	No	No	Yes	No
HO127	<i>Kanes footbridge, Studley Park</i> 114 Studley Park Road, Kew	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO128	<i>Raheen</i> 96 Studley Park Road, Kew	-	-	-	Yes	-	Yes Ref No H515	Yes	No
HO129	<i>House Swinton</i> 23 Swinton Avenue, Kew	Yes	No	No	Yes	No	No	Yes	No
HO130	<i>Kawarau</i> 405 Tooronga Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H489	Yes	No
HO131	<i>House</i> 12 Tower Place, Hawthorn East	No	No	No	Yes	No	No	No	No
HO132	<i>Auburn Railway Station Complex</i> 99 Auburn Road, Hawthorn East	-	-	-	Yes	-	Yes Ref No H1559	Yes	No
HO133	<i>Former Hawthorn Tramways Trust Depot</i> 8 Wallen Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H876	Yes	No
HO134	<i>Villa Alba</i> 44 Walmer Street, Kew	-	-	-	Yes	-	Yes Ref No H605	No	No
HO135	<i>Otira</i> 73 Walpole Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO136	<i>Jefferies House</i> 7 Warwick Avenue, Surrey Hills	-	-	-	Yes	-	Yes Ref No H461	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO137	<i>House</i> 44 Wattle Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO138	<i>House</i> 60 Wattle Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO139	<i>Harelands</i> 5 Willsmere Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO140	<i>House and stable</i> 1-1A Wiseman St, Hawthorn East	No	No	No	Yes	No	No	No	No
HO141	<i>Zetland</i> 16 Yarra Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H477	No	No
HO142	<i>Barrington Avenue Precinct, Kew</i> Includes Adeney Ave (part), Barrington Ave, Belmont Ave (part), 135 to 187 (odd) Cotham Road (Excluding 161 and 167 Cotham Road) Glenferrie Rd (part), Hillcrest Ave (part), Kent St, Marshall Ave, Park Hill Rd (part), Ridgeway Ave, Uvadale Gve.	No	No	No	Yes	No	No	No	No
HO143	<i>Barry Street Precinct, Kew</i> Includes A'Beckett St (part), Barry St, Cameron Ct, Fellows St (part), Fernhurst Gve (part), Holroyd St (part), Molesworth St (part), Princess St (part), Sir William St (part), Stawell St (part), Studley Ave (part), Wills St (part).	No	No	No	Yes	No	No	No	No
HO144	<i>Burke Road Precinct, Hawthorn East</i>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

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	Includes Burke Rd (part).								
HO145	<i>Maling Road Shopping Centre and Residential Environs, Canterbury</i> Includes Bryson St, Canterbury Rd (part), Church St, Claremont Cres, Cross St, Golding St, Highfield Rd (part), Leeds St, Logan St, Maling Rd (part), Margaret St, Matlock St (part), McGregor St, Milton St (part), Molesworth St, Prospect Hill Rd (part), Scott St, Short St, Selwyn St, Theatre Pl, Warburton Rd (part), Wattle Valley Rd (part), Wilandra Ave	No	Yes - Reredos at 2-2A Margaret Street, Canterbury only	No	Yes	No	No	No	No
HO146	<i>Central Gardens Precinct, Hawthorn</i> Includes Allen St, Falmouth St, Henry St (part), Malmsbury Street (part), Selbourne St (part), William St (part).	No	No	No	Yes	No	No	No	No
HO147	<i>Corsewall Close Precinct, Hawthorn East</i> Includes Corsewall Close	No	No	No	Yes	No	No	No	No
HO148	<i>Fairview Park Precinct, Hawthorn</i> Includes Fairview St (part), Riversdale Ct (part), Riversdale Rd (part), Wallen Rd (part).	No	No	No	Yes	No	No	No	No
HO149	<i>Glenferrie Hill Precinct, Hawthorn</i> Includes Callantina Rd (part), Glenferrie Rd (part) and Wellesley Rd (part).	No	No	No	Yes	No	No	No	No
HO150	<i>Glenferrie Road Precinct, Kew</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Includes Barkers Rd (part), 4 Belmont Ave, Byron St, Charles St (part), Coleridge St, College Pde, College Pl, Cotham Rd (part), Doona Ave, Edgevale Rd, Franks Gve, Gordon Ave, Glenferrie Rd (part, including 231 Barkers Rd), Highbury Gve, Lofts Ave (part), Rossfield Ave (part), Scott St, Selbourne Rd, Stansell St, St Johns Pde, Stirling St, Union St (part), Wellington St (part)								
HO151	<i>Harcourt Street Precinct</i> Includes Auburn Rd (part), Barkers Rd (part), Bayview Ave, Harcourt St (part), Higham Rd (part), Kildare St (part), Molesworth St, Rathmines Rd (part)	No	No	No	Yes	No	No	No	No
HO152	<i>Grace Park and Hawthorn Grove Precincts, Hawthorn</i> Includes Barkers Rd (part), Charles St, Chrystobel Cr, Clovelly Cr, Denham St (part), Elgin St (part), Eric St, Grove Rd (part), Hawthorn Gve, Hilda Cr, Lennox St (part), Kinkora Rd, Linda Cres (part), Mary St, Moore St, Power St (part), Ruby St.	No	No	No	Yes	No	No	No	No
HO154	<i>Lower Burke Road Precinct, Glen Iris</i> Includes Burke Road (part).	No	No	No	Yes	No	No	No	No
HO155	<i>Lyndhurst Crescent Precinct, Hawthorn</i> Includes Lyndhurst Cres (part).	No	No	No	Yes	No	No	No	No
HO156	<i>Morang Road Precinct, Hawthorn</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Includes Evansdale Rd (part), Morang Rd (part), Rosney Street (part) Railway Place (part)								
HO157	<i>Oswin Street Precinct, Kew</i> Includes Glass St (part), Irymple Ave, Namur St, Oswin St.	No	No	No	Yes	No	No	No	No
HO158	<i>Walmer Street Precinct, Kew</i> Includes Ettrick St (part), Hodgson St (part), Nolan Ave (part), Studley Park Rd (part), Walmer St.	No	No	No	Yes	No	No	No	No
HO159	<i>Prospect Hill Road Precinct, Camberwell</i> Avoca St, Berwick St, Brinsley Rd, Broadway, Cookson St (part), Craig Ave, Derby St, Fermanagh Rd, Holly St, Kasouka Rd, Kingsley St, Kintore St, Loch St, Lorne Gve, Moorehouse St, Palmerston St, Prospect Hill Rd (part), Riversdale Rd (part), Royal Cres, Russell St, Sefton Pl, Stanhope Gve, Thorn St, Trafalgar Rd, Victoria Rd, Wandin Rd, Waterloo St, East Camberwell Railway Station.	No	No	No	Yes	No	No	No	No
HO160	<i>Rathmines Grove Precinct, Hawthorn East</i> Includes Rathmines Gve (part), Rathmines Rd (part).	No	No	No	Yes	No	No	No	No
HO161	<i>Ryeburne Avenue Precinct, Hawthorn East</i> Includes Harcourt St (part), Kildare St (part), Rathmines Rd (part), Ryburne Ave.	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO162	<i>Sackville Street Precinct, Kew</i> Includes 1185 to 1189 (odd) Burke Road, 6 to 14 (even) Grange Road (excluding 12 Grange Road); and 16 Rowland Street, Sackville Street (part), Wrixon Street (part).	No	No	No	Yes	No	No	No	No
HO163	<i>St James Park Estate, Hawthorn</i> Includes Burwood Rd (part), Coppin Gve, Isabella Gve, Shakespeare Gve, Wyuna Ave, Yarra St (part).	No	No	No	Yes	No	No	No	No
HO164	<i>Leslie Street Precinct, Hawthorn</i> Includes Leslie Street Urquhart Estate, Hawthorn: includes The Boulevard (part), Elmie St (part), Goodall St (part), Lyall St (part), Swinburne Ave (part), Urquhart St. Oxley Road Precinct, Hawthorn: includes Burwood Rd (part), Camden Rd, Dean Ave, Edlington St (part), Elmie St (part), Goodall St (part), Hepburn St, Kent St, Launder St, Lyall St (part), Minona St, Oxley Rd, Paterson St, St Columbs St, Auburn Rd (part).	No	No	No	Yes	No	No	No, except for vicarage building of St Columbs Church at 448 Burwood Road, Hawthorn	No
HO165	<i>Wanganella (formerly St Johns Wood)</i> 8 Aird Street, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO166	<i>House</i> 39 Avenue Athol, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO168	<i>House</i> 27 Balwyn Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO169	<i>Fintona Girls School (formerly Tourmont)</i> 79 Balwyn Road, Balwyn Front area 'Tourmont', i.e. driveway, 10 metres from northern edge of building, 3.5 metres setback west side of building, 2 metres setback from the south boundary of building.	Yes	No	No	Yes	No	No	Yes	No
HO170	<i>House</i> 6 Bulleen Road, Balwyn North	Yes	No	No	Yes	No	No	Yes	No
HO171	<i>Linda House (former)</i> 19-21 Canterbury Road, Camberwell Front setback of land including 34 metres from the eastern boundary abutting Canterbury Road to 'Linda House' centred on building and 2.5 metres setback from north and west of building	Yes	No	Yes - Mature Moreton Bay Fig, Deodar Cedar and Eucalypt	Yes	No	No	Yes	No
HO172	<i>House</i> 31 Canterbury Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO174	<i>House</i> 10 Donna Buang Street, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO175	<i>Wiora</i> 21 Irilbarra Road, Canterbury	Yes	No	No	Yes	No	No	Yes	Yes
HO176	<i>House</i> 3 Kalonga Road, Balwyn North	Yes	No	No	Yes	No	No	Yes	No
HO177	<i>House</i>	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	43 Kireep Road, Balwyn								
HO178	<i>Residence, formerly Colinton</i> 92 Mont Albert Road, Canterbury	-	-	-	Yes	-	Yes Ref No H1399	Yes	No
HO179	<i>Alzheimer Society of Victoria (House)</i> 98 Riversdale Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO180	<i>House</i> 16 Muswell Hill, Glen Iris	Yes	No	No	Yes	No	No	Yes	No
HO182	<i>Travencore (formerly Stanmore)</i> 608 Riversdale Road, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO183	<i>Astolat</i> 630 Riversdale Road, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO184	<i>Flats</i> 7 Rochester Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO185	<i>House</i> 9 Rochester Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO187	<i>House</i> 23 Sunnyside Avenue, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO188	<i>Stargazer House</i> 1/2 Taurus Street, Balwyn North	Yes	No	No	Yes	No	No	Yes	No
HO189	<i>House</i> 15 Walbundry Avenue, Balwyn North	Yes	No	No	Yes	Yes	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO190	<i>Medlow</i> 42 Warrigal Road, Surrey Hills	Yes	No	No	Yes	No	No	Yes	No
HO191	<i>Hassett's Estate &amp; Environs, Camberwell</i> Includes Alta St, Catherine St, Cooba St, Cooloongatta Rd (part) Dorothea St, Elphin Gve (part), Hassett Ave, Griotte St, Quantock St, Maysia St, Prospect Hill Rd (part), Riversdale Rd (part).	No	No	No	Yes	No	No	No	No
HO192	<i>Reid Estate, Balwyn</i> Includes Barnsbury Rd (part), Belmont Ave (part), Bowley Ave, Chatfield Ave, Crest Ave, Highton Gve, Lydia St (part), Maleela Ave (part), Myambert Ave, Oakdale Ave, Palm Gve, Parkside Ave (part), Pelham Pl (part), Ruhbank Ave, Salisbury St (part), Walsh St (part).	No	No	No	Yes	No	No	No	No
HO193	<i>Campion College (formerly Dalswaith)</i> 99 Studley Park Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO194	<i>Neville</i> 46 Fellows Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO195	<i>House</i> 1 Fellows Street, Kew and 99 Princess Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO196	<i>Mynda</i> 5 Molesworth Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO198	<i>House</i>	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	33 Uvadale Grove, Kew								
HO200	<i>RSL (formerly Wilton)</i> 63 Cotham Road, Kew	Yes	No	No	Yes	No	No	Yes	No

## 2.2

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VC226

## HO201 to HO400

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO201	<i>Butleigh Wootton</i> 867 Glenferrie Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO202	<i>Formerly Melrose</i> 878 Glenferrie Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO203	<i>Comaques</i> 896 Glenferrie Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO205	<i>Formerly Mount View</i> 12 Selbourne Road, Kew (part)	Yes	No	No	Yes	No	No	Yes	No
HO206	<i>Formerly Tarring</i> 12 Selbourne Road, Kew (part)	Yes	No	No	Yes	No	No	Yes	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO207	<i>Evangeline</i> 15 Hawthorn Grove, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO208	<i>House</i> 38 Hawthorn Grove, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO209	<i>Auburn Uniting Church Complex</i> 81 Oxley Road and 3 Hepburn Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H2034	Yes	No
HO210	<i>Terrick Terricks</i> 11 Paterson Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO211	<i>Auburn House (formerly Malling Grove)</i> 4 Goodall Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO212	<i>Former Augustine Congregational Church</i> 492-500 Burwood Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO213	<i>Tay Creggan (Strathcona Baptist Girls School)</i> 30 Yarra Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H2210	Yes	No
HO214	<i>Monda</i> 52 Prospect Hill Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO215	<i>Fairholme</i> 35 Prospect Hill Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No
HO216	<i>Beechfield</i> 21 Trafalgar Road, Camberwell	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO217	<i>Baldene</i> 10 Sefton Place, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO218	<i>House</i> 28 Studley Park Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO219	<i>Xavier Preparatory School (formerly Waverley)</i> 2 Nolan Avenue, Kew (part)	Yes	No	No	Yes	No	No	Yes	No
HO220	<i>West Hawthorn Precinct</i> Includes Barkers Rd, Barton St, Brook St (part), Burwood Rd (part), Church St (part), College St, Colvin Gve, Connell St, Creswick St (part), Denham St (part), Edgerton St, Elgin St (part), Fashoda St, Grove Rd (part), Hill St, Honour Ave, Lennox St (part), Lion St, Mason St (part), Melville St, Simpson Pl, Smart St, Spencer St, Randolph St, Wood St.	No	No	No	Yes	No	No	No	No
HO221	<i>Uniting Church and Uniting Church Hall</i> 21-25 Highbury Grove, Kew	Yes	No	No	Yes	No	No	Yes	No
HO222	<i>Former Hawthorn Fire Station</i> 66-68 William Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H1327	Yes	No
HO223	<i>Villa Maria</i> 6 Studley Park Road, Kew	Yes	No	No	Yes	No	No	Yes	No
HO224	<i>Coorinyah</i> 150 Mont Albert Road, Canterbury	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

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HO225	<i>Fairview Avenue Precinct, Camberwell</i> Fairview Avenue	No	No	No	Yes	No	No	No	No
HO226	<i>Goodwin Street and Somerset Road Precinct, Glen Iris</i> Goodwin Street (part), Somerset Road (part), Glen Iris.	No	No	No	Yes	No	No	No	No
HO227	<i>Great Glen Iris Railway Junction Estate and Environs, Ashburton</i> Includes Dent St (part), Highgate Gve, Lexia St, Ward St.	No	No	No	Yes	No	No	No	No
HO228	<i>Holyrood Estate and Environs, Camberwell</i> Includes Dominic St, Highfield Rd (part), Holyrood St, Hunter Rd (part), Riversdale Rd (part), Wattle Valley Rd (part).	No	No	No	Yes	No	No	No	No
HO229	<i>Ross Street Precinct, Surrey Hills</i> Ross Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO230	<i>Toorak Estate and Environs, Glen Iris</i> Includes Burke Rd (part), Howitt St, Nepean St (part), Turner St (part).	No	No	No	Yes	No	No	No	No
HO231	<i>Riverside Estate and Environs, Balwyn North</i> Includes Bulleen Rd (part), Burke Rd (part), Cascade St (part), Doncaster Rd (part), Inverness Way, Kyora Pde, Riverside Ave (part), The Boulevard (part), Walbundry Ave.	No	No	No	Yes	No	No	No	No
HO232	<i>House</i> 57 Cotham Road, Kew	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

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HO233	<i>Westella</i> 39 Kinkora Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO234	<i>Formerly Pomeroy</i> 43 Sackville Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO235	<i>Carn Brae</i> 5 Harcourt Street, Hawthorn East	Yes	No	No	Yes	No	No	Yes	No
HO236	<i>Wembden</i> 40 Chrystobel Crescent, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO237	<i>House</i> 45 Chrystobel Crescent, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO238	<i>Ensignton</i> 51 Chrystobel Crescent, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO239	<i>House</i> 37 Mary Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO240	<i>Alverno</i> 53-55 Mary Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO241	<i>House</i> 8 Moore Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO242	<i>Cestria</i> 521 Glenferrie Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H1924	Yes	No
HO243	<i>Hawthorn House (formerly Richmond House)</i>	Yes	No	No	Yes	No	No	Yes	No

## BOROONDARA PLANNING SCHEME

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	1 Shakespeare Grove, Hawthorn								
HO244	<i>Avon Court</i> 20 Shakespeare Grove, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO245	<i>House</i> 31 Shakespeare Grove, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO246	<i>Glucksburg</i> 9 Yarra Street, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO247	<i>Talana</i> 1 Harcourt Street, Hawthorn East	-	-	-	Yes	-	Yes Ref No H2382	Yes	No
HO248	<i>Murtoa (formerly Lexinton)</i> 7 Harcourt Street, Hawthorn East	Yes	No	No	Yes	No	No	Yes	No
HO249	<i>Kyverdale</i> 186-190 Auburn Road, Hawthorn	Yes	No	No	Yes	No	No	Yes	No
HO251	<i>Clemson House</i> 24 Milfay Avenue, Kew	-	-	-	Yes	-	Yes Ref No H2006	No	No
HO252	<i>Genazzano FCJ College</i> 285-315 Cotham Road, Kew	-	-	-	Yes	-	Yes Ref No H1902	Yes	No
HO255	168A Mont Albert Road, Canterbury	No	No	Yes	Yes	No	No	No	No
HO257	<i>Mountfield</i> 4-6 Mont Albert Rd and 35 Parlington Street, Canterbury	No	No	Yes	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Incorporated plan</b> "Mountfield" Estate Incorporated Plan, March 2005 (updated September 2011)								
HO258	<i>Shrublands</i> 16 Balwyn Road, Canterbury	-	-	-	Yes	-	Yes Ref No H2037	Yes	No
HO260	<i>Auburn Village Precinct, Hawthorn</i> Includes 96-152 and 87-137 Auburn Road, 549-669 and 574- 608 Burwood Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO261	<i>The Undertaker; Former Masonic Hall</i> 329 and 331 Burwood Road, Hawthorn	No	No	No	Yes	No	No		No
HO262	<i>Hawthorn Catholic Parish Office; Roman Catholic Church of the Immaculate Conception</i> 345 Burwood Road, Hawthorn and 347 Burwood Road, Hawthorn	No	No	No	Yes	No	No		No
HO263	<i>Camberwell Railway Station</i> 2R Cookson Street, Camberwell <b>Incorporated plan</b> Camberwell Railway Station Incorporated Plan 2007	No	No	Yes	Yes	No	No	No	No
HO264	<i>Balwyn Road Residential Precinct</i>	No	No	No	Yes	No	No	No	No
HO272	<i>Former Carn Brae, Glenwood, Wrixon House</i> 311 Barkers Road, Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO273	<i>Eurobin</i> 389 Barkers Road, Kew	No	No	No	Yes	No	No	No	No
HO274	<i>Former Kew Fire Station</i> 35-37 Belford Road, Kew East	No	No	No	Yes	No	No	Yes	No
HO277	<i>House</i> 1 Bradford Avenue, Kew	No	No	No	Yes	No	No	No	No
HO278	<i>House</i> 1199 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO279	<i>House</i> 1205 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO280	<i>Gosmont</i> 1221 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO281	<i>Carbethon</i> 1223 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO282	<i>E A Watts House</i> 1291 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO283	<i>House</i> 46 Clyde Street, East Kew	No	No	No	Yes	No	No	No	No
HO284	<i>House</i> 161 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO285	<i>House</i> 167 Cotham Road, Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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HO287	<i>Sheringham Flats</i> 206-208 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO288	<i>Tanfield Lee Flats</i> 221-229 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO289	<i>Elsfield</i> 241 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO290	<i>El Paso</i> 294 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO291	<i>Cotham</i> 340 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO293	<i>House</i> 2 Daracombe Avenue, Kew	No	No	No	Yes	No	No	No	No
HO297	<i>Former Mount Ephraim, Edgecombe, Mount Edgecombe</i> 26 Edgecombe Street, Kew	No	No	No	Yes	No	No	No	No
HO298	<i>House</i> 9 Eglinton Street, Kew	No	No	No	Yes	No	No	No	No
HO299	<i>Ashcapby</i> 162 Eglinton Street, Kew	No	No	No	Yes	No	No	No	No
HO300	<i>House</i> 20 Fernhurst Grove, Kew	No	No	No	Yes	No	No	No	No
HO303	<i>House</i>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

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	2 Gellibrand Street, Kew								
HO304	<i>House</i> 6 Gellibrand Street, Kew	No	No	No	Yes	No	No	No	No
HO307	<i>House</i> 77 Gladstone Street, Kew	No	No	No	Yes	No	No	No	No
HO308	<i>House</i> 12 Grange Road, Kew	No	No	No	Yes	No	No	No	No
HO309	<i>House</i> 53 Harp Road, East Kew	No	No	No	Yes	No	No	No	No
HO314	<i>House</i> 2 Howard Street, Kew	No	No	No	Yes	No	No	No	No
HO315	<i>House</i> 10 Howard Street, Kew	No	No	No	Yes	No	No	No	No
HO317	<i>House</i> 20 Howard Street, Kew	No	No	No	Yes	No	No	No	No
HO318	<i>Hermon</i> 2 John Street, Kew	No	No	No	Yes	No	No	No	No
HO319	<i>House</i> 16 John Street, Kew	No	No	No	Yes	No	No	No	No
HO320	<i>Lodge House</i> 24 Lister Street, East Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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HO321	<i>Darley</i> 2 Merrion Grove, Kew	No	No	No	Yes	No	No	No	No
HO325	<i>Townhouses</i> 76 Molesworth Street, Kew	No	No	No	Yes	No	No	No	No
HO326	<i>Former R Haughton James House</i> 82 Molesworth Street, Kew	No	No	No	Yes	No	No	No	No
HO327	<i>House</i> 17 O'Shaughnessy Street, Kew	No	No	No	Yes	No	No	No	No
HO328	<i>Kloa, Formerly Castleman</i> 57 Pakington Street, Kew	No	No	No	Yes	No	No	No	No
HO329	<i>Terrace Houses</i> 66-68 Pakington Street, Kew	No	No	No	Yes	No	No	No	No
HO330	<i>Glen Rose</i> 70 Pakington Street, Kew	No	No	No	Yes	No	No	No	No
HO331	<i>Allathorn</i> 83 Pakington Street, Kew	No	No	No	Yes	No	No	No	No
HO332	<i>Waverley</i> 98 Pakington Street, Kew	No	No	No	Yes	No	No	No	No
HO333	<i>Itzehoe</i> 72 Peel Street, Kew	No	No	No	Yes	No	No	No	No
HO334	<i>Stawell and Princess</i> 33-35 Princess Street, Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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HO336	<i>Inverkelty</i> , later <i>Kiora</i> and <i>Baroona</i> 11 Redmond Street, Kew	No	No	No	Yes	No	No	No	No
HO337	<i>Howard Pettigrew House</i> 21 Redmond Street, Kew	No	No	No	Yes	No	No	No	No
HO338	<i>St Hilary's Church of England Vicarage</i> 34 Rowland Street, Kew	No	No	No	Yes	No	No	No	No
HO339	<i>House</i> 3 Second Avenue, Kew	No	No	No	Yes	No	No	No	No
HO340	<i>Monte Cristo</i> , <i>Charleton</i> , <i>Charlstan</i> 12 Stevenson Street, Kew	No	No	No	Yes	No	No	No	No
HO341	<i>House</i> 34 Stevenson Street, Kew	No	No	No	Yes	No	No	No	No
HO342	<i>R G Lawrence House and Flats</i> 13 Studley Avenue, Kew	No	No	No	Yes	No	No	No	No
HO343	<i>Krongold House</i> 25 Studley Park Road, Kew	No	No	No	Yes	No	No	No	No
HO344	<i>House</i> 44 Studley Park Road, Kew	No	No	No	Yes	No	No	No	No
HO345	<i>House</i> 52 Studley Park Road, Kew	No	No	No	Yes	No	No	No	No
HO346	<i>House</i> 75 Studley Park Road, Kew	No	No	No	Yes	No	No	No	No

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HO347	<i>House</i> 89 Studley Park Road, Kew	No	No	No	Yes	No	No	No	No
HO348	<i>House</i> 12 Tara Avenue, Kew	No	No	No	Yes	No	No	No	No
HO349	<i>House and Shop</i> 1 Tennyson Street, Kew	No	No	No	Yes	No	No	No	No
HO350	<i>Myrtle Hill</i> 14 Vista Avenue, Kew	No	No	No	Yes	No	No	No	No
HO351	<i>Ormonde</i> 51 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO352	<i>Birralie</i> 52 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO353	<i>House</i> 63 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO354	<i>Alice Bale House</i> 83 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO355	<i>House</i> 84 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO356	<i>Braeside</i> 96 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO357	<i>House</i> 118 Walpole Street, Kew	No	No	No	Yes	No	No	No	No

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HO362	<i>Bramber</i> 47 Wills Street, Kew	No	No	No	Yes	No	No	No	No
HO363	<i>Rab-Nov-Jea</i> 10 Wimba Avenue, Kew	No	No	No	Yes	No	No	No	No
HO364	<i>Thule Croft</i> 24 Albion Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO365	<i>Elderslie</i> 15 Alma Road, Camberwell	No	No	No	Yes	No	No	No	No
HO366	<i>Thomas Gaggin House</i> 25 Alma Road, Camberwell	No	No	No	Yes	No	No	No	No
HO367	<i>House</i> 33-35 Alma Road, Camberwell	No	No	No	Yes	No	No	No	No
HO368	<i>Glenholm, Ngarwee</i> 36-38 Alma Road, Camberwell	No	No	No	Yes	No	No	No	No
HO369	<i>Rathmore, Rokeby</i> 78 Athelstan Road, Camberwell	No	No	No	Yes	No	No	No	No
HO370	<i>House</i> 2 Beatrice Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO371	<i>House</i> 87-87A Bowen Street, Camberwell	No	No	No	Yes	No	No	No	No
HO372	<i>House</i> 930-932 Burke Road, Deepdene	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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HO373	<i>House</i> 458 Camberwell Road, Camberwell	No	No	No	Yes	No	No	No	No
HO374	<i>Coolattie</i> 29 Canterbury Road, Camberwell	No	No	No	Yes	No	No	No	No
HO375	<i>Ericstane</i> 136 Canterbury Road, Canterbury	No	No	No	Yes	No	No	No	No
HO376	<i>House</i> 138 Canterbury Road, Canterbury	No	No	No	Yes	No	No	No	No
HO377	<i>House and Surgery</i> 169 Canterbury Road, Canterbury	No	No	No	Yes	No	No	No	No
HO380	<i>Ospringle</i> 24 Chaucer Crescent, Canterbury	No	No	No	Yes	No	No	No	No
HO381	<i>House</i> 44 Currajong Avenue, Camberwell	No	No	No	Yes	No	No	No	No
HO382	<i>Mallow</i> 33 Deepdene Road, Deepdene	No	No	No	Yes	No	No	No	No
HO383	<i>Xanadu</i> 119 Doncaster Road, North Balwyn	No	No	No	Yes	No	No	No	No
HO384	<i>Ingoda</i> 10 Fitzgerald Street, Balwyn	No	No	No	Yes	No	No	No	No
HO385	<i>House</i> 177 Glen Iris Road, Glen Iris	No	No	No	Yes	No	No	No	No

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HO386	<i>House</i> 32 Hortense Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO387	<i>House</i> 30 Howard Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO388	<i>Westraillia</i> 27 Inglesby Road, Camberwell	No	No	No	Yes	No	No	No	No
HO389	<i>House</i> 6 Kitchener Street, Deepdene	No	No	No	Yes	No	No	No	No
HO390	<i>Colongulac</i> 11 Luena Road, North Balwyn	No	No	No	Yes	No	No	No	No
HO391	<i>Shenley Croft</i> 7-9 Mangarra Road, Canterbury	No	No	No	Yes	No	No	No	No
HO392	<i>House</i> 91 Maud Street, North Balwyn	No	No	No	Yes	No	No	No	No
HO393	<i>House</i> 1 Montana Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO394	<i>Roystead</i> 51 Mont Albert Road, Canterbury	No	No	No	Yes	No	No	No	No
HO395	<i>Highton</i> 65 Mont Albert Road, Canterbury	No	No	No	Yes	No	No	No	No
HO396	<i>Haselmere</i> 137 Mont Albert Road, Canterbury	No	No	No	Yes	No	No	No	No

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HO397	<i>House</i> 158 Mont Albert Road, Canterbury	No	No	No	Yes	No	No	No	No
HO398	<i>House</i> 7 Muriel Street, Glen Iris	No	No	No	Yes	No	No	No	No
HO400	<i>House</i> 622 Riversdale Road, Camberwell	No	No	No	Yes	No	No	No	No

## 2.3

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## HO401 to 600

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO401	<i>Warrawee</i> 626-628 Riversdale Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO402	<i>House</i> 660 Riversdale Road, Camberwell	No	No	No	Yes	No	No	No	No
HO403	<i>Kinnoul</i> 11-15 The Avenue, Surrey Hills	No	No	No	Yes	No	No	No	No
HO404	<i>House</i>	No	No	No	Yes	No	No	No	No



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	899 Toorak Road, Camberwell								
HO405	<i>House</i> 931 Toorak Road, Camberwell	No	No	No	Yes	No	No	No	No
HO406	<i>House</i> 1292 Toorak Road, Camberwell	No	No	No	Yes	No	No	No	No
HO407	<i>House</i> 1293 Toorak Road, Camberwell	No	No	No	Yes	No	No	No	No
HO408	<i>House</i> 1/1297 Toorak Road, Camberwell	No	No	No	Yes	No	No	No	No
HO409	<i>Kirklands</i> 89 Union Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO411	<i>Gooloowan</i> 7 Victoria Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO412	<i>Tarawara/Tarawera</i> 13 Victoria Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO413	<i>House (formerly Surrey College, Norton)</i> 12 Vincent Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO414	<i>Guilford (Montserrat)</i> 26A Wandsworth Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO415	<i>The Knoll</i> 50 Wandsworth Road, Surrey Hills	No	No	No	Yes	No	No	No	No

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HO416	<i>House</i> 294 Warrigal Road, Glen Iris	No	No	No	Yes	No	No	No	No
HO417	<i>House</i> 452 Warrigal Road, Ashburton	No	No	No	Yes	No	No	No	No
HO418	<i>Warranbine</i> 125 Wattle Valley Road, Camberwell	No	No	No	Yes	No	No	No	No
HO419	<i>House</i> 136 Whitehorse Road, Deepdene	No	No	No	Yes	No	No	No	No
HO420	<i>Pontefract House</i> 2 Hardwicke St, Balwyn (sometimes known as 199 Whitehorse Road)	No	No	No	Yes	No	No	No	No
HO421	<i>House</i> 127 Winmalee Road, Balwyn	No	No	No	Yes	No	No	No	No
HO422	<i>Banff</i> 150 Winmalee Road, Balwyn	No	No	No	Yes	No	No	No	No
HO423	<i>Idlewylde, Mary's Mount</i> 41-45 Yarrbat Avenue, Balwyn	No	No	No	Yes	No	No	No	No
HO424	<i>Streamshall (or Stramshall)</i> 173 Auburn Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO425	<i>House</i> 7 Elphin Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO426	<i>Struan</i>	No	No	No	Yes	No	No	No	No

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	26 Lisson Grove, Hawthorn								
HO427	<i>Warrowitur</i> 1 Neave Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO428	<i>Rathgar</i> 149 Victoria Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO429	<i>Knottywood, Morley</i> 61 Wattle Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO430	<i>Avenel, later Tower House</i> 27 Anderson Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO431	<i>House</i> 4 Ardene Court, Hawthorn	No	No	No	Yes	No	No	No	No
HO432	<i>Norwood</i> 14 Auburn Grove, Hawthorn East	No	No	No	Yes	No	No	No	No
HO433	<i>House</i> 189 Auburn Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO435	<i>House</i> 193 Auburn Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO436	<i>Mount Gambier</i> 32 Barkers Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO437	<i>Houses</i> 238-244 Barkers Road, Hawthorn	No	No	No	Yes	No	No	No	No

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HO439	<i>Devonia</i> 254 Barkers Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO440	<i>House</i> 408 Barkers Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO441	<i>Euroma</i> 2 Beaconsfield Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO442	<i>Victoria</i> 7 Beaconsfield Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO443	<i>The Gables</i> 1 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO444	<i>Springfield</i> 6 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO445	<i>Berniston</i> 9 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO446	<i>House</i> 54 Berkeley Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO447	<i>Coolagong, Kimbolton</i> 6 Brook Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO450	<i>Berwyn Flats</i> 7 Glenroy Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO452	<i>House</i> 15 Hastings Road, Hawthorn East	No	No	No	Yes	No	No	No	No

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HO453	<i>Frederick House</i> 27 Illawarra Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO454	<i>Wexham, Inverary</i> 9 Kooyongkoot Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO455	<i>Glenagh, Brockley</i> 11 Kooyongkoot Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO456	<i>House</i> 16 Kooyongkoot Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO457	<i>Lennox Court, Park Court</i> 11 Lennox Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO458	<i>House</i> 19 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO459	<i>Prospect House</i> 75 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO460	<i>Hallbower</i> 83 Lisson Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO461	<i>House</i> 17 Mason Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO462	<i>White Lodge</i> 27 Mason Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO463	<i>St Andrews, Edradour</i> 37 Mayston Street, Hawthorn East	No	No	No	Yes	No	No	No	No

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HO464	<i>Alvah, Illawarra, Berwick</i> 51 Mayston Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO465	<i>Essington House</i> 67 Mayston Street, Hawthorn East	No	No	No	Yes	No	No	No	No
HO466	<i>Tasma</i> 7 Muir Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO467	<i>Stanmore</i> 19 Oak Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO468	<i>Rosedale, Fairmount Park</i> 25 Oak Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO469	<i>Hirschell, Ilfracombe, Cora Lynn</i> 184 Power Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO470	<i>House</i> 20 Rae Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO471	<i>Leongatha</i> 5 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO472	<i>House</i> 23 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO473	<i>Wanbuno</i> 37 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO474	<i>Glendale, Cleverdon House</i> 106 and 108 Riversdale Rd, Hawthorn	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO475	<i>Spreydon, Westley House</i> 110 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO476	<i>House</i> 6 Summerlea Grove, Hawthorn	No	No	No	Yes	No	No	No	No
HO477	<i>Noorat</i> 534 Tooronga Road, Hawthorn East	No	No	No	Yes	No	No	No	No
HO478	<i>Norrac</i> 23 View Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO479	<i>Surrey and Loyola</i> 73 and 75 Wattle Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO480	<i>Victoria Bridge</i> Barkers Road, Kew	-	-	-	Yes	-	Yes Ref No H374	Yes	No
HO481	<i>Hawthorn Bridge</i> Burwood Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H50	Yes	No
HO482	<i>Rivoli Theatre</i> 200 Camberwell Road, Hawthorn East	-	-	-	Yes	-	Yes Ref No H1524	Yes	No
HO483	<i>St Marks Anglican Church</i> 1 Canterbury Road, Camberwell	-	-	-	Yes	-	Yes Ref No H2158	Yes	No
HO484	<i>Tram Verandah Shelter</i>	-	-	-	Yes	-	Yes	Yes	No

## BOROONDARA PLANNING SCHEME

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	Cotham Road, Kew						Ref No H173		
HO485	<i>Former Kew Cottages (Kew Residential Services)</i> Princess Street, Stainer Street, Botanic Drive, Arbour Drive, Canopy Avenue, Brazier Grove, Collins Street, Lower Drive, Park Avenue, Linaker Place, Guest Close, Monterey Close, English Place, Main Drive, Holly Lane, Lower Drive North, Kew	-	-	-	Yes	-	Yes Ref No H2073	Yes	No
HO486	<i>Maternal and Child Health Centre</i> 21 Strathalbyn Street, Kew East	-	-	-	Yes	-	Yes Ref No H55	Yes	No
HO487	<i>Wallen Road Bridge</i> Wallen Road, Hawthorn	-	-	-	Yes	-	Yes Ref No H380	Yes	No
HO488	<i>Dights Mill Site</i> Off Yarra Boulevard, Kew	-	-	-	Yes	-	Yes Ref No H1522	Yes	No
HO489	<i>Burwood Road Precinct, Hawthorn</i> Includes Burwood Road (part)	No	No	No	Yes	No	No	No	No
HO490	<i>Swinburne Technical College, former Administrative Building</i> John Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO491	<i>Glenferrie Road Commercial Precinct, Hawthorn</i>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Includes Glenferrie Road (part), Burwood Road (part) and Lynch Street (part), 1 Alfred Street, 2A Bowen Street, 2 Liddiard Street, Wakefield Street (part).								
HO492	<i>Lisson Grove Precinct, Hawthorn</i> Includes Lisson Grove (part)	No	No	No	Yes	No	No	No	No
HO493	<i>Manningtree Road Precinct, Hawthorn</i> Includes Manningtree Road (part)	No	No	No	Yes	No	No	No	No
HO494	<i>West Hawthorn Village Precinct</i> Includes Burwood Road (part)	No	No	No	Yes	No	No	No	No
HO497	<i>Camberwell Melbourne &amp; Metropolitan Tram Board (MMTB) Depot</i> 160-170 Camberwell Road and 12-14 Council Street, Hawthorn East	Yes	No	No	Yes	No	No	Yes	No
HO498	<i>Charing Cross Buildings</i> 202-210 Camberwell Road, Hawthorn East	Yes	No	No	Yes	No	No	No	No
HO499	<i>Pepperell's Buildings</i> 217-223 Camberwell Road, Hawthorn East	Yes	No	No	Yes	No	No	No	No
HO500	<i>Simpson's Buildings</i> 222-232 Camberwell Road, Hawthorn East (also 481-491 Riversdale Road)	Yes	No	No	Yes	No	No	No	No
HO502	<i>Baptist Church</i> 432 Riversdale Road, Hawthorn East	Yes	No	No	Yes	No	No	No	No
HO503	<i>Dillon's Building</i>	Yes	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	493-503 Riversdale Rd, Camberwell (also numbered 554- 564 Burke Road)								
HO505	<i>Burke Road North Commercial and Transport Precinct, Camberwell</i> Includes Auburn Parade (part), Burke Road (part), Cookson Street (part).	Yes	No	No	Yes	Yes	No	No	No
HO506	<i>Camberwell Civic and Community Precinct</i>	Yes	No	No	Yes	No	No	Yes	No
HO516	<i>Sports ground including 1920s and 1930s grandstands</i> 420 Camberwell Road, Camberwell	No	No	No	Yes	No	No	No	No
HO520	<i>Kew Junction Commercial Heritage Precinct</i> Includes properties (in part) with frontages to High Street, Cotham Road and Fenton Way.	No	No	No	Yes	No	No	No	No
HO522	14-16 Princess Street, Kew	Yes	No	No	Yes	No	No	No	No
HO523	<i>Alexandra Gardens</i> 70 Cotham Road, Kew	No	No	No	Yes	No	No	No	No
HO525	<i>Clutha Estate Precinct, Kew</i> Includes Edgecombe Steet (part), Carson Street (part), Stevenson Street (part), Studley Park Road (part), Mackie Court, Younger Court	No	No	No	Yes	No	No	No	No
HO526	<i>Denmark Street Precinct, Kew</i> Includes Barkers Road (part), Denmark Street (part), Foley Street (part), O'Shaughnessy Street (part)	No	No	No	Yes	No	No	No	No
HO527	<i>High Street South Residential Precinct, Kew</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Includes High Street (part), Barkers Road (part), Bowen Street, Henry Street, Miller Grove								
HO528	<i>Howard Street Precinct, Kew</i> Includes Howard Street (part)	No	No	No	Yes	No	No	No	No
HO529	<i>Queen Street Precinct, Kew</i> Includes Fenton Avenue (part), Gellibrand Street (part), Queen Street (part), Wellington Street (part)	No	No	No	Yes	No	No	No	No
HO530	<i>Yarra Boulevard Precinct, Kew</i> Includes Belvedere, Cameron Court, Carnsworth Avenue, Milfay Avenue, White Lodge Court, Yarra Street, Dunlop Avenue, Fenwick Street (part), Holroyd Street (part), Molesworth Street (part), Stawell Street (part), Studley Avenue (part), Yarravale Road (part), of Hume Street (part)	No	No	No	Yes	No	No	No	No
HO532	<i>Union Road Commercial Heritage Precinct</i>	No	No	No	Yes	No	No	No	No
HO534	<i>Union Road Residential Precinct</i> Part of Union Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO535	<i>Surrey Hills North Residential Precinct</i> Part of Chatham, Croydon, Empress, Guildford, Junction, Kingston, Mont Albert, Sir Garnet and West Roads; part of Sunbury Crescent, Surrey Hills and Canterbury	No	No	No	Yes	No	No	No	No
HO536	<i>Canterbury Hill Estate Precinct</i> Part of Albert, Bristol, Compton, Hocknell and Queen Streets;	No	No	No	Yes	No	No	No	No

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	part of Highfield, Prospect Hill, Riversdale and Wattle Valley Roads, Surrey Hills, Canterbury and Camberwell								
HO539	<i>Masonic Centre</i> 12 Prospect Hill Road, Camberwell	Yes	No	No	Yes	No	No	Yes	No
HO541	<i>Former Hawthorn Post Office</i> 378 Burwood Road, Hawthorn	Yes	No	No	Yes	No	No	No	No
HO542	<i>Former Hawthorn Returned Sailors and Soldiers Club</i> 605-607 Glenferrie Road, Hawthorn	Yes	No	No	Yes	No	No	No	No
HO543	<i>Shops</i> 773-779 Glenferrie Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO544	<i>Dental Surgery</i> 781 Glenferrie Road, Hawthorn	Yes	No	No	Yes	No	No	No	No
HO546	<i>House</i> 78 Wattle Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO547	<i>Kew Tram Depot</i> 55-75 Barkers Road, Kew	No	No	No	Yes	No	No	No	No
HO552	<i>Shop</i> 2 High Street, Kew	Yes	No	No	Yes	No	No	No	No
HO553	<i>House</i> 50 High Street, Kew	Yes	No	No	Yes	No	No	No	No
HO554	<i>House</i>	Yes	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	409 High Street, Kew								
HO555	<i>House</i> 31 Pakington Street, Kew	Yes	No	No	Yes	No	No	No	No
HO556	<i>House</i> 110 Princess Street, Kew	No	No	No	Yes	No	No	No	No
HO559	<i>Kew Jewish Centre (Bet Nachman Synagogue)</i> 53 Walpole Street, Kew	No	No	No	Yes	No	No	No	No
HO561	<i>Emulation Hall</i> 3 Rochester Road Canterbury	-	-	-	Yes	-	Yes Ref No H2298	Yes	No
HO563	<i>House</i> 52 Fellows Street, Kew	Yes	No	Yes	Yes	No	No	No	No
HO570	<i>Former Hawthorn Motor Garage</i> 735 Glenferrie Road Hawthorn	-	-	-	Yes	-	Yes Ref No H2296	Yes	No
HO571	<i>St Faiths Anglican Church</i> 8 Charles Street Glen Iris	-	-	-	Yes	-	Yes Ref No H2254	Yes	No
HO572	<i>Kew War Memorial</i> High Street and Cotham Road Kew	-	-	-	Yes	-	Yes Ref No H2035	Yes	No
HO580	<i>Robert Cochrane Kindergarten</i> 2A Minona Street, Hawthorn	-	-	-	Yes	-	Yes Ref No H2309	Yes	No

## BOROONDARA PLANNING SCHEME

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HO588	27 Canterbury Road, Camberwell	No	No	No	Yes	No	No	No	No
HO589	<i>Former State Savings Bank and Residence</i> 1395 Toorak Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO590	<i>Grange Avenue Residential Precinct</i> 2-10 Grange Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO592	<i>Former Canterbury Brickworks housing</i> 52-58 Rochester Road, Canterbury	No	No	No	Yes	No	No	No	No
HO594	<i>Former Astolat Ladies' College</i> 59 Auburn Road, Hawthorn East	Yes	No	No	Yes	No	No	Yes	No
HO595	<i>Riversdale Hotel</i> 277 Auburn Rd, Hawthorn (footprint of 3-storey hotel and 2-storey addition to east end Riversdale Rd frontage, i.e. 1888 extent of property)	No	No	No	Yes	No	No	No	No
HO596	<i>Former butcher's shop and residence</i> 287-289 Auburn Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO597	<i>Gallery House</i> 23 Morang Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO598	<i>Makin House</i> 45 Morang Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO599	<i>Tower Hotel</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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	686-690 Burwood Rd, Hawthorn East								

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## HO601 to HO800

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO601	<i>Herborn House</i> 88 Pleasant Road, Hawthorn East	Yes (due to retention of limewash; when repainting limewash should be used on cement/ concrete surfaces)	No	No	Yes	No	No	No	No
HO602	5 Eamon Court, Kew	No	No	No	Yes	No	No	No	No
HO603	<i>Timber Shop</i> 415-417 High Street, Kew	No	No	No	Yes	No	No	Yes	No

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HO604	<i>Austin Bramwell Smith House</i> 8 Orford Avenue, Kew	No	No	No	Yes	No	No	No	No
HO605	<i>House</i> 15 Deepdene Road, Deepdene	No	No	No	Yes	No	No	No	No
HO607	1363 Burke Road, Kew	No	No	No	Yes	No	No	No	No
HO608	<i>Scotch College</i> 491 Glenferrie Rd, Hawthorn Significant buildings with a 10 metre curtilage around each building envelope, including: <ul style="list-style-type: none"> <li>• Junior School (former Preparatory School), 1917</li> <li>• Callantina Lodge and Gates, 1917</li> <li>• Senior School and quadrangle, 1920-26</li> <li>• War Memorial Hall, 1920-26</li> <li>• School House and McMeckan House, 1925</li> <li>• Littlejohn Memorial Chapel, 1934-36</li> <li>• Health Centre and Residences, 1935-36</li> <li>• John Monash Gates and Lodge, 1936</li> </ul>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

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	<ul style="list-style-type: none"> <li>Arthur Robinson House, 1937-38</li> <li>Shergold Building (former Sub-Primary Building), 1956</li> </ul> Contributory buildings with a 10 metre curtilage around each building envelope, including: <ul style="list-style-type: none"> <li>Laundry (former rear wing of 'Glen House'), 1875</li> <li>TDP (former Gymnasium), 1920-26</li> </ul>								
HO614	<i>House</i> 16 Victoria Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO616	<i>House</i> 300 Balwyn Road, Balwyn North	No	No	No	Yes	No	No	No	No
HO617	<i>House</i> 23-25 and part of 27 (TP 129339) Canterbury Road, Camberwell	Yes	No	No	Yes	No	No	No	No
HO619	<i>Houses</i> 29 & 31 Parkhill Road, Kew	No	No	No	Yes	No	No	No	No
HO620	<i>House</i> 7 Leura Grove, Hawthorn East	No	No	No	Yes	No	No	No	No
HO621	<i>Hoddle Survey Tree</i> , Kew Golf Club 120B Belford Road, Kew East	-	-	-	Yes	-	Yes Ref No H2340	Yes	

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HO622	<i>Camberwell Tram Substation</i> 30 Station Street, Camberwell	-	-	-	Yes	-	Yes Ref No H2324	Yes	
HO623	<i>Surrey Gardens</i> 88-90 Union Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO624	<i>Former Surrey College</i> 17-19A Barton Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO626	<i>Holy Redeemer Church Parish Hall</i> 305-307 Mont Albert Road, Surrey Hills	No	No	No	Yes	Yes	No	No	No
HO627	<i>House</i> 1 Montrose Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO629	<i>Kylemore Flats</i> 52 Union Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO630	<i>House</i> 26 Weybridge Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO631	<i>House</i> 627 Whitehorse Road, Surrey Hills	No	No	No	Yes	No	No	No	No
HO632	<i>Leumascot</i> 5 Windsor Crescent, Surrey Hills	No	No	No	Yes	No	No	No	No
HO634	<i>Surrey Hills Redvers - Kennealy Street Residential Precinct</i>	No	No	No	Yes	No	No	No	No

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	Redvers Street and part of Kennealy Street in Surrey Hills								
HO642	<i>Units</i> 2 Barkers Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO643	<i>Fairmount Park Estate Precinct</i> Part of Barkers Rd, Elm St Findon St, Myrtle St and Oak St, Hawthorn	No	No	No	Yes	Yes	No	No	No
HO644	<i>Houses</i> 2 to 8 Pine Street, Hawthorn	No	No	No	Yes	No	No	No	No
HO645	<i>Houses</i> 29 to 39 Mason Street, Hawthorn	Yes	No	No	Yes	No	No	No	No
HO646	<i>Creswick Estate Precinct</i> Part of Calvin Street, Creswick Street and Mason Street, Hawthorn	No	No	No	Yes	Yes - original fences	No	No	No
HO647	<i>Flats</i> 4 Grattan Street, Hawthorn	No	No	Yes	Yes	No	No	No	No
HO665	<i>House</i> 9 Auburn Grove, Hawthorn East	No	No	Yes	Yes	No	No	No	No
HO666	<i>Former garage</i> 51 Barkers Street, Kew	Yes	No	No	Yes	No	No	Yes	No
HO667	<i>House</i>	No	No	No	Yes	No	No	No	No

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	68 Riversdale Road, Hawthorn								
HO668	<i>House</i> 123 Riversdale Road, Hawthorn	No	No	No	Yes	No	No	No	No
HO670	<i>Surrey Hills English Counties Residential Precinct</i> Part of Albion and Thames streets; part of Canterbury, Durham, Essex, Kent, Middlesex, Norfolk and Suffolk roads; part of Arundel Crescent in Surrey Hills	No	No	No	Yes	No	No	No	No
HO671	<i>Union Road South Residential Precinct</i> Part of Union Road; part of Bona Vista and Warwick avenues and part of The Avenue in Surrey Hills	No	No	No	Yes	No	No	No	No
HO675	<i>Chandler Highway Bridge</i> Chandler Highway, Kew	-	-	-	Yes	-	Yes Ref No H2354	Yes	
HO677	<i>Braeside</i> 6 Alexandra Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO678	<i>St David's Uniting Church</i> 902A Burke Road, Canterbury	No	No	No	Yes	Yes - brick fence	No	No	No
HO679	<i>Canterbury Ambulance Station</i> 61 Canterbury Road, Canterbury	No	No	No	Yes	No	No	No	No

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HO680	<i>Canterbury Presbyterian Church</i> 146 Canterbury Road, Canterbury	Yes	No	No	Yes	Yes - rear hall and front boundary wall	No	No	No
HO681	<i>Victorian shops</i> 351-359 Canterbury Road, Canterbury & Surrey Hills	No	No	No	Yes	No	No	No	No
HO682	<i>Electrical Distribution Substations</i> 190A Canterbury Road, 26A Myrtle Road, Canterbury & 6 Harp Road, Kew	No	No	No	Yes	No	No	No	No
HO683	<i>Kaiapoi</i> 35 Chatham Road, Canterbury	No	No	No	Yes	No	No	No	No
HO684	<i>Sassafrass</i> 13 Mangarra Road, Canterbury	No	No	No	Yes	No	No	No	No
HO685	<i>Canterbury Girls School</i> 16 Mangarra Road, Canterbury	No	No	Yes - Moreton Bay Figs	Yes	No	No	No	No
HO686	<i>Hawthorn House</i> 23 Mangarra Road, Canterbury	No	No	No	Yes	No	No	No	No
HO688	<i>Willy's Store (A &amp; J Sullivans)</i> 35 Matlock Street, Canterbury	No	No	No	Yes	No	No	Yes	No
HO689	<i>Ballantyne House</i> 67 Mont Albert Road, Canterbury	No	No	No	Yes	No	No	No	No

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HO691	<i>Gunyah, First Canterbury Troop Scout Hall &amp; Camberwell North Guide Hall</i> 25 Shierlaw Avenue & 1A Faversham Road, Canterbury	No	No	No	Yes	Yes - Guide Hall front fence	No	No	No
HO692	<i>Hollinshed House</i> 2 Snowden Place, Canterbury	No	No	No	Yes	No	No	No	No
HO693	<i>Yarrola</i> 10 The Ridge, Canterbury	No	No	No	Yes	No	No	No	No
HO694	<i>House</i> 14 The Ridge, Canterbury	No	No	No	Yes	No	No	No	No
HO695	<i>Driffville</i> 15 View Street, Canterbury	No	No	No	Yes	No	No	No	No
HO696	<i>East Camberwell Substation</i> 2B Warburton Road, Canterbury	No	No	No	Yes	No	No	No	No
HO697	<i>Elaine</i> 37 Wentworth Avenue, Canterbury	No	No	No	Yes	No	No	No	No
HO698	<i>Norway</i> 2 Woodstock Street & 33A Parlington Street, Canterbury	No	No	No	Yes	Yes - stables	No	No	No
HO699	<i>Canterbury Road Commercial Precinct, Canterbury</i> Includes Canterbury Rd (part)	No	No	No	Yes	Yes - garage & front fence at No. 114A	No	No	No

## BOROONDARA PLANNING SCHEME

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HO700	<i>Griffin Estate &amp; Environs Precinct, Canterbury</i> Includes Canterbury Road, Chaucer Crescent, Dudley Parade, Keats Street, Marlow Street, Myrtle Road (all part)	No	No	No	Yes	Yes - front fences at 5 & 8 Chaucer Cr	No	No	No
HO701	<i>Matlock Street Precinct, Canterbury</i> Includes Prospect Hill Rd (part), Spencer Rd (part), Bow Cr, Matlock St (part), Myrtle Rd (part), Marden St (part), Warburton Rd (part), Carinda Rd, Maling Road (part)	No	No	No	Yes	No	No	No	No
HO702	<i>Parlington Estate Residential Precinct, Canterbury, Hawthorn East &amp; Camberwell</i> Includes Allenby Rd, Gascoyne St (part), Parlington St (part), Torrington St (part), Burke Rd (part), Canterbury Road (part)	No	No	Yes - 5 & 11 Allenby Rd; 9 Canterbury Rd; 4, 5, 10, 11, 25, 29, 40 & 44 Parlington Street	Yes	No	No	No	No
HO703	<i>Rochester Road Precinct, Canterbury</i> Includes Rochester Rd (part)	No	No	No	Yes	No	No	No	No
HO705	<i>Trinity Grammar School</i> 40 & 41 Charles Street, Kew	No	No	Yes - Southern Magnolia, Canary Island Palm, Illawarra Flame Tree, Sycamore	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
				and Brush Box at Roberts House					
HO710	<i>Neath</i> 486 Burke Rd, Camberwell	No	No	No	Yes	Yes - front fence	No	No	No
HO711	<i>Oswaldene</i> 544 Burke Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO712	<i>Carrington Hall</i> 832-834 Burke Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO713	<i>Camberwell Fire Station &amp; Flats (former)</i> 575 Camberwell Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO714	<i>Conference Hall (Open Brethren)</i> 25 Cookson St, Camberwell	No	No	No	Yes	No	No	No	No
HO715	<i>Nazareth House</i> 16 Cornell St, Camberwell	No	No	Yes - mature Canary Island Palms, Norfolk Island Pine & remnant Cypress hedge	Yes	Yes - front gaes & associated fence, gatehouse & grotto	No	No	No
HO716	<i>Hartwell Railway Station (formerly Walhalla Station)</i> Fordham Ave, Camberwell	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO717	<i>Hartwell Hill Shops</i> 112-128 Fordham Ave, Camberwell	Yes	No	No	Yes	No	No	No	No
HO718	<i>Duplex</i> 27-29 George St, Camberwell	No	No	No	Yes	Yes - front fence & garage	No	No	No
HO719	<i>East Camberwell Baptist Church</i> 137-139 Highfield Rd, Camberwell	No	No	No	Yes	Yes - brick fence	No	No	No
HO720	<i>House</i> 30 Hunter Rd, Camberwell	Yes	No	No	Yes	No	No	No	No
HO721	<i>Hartwell Primary School</i> 4 Merton St, Camberwell	No	No	No	Yes	No	No	No	No
HO722	<i>Camberwell High School</i> 100A Prospect Hill Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO723	<i>Hatfield Flats</i> 576 Riversdale Rd, Camberwell	No	No	No	Yes	Yes - front fence, garages	No	No	No
HO724	<i>Siena Convent</i> 815 Riversdale Rd, Camberwell	No	Yes - Chapel only	Yes - mature Italian Cypresses	Yes	No	No	No	No
HO725	<i>South Camberwell Methodist Church (former)</i> 906-912 Toorak Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO726	<i>Halcyon</i>	No	No	No	Yes	Yes - front fence	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	927 Toorak Rd, Camberwell								
HO727	<i>Harwin Lodge</i> 930 Toorak Rd, Camberwell	No	No	No	Yes	No	No	No	No
HO729	<i>Riversdale Railway Station &amp; Signal Box</i> 2R Wandin Road, Camberwell	No	No	No	Yes	No	No	No	No
HO731	<i>Bellett Street Precinct</i> Includes Canterbury Rd (part)	No	No	No	Yes	No	No	No	No
HO732	<i>Camberwell Links Estate Precinct</i> Includes Christowel Street (part), 638-646 Riversdale Rd (part), Westbourne Grv (part) and Stodart St (part)	No	No	No	Yes	No	No	No	No
HO733	<i>Camberwell Road Estate Precinct</i> Includes Camberwell Rd (part) and Acheron Ave (part)	Yes - 470 Camberwell Rd	No	Yes - mature oak at 470 Camberwell Rd	Yes	Yes - original front fences	No	No	No
HO734	<i>Hampton Grove Precinct</i> Includes Hampton Grv, Glyndon Rd 123 & 128-132 Wattle Valley Rd	No	No	No	Yes	Yes - original front fences	No	No	No
HO735	<i>Harley Estate &amp; Environs Precinct</i> Includes Cooloongatta Rd (part), Bonville Ct (part), Fordham Ave (part) and Gowar Ave (part)	No	No	No	Yes	Yes - original front fences	No	No	No
HO736	<i>Lockhart Street Precinct</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Includes Lockhart St and Riversdale Rd (part)								
HO737	<i>Milverton Street Precinct</i> Includes Milverton Street (part)	No	No	No	Yes	No	No	No	No
HO738	<i>South Camberwell Commercial Precinct</i> Includes Toorak Rd (part)	No	No	No	Yes	No	No	No	No
HO739	<i>St John's Wood &amp; Sage's Paddock Precinct</i> Includes Avenue Rd (part) and St Johns Ave (part)	No	No	No	Yes	No	No	No	No
HO743	<i>House</i> 3 Wilson Street, Surrey Hills	No	No	No	Yes	No	No	No	No
HO744	<i>Duplex</i> 70 Riversdale Road, Hawthorn	No	No	No	Yes	Yes	No	No	No
HO745	<i>Rylah Residence and Veterinary Hospital (former)</i> 15 Victor Avenue, Kew	Yes	No	No	Yes	No	No	No	No
HO749	<i>War Service Homes Precinct</i> Includes Acacia St	No	No	No	Yes	No	No	No	No
HO757	<i>St Barnabas Anglican Church</i> 86 Balwyn Road, Balwyn <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>St Barnabas' Anglican Church Statement of Significance</i>								
HO758	<i>House</i> 224 Belmore Road, Balwyn AKA, 4 Collins Court, Balwyn <b>Statement of Significance:</b> <i>Fankhauser Farmhouse Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO759	<i>Maisonettes</i> 950 Burke Road, Deepdene <b>Statement of Significance:</b> <i>950 Burke Road, Balwyn Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO760	<i>Palace Balwyn Cinema</i> 231 Whitehorse Road, Balwyn <b>Statement of Significance:</b> <i>Palace Balwyn Cinema Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO761	<i>House</i> 192 Doncaster Road, Balwyn North <b>Statement of Significance:</b> <i>192 Doncaster Road, Balwyn North Statement of Significance</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO762	Houses (pair) 17-19 King Street, Balwyn <b>Statement of Significance:</b> <i>17-19 King Street, Balwyn Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO764	House 48 Narrak Road, Balwyn <b>Statement of Significance:</b> <i>48 Narrak Road, Balwyn Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO766	House 146-148 Winmalee Road, Balwyn <b>Statement of Significance:</b> <i>146-148 Winmalee Road, Balwyn Statement of Significance</i>	No	No	Yes	Yes	No	No	No	No
HO767	<i>Maud Street Maisonette Precinct</i> 19-33a Maud Street, Balwyn North 28-34a Maud Street, Balwyn North <b>Statement of Significance:</b> <i>Maud Street Maisonette Precinct Statement of Significance</i>	No	No	No	Yes	No	No	No	No
HO768	<i>Balwyn Village Commercial Precinct</i> 208-308 Whitehorse Road, Balwyn	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	347-377; 397-425 Whitehorse Road, Balwyn <b>Statement of Significance:</b> <i>Balwyn Village Commercial Precinct Statement of Significance</i>								
HO771	<i>Miami Flats</i> 7-11 Miami Street, Hawthorn East	No	No	No	Yes	Yes - Garages	No	No	No
HO774	<i>Cranmore Estate and Environs Precinct</i> Barkers Road (part), Elphin Grove (part), Liddiard Street (part), Churchill Grove, Salisbury Grove, Sercombe Grove, York Street, Bowen Street, Vicars Street (part), Carrington Street, Percy Street, Moir Street, Haines Street, Bell Street, Edward Street, Hull Street, and Johnson Street (part), Hawthorn. <b>Statement of significance:</b> <i>Cranmore Estate and Environs Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO775	<i>Glenferrie and Riversdale Roads Commercial Precinct</i> Glenferrie Road (part) and Riversdale Road (part) <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Glenferrie and Riversdale Roads Commercial Precinct Statement of Significance, August 2020</i>								
HO776	<i>Riversdale Reserve Precinct</i> Robinson Road (part) and Illawarra Road (part) <b>Statement of significance:</b> <i>Riversdale Reserve Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO777	<i>Riversdale Village Precinct</i> Auburn Road (part) and Riversdale Road (part) <b>Statement of significance:</b> <i>Riversdale Village Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	Yes - 269 Auburn Road front fence	No	No	No
HO778	<i>Rookery Estate Precinct</i> Austin Street (part), Evansdale Road (part), Majore Street (part), and Yarra Grove (part) <b>Statement of significance:</b> <i>Rookery Estate Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO779	<i>Victory Estate Precinct</i> Power Street (part) and Gibney Street (part)	No	No	No	Yes	Yes - front fences at 2, 3, 4, 6, 7, 8 Gibney Street and 140 Power Street	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of significance:</b> <i>Victory Estate Precinct Statement of Significance, August 2020</i>								
HO780	<i>Violet Grove and Environs Precinct</i> Manchester Street (part), Violet Grove, Marian Street and Riversdale Road (part) <b>Statement of significance:</b> <i>Violet Grove and Environs Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO781	<i>Ardene Court Flats</i> 11 Ardene Court, Hawthorn <b>Statement of significance:</b> <i>Ardene Court Flats Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO782	<i>Norwood Terrace</i> 209-217 Auburn Road, Hawthorn <b>Statement of significance:</b> <i>Norwood Terrace Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO783	<i>Grant Dorman (Former Lion Rubber Works)</i> 544 Burwood Road, Hawthorn <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Former Lion Rubber Works, Grant Dorman Statement of Significance, August 2020</i>								
HO784	<i>Dickie House</i> 6 Fairview Street, Hawthorn <b>Statement of significance:</b> <i>Dickie House Statement of Significance, August 2020</i>	No	No	Yes - two mature eucalypts at the edge of the backyard lawn	Yes	No	No	No	No
HO785	<i>Melbourne Croquet Club (Former Glenferrie Hill Recreation Club)</i> 37-41 Glen Street, Hawthorn <b>Statement of significance:</b> <i>Melbourne Croquet Club (Former Glenferrie Hill Recreation Club) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO786	<i>St Joseph's Catholic School (formerly St John's School)</i> 571 Glenferrie Road, Hawthorn <b>Statement of significance:</b> <i>St Joseph's Catholic School (formerly St John's School) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO787	<i>Edwardian Shops</i> 556-558 Glenferrie Road, Hawthorn <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Edwardian Shops, 556-558 Glenferrie Road, Hawthorn Statement of Significance, August 2020</i>								
HO788	<b>Victorian shops</b> 817-821 Glenferrie Road, Hawthorn <b>Statement of significance:</b> <i>Victorian Shops, 817-821 Glenferrie Road, Hawthorn Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO789	<b>Woodford</b> 14 Glenroy Road, Hawthorn <b>Statement of significance:</b> <i>Woodford Statement of Significance, August 2020</i>	No	No	Yes - Oak trees in front setback	Yes	No	No	No	No
HO790 Interim control  Expiry Date: 11/03/2023	<b>Dalsworth</b> 36 Kooyongkoot Road, Hawthorn <b>Statement of significance:</b> <i>Dalsworth Statement of Significance</i>	No	No	No	Yes	Yes - front fence	No	No	No
HO791	<b>Farey Brothers' Bakery (former)</b> 20-26 Liddiard Street, Hawthorn <b>Statement of significance:</b> <i>Farey Brothers' Bakery (former) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO792	<b>Yarralands Flats</b> 150 Power Street, Hawthorn <b>Statement of significance:</b> <i>Yarralands Flats Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO793	<b>Shrine of St Anthony church complex</b> 180-184 Power Street, Hawthorn <b>Statement of significance:</b> <i>Shrine of St Anthony church complex Statement of Significance, August 2020</i>	No	Yes - Basilica only	Yes - mature peppercorns	Yes	Yes - former stables	No	No	No
HO794	<b>Eira</b> 13-15 Wellesley Road, Hawthorn <b>Statement of significance:</b> <i>Eira Statement of Significance, July 2021</i>	No	No	No	Yes	No	No	No	No
HO795	<b>Methodist Ladies' College</b> 207 Barkers Road, Kew <b>Statement of significance:</b> <i>Methodist Ladies' College Statement of Significance, June 2020</i>	No	No	Yes - Two mature Elms at entrance of the school, Algerian Oak (boundary of Barkers Road), English Oak (boundary of Glenferrie Road) and	Yes	Yes - Krome Memorial Gates & Fence and 'Crom'/Centenary Building fence & gates	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
				Atlantic Cedar (front gardens)					
HO798	<i>Bradford Estate Precinct</i> 2, 4, 6, 8, 10, 14 and 18 (even) Bradford Avenue, Stoke Avenue, Kew <b>Statement of significance:</b> <i>Bradford Estate Precinct Statement of Significance, December 2020</i>	No	No	No	Yes	Yes Front fences at 2, 10, 18 Bradford Ave and garage at 2 Bradford Ave	No	No	No
HO799	<i>Banool Estate Precinct</i> Banool Avenue <b>Statement of significance:</b> <i>Banool Estate Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO800	<i>Burke Road Commercial Precinct</i> Burke Road (part) <b>Statement of significance:</b> <i>Burke Road Commercial Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

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## HO801 to HO1000

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO802	<i>Cotham Village Commercial Precinct</i> Cotham Road (part), Glenferrie Road (part) <b>Statement of significance:</b> <i>Cotham Village Commercial Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO804	<i>Iona Estate Residential Precinct</i> Berkeley Court, Studley Park Road (part) <b>Statement of significance:</b> <i>Iona Estate Residential Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	Yes Front fences at 77 Studley Park Rd; 3, 7 Berkeley Court Garages at 77 Studley Park Rd; 2, 3, 5, 7 Berkeley Court	No	No	No
HO805	<i>May Street Precinct</i> May Street, Wellington Street (part) <b>Statement of significance:</b> <i>May Street Precinct Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO806	<i>Thornton Estate Residential Precinct</i>	No	No	No	Yes	Yes	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Thornton Street (part), Stevenson Street (part) <b>Statement of significance:</b> <i>Thornton Estate Residential Precinct Statement of Significance, January 2022</i>					Front fences at 46 and 19 Thornton St			
HO807	<i>Urangeline (former Edzell, Mildura)</i> 349 Barkers Road (part), Kew <b>Statement of significance:</b> <i>Urangeline (former Edzell, Mildura) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO808	<i>William Carey Chapel</i> 349 Barkers Road (part), Kew <b>Statement of significance:</b> <i>William Carey Chapel Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO809	<i>Lindum</i> 315 Barkers Road, Kew <b>Statement of significance:</b> <i>Lindum Statement of Significance, August 2020</i>	No	No	Yes – Canary Island palm	Yes	No	No	No	No
HO810	<i>Shops</i> 1139-1141 Burke Road, Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of significance:</b> <i>Shops Statement of Significance (1139-1141 Burke Road Kew) August 2020</i>								
HO811	<i>Grange Hill (former Hillsbury)</i> 301 Cotham Road (part), Kew <b>Statement of significance:</b> <i>Grange Hill (former Hillsbury) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO812	<i>Omro</i> 230 Cotham Road, Kew <b>Statement of significance:</b> <i>Omro Statement of Significance, August 2020</i>	No	No	Yes – Canary Island Date Palm	Yes	No	No	No	No
HO813	<i>Residence</i> 264 Cotham Road, Kew <b>Statement of significance:</b> <i>Residence Statement of Significance (264 Cotham Road Kew) August 2020</i>	No	No	No	Yes	Yes – Brick wall with arches opening in side setback	No	No	No
HO816	<i>Burwood</i> 4 Edgecombe Street, Kew	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of significance:</b> <i>Burwood Statement of Significance, December 2020</i>								
HO817	<i>House</i> 59 Pakington Street, Kew <b>Statement of significance:</b> <i>59 Pakington Street Kew Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO818	<i>Kew Primary School No. 1075</i> 20 Peel Street, Kew <b>Statement of significance:</b> <i>Kew Primary School No. 1075 Statement of Significance, August 2020</i>	No	No	Yes – mature Monterey Cypress & Pepper-corns	Yes	Yes – 1929 shelter shed	No	No	No
HO819	<i>McDonald-Smith House (former)</i> 3 Perry Court, Kew <b>Statement of significance:</b> <i>McDonald-Smith House (former) Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO820	<i>Fernside (former)</i> 25 Queen Street, Kew <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Fernside (former) Statement of Significance, August 2020</i>								
HO821	<i>Craigmill</i> 13 Raheen Drive, Kew <b>Statement of significance:</b> <i>Craigmill Statement of Significance, August 2020</i>	No	No	No	Yes	No	No	No	No
HO822	<i>Milston House</i> 6 Reeves Court, Kew <b>Statement of significance:</b> <i>Milston House Statement of Significance, August 2020</i>	No	No	No	Yes	Yes – Garage	No	No	No
HO823	<i>Duplex</i> 35 to 37 Rowland Street, Kew <b>Statement of significance:</b> Duplex Statement of Significance (35 to 37 Rowland Street, Kew), August 2020	No	No	No	Yes	No	No	No	No
HO824	<i>Canyanboon</i> 28 Stevenson Street, Kew <b>Statement of significance:</b> <i>Canyanboon Statement of Significance, August 2020</i>	No	No	Yes – Canary Island palm	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO825	<p><i>Surbiton</i> 71 Stevenson Street, Kew</p> <p><b>Statement of significance:</b> <i>Surbiton Statement of Significance, August 2020</i></p>	No	No	No	Yes	No	No	No	No
HO826	<p><i>Carmelite Monastery Melbourne</i> 96 Stevenson Street, Kew</p> <p><b>Statement of significance:</b> <i>Carmelite Monastery Melbourne Statement of Significance, August 2020</i></p>	No	Yes – Church interior decoration	Yes – Row of <i>Cupressus sempervirens</i> on west boundary, other mature conifers, <i>Quercus palustris</i> , <i>Betula pendula</i> , <i>Ulmus</i> sp, <i>Cinnamomum camphora</i> , <i>Grevillea robusta</i> , <i>Cordyline australis</i>	Yes	Yes – Perimeter fence and Stevenson Street gateway	No	No	No
HO827	<p><i>House</i> 31 Studley Park Road, Kew</p> <p><b>Statement of significance:</b> <i>House Statement of Significance (31 Studley Park Road, Kew) August 2020</i></p>	No	No	No	Yes	Yes – original garage	No	No	No
HO828	<p>Former W.R. Nash &amp; Son Showroom and Service Station 1417 Burke Road, Kew East</p>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of Significance:</b> Former W.R Nash & Son Showroom and Service Station Statement of Significance, August 2020								
HO830	<b>Mardegan House</b> 5 Fairway Drive, Kew East <b>Statement of significance:</b> Mardegan House Statement of Significance, August 2020	No	No	No	Yes	Yes - Decorative steel entrance gates to driveway	No	No	No
HO831	<b>Belford Court Arcade</b> 54-58 Kilby Road, Kew East <b>Statement of Significance:</b> Belford Court Arcade Statement of Significance, August 2020	No	Yes - Shopfronts and ceiling in arcade	No	Yes	No	No	No	No
HO832	<b>Misso House</b> 104 Kilby Road, Kew East <b>Statement of significance:</b> Misso House Statement of Significance, August 2020	No	No	No	Yes	Yes - the carport	No	No	No
HO833	<b>Kew East Primary School</b> 35 Windella Avenue, Kew East <b>Statement of significance:</b>	No	No	Yes Monterey Cypress trees on the Beresford	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Kew East Primary School No.3161 Statement of Significance, August 2020			Street and Windella Avenue boundaries					
HO834	<i>Residence</i> 117 Normanby Road, Kew East <b>Statement of significance:</b> 117 Normanby Road Statement of Significance, August 2020	No	No	No	Yes	No	No	No	No
HO835	<i>East Kew Uniting Church and former Citizens Hall</i> 142-142A Normanby Road, Kew East <b>Statement of significance:</b> East Kew Uniting Church and former Citizens Hall Statement of Significance, August 2020	No	No	No	Yes	No	No	No	No
HO836	<i>St Anne's Church</i> 53 Windella Avenue, Kew East <b>Statement of significance:</b> St Anne's Church Statement of Significance, August 2020	No	No	No	Yes	No	No	No	No
HO837	<i>St Paul's Anglican Church Complex</i> 63 Windella Avenue, Kew East <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	St Paul's Anglican Church Statement of Significance, August 2020								
HO838	<p><i>Boulevard Estate and Environs Precinct</i></p> <p>Burke Road (part), Old Burke Road (part), Munro Street (east side), Kilby Road (part), Walbundry Drive, Inverness Drive, Riverside Drive, Cascade Drive and Kyora Drive, Kew East</p> <p><b>Statement of significance:</b></p> <p>Boulevard Estate and Environs Precinct Statement of Significance, August 2020</p>	No	No	Yes - Bhutan Cypress (x3) (Cupressus torulosa) 1489 Burke Road	Yes	<p>Yes -</p> <p>Front fences: Kilby Road (209, 213). Burke Road (1449, 1471, 1475, 1483, 1498, 1491), Old Burke Road (1507, 1511, 1517), Munro Street (4, 8, 10, 12, 14, 16, 18, 22, 36, 44, 46, 50, 54, 62, 66), Walbundry Drive (5, 7), Inverness Drive (3, 5, 7), Riverside Drive (3), Cascade Drive (5), Kyora Drive (1, 3, 5)</p> <p>Garages: Burke Road (1449, 1463, 1465, 1467, 1485, 1487), Old Burke Road (1511), Munro Street (4, 12, 16, 18, 54), Walbundry Drive (5, 7), Inverness</p>	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
						Drive (1, 5), Riverside Drive (3, 4), Cascade Drive (5), Kyora Drive (1)			
HO839	<i>Harp Village Commercial Precinct</i> Valerie Street (part), High Street (part), Strathalbyn Street (part), Kew East <b>Statement of significance:</b> Harp Village Commercial Precinct Statement of Significance, September 2020	No	No	No	Yes	No	No	No	No
HO840	<i>Windella Avenue and Environs Precinct</i> Windella Avenue (part), Belford Road (part), Birdwood Street, Hale Street, Minto Street, Kilby Road (part), Kew East <b>Statement of significance:</b> Windella Avenue and Environs Precinct Statement of Significance, August 2020	No	No	No	Yes	Yes - Front fences: Windella Avenue (86, 98, 73 and 81), Belford Road (88, 94 and 105), Kilby Road (82), Birdwood Street (3, 6, 8, 12 and 20)	No	No	No
HO841	<i>Brickfields Environs Precinct</i> Aberdeen Street, Bowler Street, Carnarvon Street, Caroline Street, Fletcher Street (part), Loch Street (part), and Munro Street (part), Hawthorn East	No	No	No	Yes	Yes - Front fences (5 Munro Street, 2 Carnarvon Street, 16 Loch Street, 29-33 Bowler Street)	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of significance:</b> Brickfields Environs Precinct Statement of Significance, February 2021								
HO842	<i>Burwood Road Estate Precinct</i> Oberon Avenue and Tara Street (part), Hawthorn East  <b>Statement of significance:</b> Burwood Road Estate Precinct Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO843	<i>Smith's Paddock (Burwood Reserve) Environs Precinct</i> Auburn Parade, Burwood Avenue, Burwood Road (part), Carrington Avenue, Gillman Street (part), and Newport Crescent, Hawthorn East  <b>Statement of significance:</b> Smith's Paddock (Burwood Reserve) Environs Precinct Statement of Significance, February 2021	Yes - 2 Carrington Avenue	No	No	Yes	Yes – Front fences (746 & 774 Burwood Road)	No	No	No
HO844	<i>Longford Estate &amp; Environs Precinct</i> Auburn Road (part), Hawthorn and Tooronga Road (part), Currajong Road, Invermay Grove, and Harts Parade, Hawthorn East  <b>Statement of significance:</b>	No	No	No	Yes	Yes – Front fences (4-6 Invermay Grove and 20-22 Currajong Road)			

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Longford Estate & Environs Precinct Statement of Significance, November 2021								
HO845	<i>Essington Estate &amp; Environs Precinct</i> Harold Street (part) and Mayston Street (part), Hawthorn East <b>Statement of significance:</b> Essington Estate & Environs Precinct Statement of Significance, February 2021	No	No	No	Yes	Yes – Front fences (44 & 46 Harold Street)	No	No	No
HO846	<i>Stonyhurst &amp; Athol Estates Precinct</i> Fairmount Road (part), Miami Street (part), Tooronga Road (part), and Auburn Road (part), Hawthorn East <b>Statement of significance:</b> Stonyhurst & Athol Estates Precinct Statement of Significance, February 2021	No	No	No	Yes	Yes – Front fences (8-8A Fairmount Road; 14, 15, 16, 17, 18-20, 19-19A Miami Street) Garages (8 Fairmount Road; 7-11, 19A, 28 Miami Street; 481 Tooronga Road)	No	No	No
HO847	<i>Havelock Road, Denmark Hill Road and Linton Court Precinct</i> Havelock Road (part), Denmark Hill Road (part), and Linton Court, Hawthorn East	No	No	No	Yes	Yes – Front fences (27-27A, 29-29A, 31-31A,	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of significance:</b> Havelock Road, Denmark Hill Road and Linton Court Precinct Statement of Significance, February 2021					33-33A Havelock Road; 2 Denmark Hill Road) Garages (27- 27A, 29-29A, 31-31A, 33-33A Havelock Road; 2 and 8 Denmark Hill Road; 1 and 2 Linton Court)			
HO848	<i>Victoria Road Precinct</i> Albert Street (part), Cambridge Street (part), Freeman Street, Grandview Grove (part), Hallcroft Place, Irelands Lane, Lilydale Grove (part), Lingwell Road, Lorne Road, Rathmines Road (part), Stanley Avenue, Station Street, Stewart Street, Temple Street, Victoria Grove, and Victoria Road (part), Hawthorn East <b>Statement of significance:</b> Victoria Road Precinct Statement of Significance, February 2021	No	Yes – 14 Rathmines Road (church organ)	No	Yes	Yes – Front fences (1, 3, 5, 7, 9, 11 and 8 Hallcroft Place; 84 Victoria Road)	No	No	No
HO849	<i>Newtown Housing Project</i> 406 Barkers Road, Hawthorn East <b>Statement of significance:</b> Newtown Housing Project Statement of Significance, February 2021	No	No	No	Yes	Yes - Front fences (Besser block)	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO850	<i>Clomanto</i> 452 Barkers Road, Hawthorn East <b>Statement of significance:</b> Clomanto Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO851	<i>Merledon</i> 16 Beaconsfield Road, Hawthorn East <b>Statement of significance:</b> Merledon Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO852	<i>Lumeah</i> 64 Campbell Road, Hawthorn East <b>Statement of significance:</b> Lumeah Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO853	<i>Rosetta</i> 43 Clive Road, Hawthorn East <b>Statement of significance:</b> Rosetta Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO854	<i>Flats</i> 20 Denmark Hill Road, Hawthorn East <b>Statement of significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	20 Denmark Hill Road, Hawthorn East Statement of Significance, February 2021								
HO855	<i>Carabacel (later 'Carrick Hill', later 'Dunreay')</i> 41 Harcourt Street, Hawthorn East <b>Statement of significance:</b> Carabacel (later 'Carrick Hill', later 'Dunreay') Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO856	<i>Adair House</i> 40 Havelock Road, Hawthorn East <b>Statement of significance:</b> Adair House Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO857	<i>Cukierman Residence</i> 29 Leura Grove, Hawthorn East <b>Statement of significance:</b> Cukierman Residence Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO858	<i>Les Cloches</i> 100 Pleasant Road, Hawthorn East <b>Statement of significance:</b>	No	No	No	Yes	Yes - Garage	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Les Cloches Statement of Significance, February 2021								
HO861	<i>Tram shelter</i> Between 439A & 441 Riversdale Road, Hawthorn East <b>Statement of significance:</b> Tram Shelter Statement of Significance, February 2021	No	No	No	Yes	No	No	No	No
HO862	<i>Auburn South Primary School No. 4183</i> 417-419 Tooronga Road, Hawthorn East <b>Statement of significance:</b> Auburn South Primary School No. 4183, Statement of Significance, February 2021	No	No	Yes – Mediterranean Cyprus	Yes	No	No	No	No
HO863	<i>Shanklin, St Lawrence, Auburn, Fernside, Illawarra, Riversdale, Tooronga</i> 500-512 Tooronga Road, Hawthorn East <b>Statement of significance:</b> Shanklin, St Lawrence, Auburn, Fernside, Illawarra, Riversdale, Tooronga Statement of Significance, February 2021	No	No	No	Yes	Yes – Front Fences (508 and 510 Tooronga Road)	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO864	<i>Trengrove House</i> 8 Tower Place, Hawthorn East <b>Statement of significance:</b> Trengrove House Statement of Significance, February 2021	No	No	No	Yes	Yes - Front Fence	No	No	No
HO865	<i>Mombah (former)</i> 9 Widford Street, Hawthorn East <b>Statement of significance:</b> Mombah (former) Statement of Significance, February 2021	No	No	No	Yes	Yes – Front Fence piers and footings only	No	No	No
HO866	<i>Balloch's Bakery and Stables (former)</i> 157 Auburn Road, Hawthorn and 3 Russell's Place, Hawthorn East <b>Statement of significance:</b> Balloch's Bakery and Stables (former) Statement of Significance, February 2021	Yes – Painted sign on eastern elevation of 157 Auburn Road, Hawthorn	No	No	Yes	No	No	No	No
HO870	<i>House</i> 1 Mountain View Road, Balwyn North <b>Statement of Significance:</b> House Statement of Significance (1 Mountain View Road, Balwyn North), September 2020	No	No	No	Yes	Yes - Garage and masonry fence to the front and side	No	No	No
HO871	<i>Reumah</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	1 Reumah Court, Balwyn <b>Statement of Significance:</b> Reumah Statement of Significance (1 Reumah Court, Balwyn), September 2020								
HO872	<i>All Hallows' Catholic Church-School, former</i> 3 Brenbeal Street, Balwyn <b>Statement of Significance:</b> All Hallows' Catholic Church- School, Statement of Significance (3 Brenbeal Street, Balwyn), September 2020	No	No	No	Yes	No	No	No	No
HO873	<i>Flats</i> 7 Mangan Street, Balwyn <b>Statement of Significance:</b> Flats Statement of Significance (7 Mangan Street, Balwyn), September 2020	No	No	No	Yes	Yes - front fence	No	No	No
HO874	<i>Khartoum</i> 8 Kitchener Street, Deepdene <b>Statement of Significance:</b> Khartoum Statement of Significance (8 Kitchener Street, Deepdene), September 2020	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO875	<i>Rexmoor</i> 8 Boston Road, Balwyn <b>Statement of Significance:</b> Rexmoor Statement of Significance (8 Boston Road, Balwyn), September 2020	No	No	No	Yes	Yes - two early outbuildings at rear of property	No	No	No
HO876	<i>Aloha</i> 9 Boston Road, Balwyn <b>Statement of Significance:</b> Aloha Statement of Significance (9 Boston Road, Balwyn), September 2020	No	No	No	Yes	Yes - brick garage	No	No	No
HO877	<i>Mararoa</i> Leonard Street, Deepdene <b>Statement of Significance:</b> Mararoa Statement of Significance (28 Leonard Street, Deepdene), September 2020	No	No	No	Yes	No	No	No	No
HO878	<i>1st Deepdene Scout Hall Whitehorse Road, Deepdene</i> <b>Statement of Significance:</b> 1st Deepdene Scout Hall Statement of Significance (32 Whitehorse Road, Deepdene), September 2020	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO879	<i>Bel-Air</i> 113 Yarrbat Avenue, Balwyn <b>Statement of Significance:</b> Bel-Air Statement of Significance (113 Yarrbat Avenue, Balwyn), September 2020	No	No	No	Yes	Yes - garage and front fence along Yarrbat Avenue frontage	No	No	No
HO880	<i>Silver Birches (formerly Hillsborough) and garden</i> 129-131 Yarrbat Avenue, Balwyn <b>Statement of Significance:</b> Silver Birches (formerly Hillsborough) and garden Statement of Significance (129- 131 Yarrbat Avenue, Balwyn), September 2020	No	No	Yes -front and rear garden layout including the wall designed by Edna Walling and the mature Oak species	Yes	Yes -garage and the capped sections of front fence and gates	No	No	No
HO881	<i>Church House</i> 146 Yarrbat Avenue, Balwyn <b>Statement of Significance:</b> Church House Statement of Significance (146 Yarrbat Avenue,Balwyn), September 2020	No	No	No	Yes	No	No	No	No
HO882	<i>House and Garden</i> 171 Doncaster Road, Balwyn North <b>Statement of Significance:</b>	No	No	Yes - mature trees cypress and cedar trees and front garden	Yes	Yes - front fence and garage	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Statement of Significance House and Garden Statement of Significance (171 Doncaster Road, Balwyn North), September 2020								
HO883	<i>Evendale (formerly Dewrang) 269 Union Road, Balwyn</i> <b>Statement of Significance:</b> Evendale (formerly Dewrang) Statement of Significance (269 Union Road, Balwyn), September 2020	No	No	No	Yes	No	No	No	No
HO884	<i>Former Frank Paton Memorial Church and Hall</i> 958A Burke Road, Deepdene <b>Statement of Significance:</b> Former Frank Paton Memorial Church and Hall Statement of Significance (958A Burke Road, Deepdene), September 2020	No	No	No	Yes	Yes - front fence	No	No	No
HO885	<i>Angle Road Precinct</i> 1-13 and 2-12 Angle Road Deepdene <b>Statement of Significance:</b> Angle Road Precinct Statement of Significance (1-13 and 2-12 Angle Road, Deepdene), September 2020	No	No	No	Yes	No	No	No	No
HO891	<i>House</i> 39 Peate Avenue, Glen Iris	No	No	No	Yes	Yes - front fence	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of Significance:</b> House, 39 Peate Avenue, Glen Iris Statement of Significance, June 2022								
HO892	<i>Burnlea</i> 22 Bourne Road, Glen Iris <b>Statement of Significance:</b> Burnlea, 22 Bourne Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO893	<i>Camberwell South Primary School No. 4170</i> 4 Peate Avenue, Glen Iris <b>Statement of Significance:</b> Camberwell South Primary School No. 4170, 4 Peate Avenue, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO894	<i>Carinya (Formerly Warrack Lodge)</i> 14 Alfred Road, Glen Iris <b>Statement of Significance:</b> Carinya (Formerly Warrack Lodge), 14 Alfred Road, Glen Iris Statement of Significance, June 2022	Yes - to the extent of the render finish on the 1916 section of the dwelling	No	No	Yes	No	No	No	No
HO895	<i>Glen Iris Heights and Cherry's Hill Estates Precinct</i>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>Statement of Significance:</b> Glen Iris Heights and Cherry's Hill Estates Precinct Statement of Significance, June 2022								
HO896	<i>Glen Iris Primary School No. 1148</i> 170 Glen Iris Road, Glen Iris <b>Statement of Significance:</b> Glen Iris Primary School No. 1148, 170 Glen Iris Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO897	<i>Hirsch House and Office (former)</i> 118 Glen Iris Road, Glen Iris <b>Statement of Significance:</b> Hirsch House and Office (former), 118 Glen Iris Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO898	<i>House</i> 44 Denman Avenue, Glen Iris <b>Statement of Significance:</b> House, 44 Denman Avenue, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO899	<i>House</i> 55 Bath Road, Glen Iris <b>Statement of Significance:</b>	No	No	No	Yes	Yes, front fence	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	House, 55 Bath Road, Glen Iris Statement of Significance, June 2022								
HO900	<i>Langley Burrell</i> 148 Summerhill Road, Glen Iris <b>Statement of Significance:</b> Langley Burrell, 148 Summerhill Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	Yes, front boundary fence Original garage	No	No	No
HO902	<i>Quamby (formerly Woongarra)</i> 29 Alfred Road, Glen Iris <b>Statement of Significance:</b> Quamby (formerly Woongarra), 29 Alfred Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO903	<i>Romney Lodge (formerly Delloraine)</i> 2 Allison Avenue, Glen Iris <b>Statement of Significance:</b> Romney Lodge (formerly Delloraine), 2 Allison Avenue, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	Yes, front fence	No	No	No
HO904	<i>St. Oswald's Anglican Church Complex</i> 100 - 108 High Street, Glen Iris <b>Statement of Significance:</b>	No	Yes, main church building only	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	St Oswald's Anglican Church Complex, 100-108 High Street, Glen Iris Statement of Significance, June 2022		(stained glass, font and organ)						
HO905	<i>Summerhill Estate Precinct</i> <b>Statement of Significance:</b> Summerhill Estate Precinct Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO906	<i>Summerhill Road Methodist Church Complex (former)</i> 26 Summerhill Road, Glen Iris <b>Statement of Significance:</b> Summerhill Road Methodist Church Complex, 26 Summerhill Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	Yes, low stone retaining wall	No	No	No
HO907	<i>The Fold</i> 26 Summerhill Road, Glen Iris <b>Statement of Significance:</b> The Fold, 26 Summerhill Road, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO908	Violet Farm Estate Precinct <b>Statement of Significance:</b> Violet Farm Estate Precinct Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO909	<i>Woorayl</i> 3 Valley Parade, Glen Iris <b>Statement of Significance:</b> Woorayl, 3 Valley Parade, Glen Iris Statement of Significance, June 2022	No	No	No	Yes	No	No	No	No
HO915	<i>Red House</i> Part 207 Barkers Road, Kew (formerly 231 Barkers Road) <b>Statement of Significance:</b> <i>Red House Statement of Significance, May 2020</i>	No	No	No	Yes	No	No	No	No
HO916	<i>Wentworth</i> Part 207 Barkers Road, Kew (formerly 876 Glenferrie Road) <b>Statement of Significance:</b> Wentworth Statement of Significance, May 2020	No	No	No	Yes	No	No	No	No
HO918	<i>Home Farm Estate and Environs Precinct</i> Albion Road (part), Dunlop Street (part), Ashburton and Glen Iris <b>Statement of Significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Home Farm Estate and Environs Precinct Statement of Significance, December 2021								
HO919	<i>Ashburton Uniting Church</i> 3-7 Ashburton Grove, Ashburton <b>Statement of Significance:</b> Ashburton Uniting Church, 3-7 Ashburton Grove, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO920	<i>House</i> 9 Donald Street, Ashburton <b>Statement of Significance:</b> House, 9 Donald Street, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO921	<i>Ashburton Primary School</i> 10A Fakenham Road, Ashburton <b>Statement of Significance:</b> Ashburton Primary School, 10A Fakenham Road, Ashburton Statement of Significance, December 2021	No	No	No	Yes	Yes - War Memorial	No	No	No
HO922	<i>St Michael's Parish Hall</i> 268 High Street, Ashburton <b>Statement of Significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	St Michael's Parish Hall, 268 High Street, Ashburton Statement of Significance, December 2021								
HO923	<i>St Michael's Memorial Church</i> 270 High Street, Ashburton <b>Statement of Significance:</b> St Michael's Memorial Church, 270 High Street, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO924	<i>House</i> 1 Keyes Street, Ashburton <b>Statement of Significance:</b> House, 1 Keyes Street, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO925	<i>Victorian House</i> 10 Marquis Street, Ashburton <b>Statement of Significance:</b> Victorian House, 9 Marquis Street, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO926	<i>Pyrus Park</i> 7 Vears Road, Ashburton <b>Statement of Significance:</b>	No	No	No	Yes	No	No	No	No



## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Pyrus Park, 7 Vears Road, Ashburton Statement of Significance, December 2021								
HO927	<i>House</i> 45 Yuile Street, Ashburton <b>Statement of Significance:</b> House, 45 Yuile Street, Ashburton Statement of Significance, December 2021	No	No	No	Yes	No	No	No	No
HO928	<i>House</i> 12-14 Tannock Street, Balwyn North <b>Statement of Significance:</b> House, 12-14 Tannock Street, Balwyn North Statement of Significance, October 2021	No	No	No	Yes	No	No	No	No
HO930	<i>Seeger House</i> 26 Goldthorns Avenue, Kew <b>Statement of Significance:</b> <i>Seegar House</i> , 26 Goldthorns Avenue, Kew Statement of Significance, March 2022	No	No	No	Yes	No	No	No	No
HO931	<i>Former Watson Residence</i> 3-5 Florence Avenue, Kew <b>Statement of Significance:</b>	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Former Watson Residence (3-5 Florence Avenue, Kew) Statement of Significance, June 2021								
HO932	Skye 97 Argyle Road, Kew <b>Statement of Significance:</b> Skye, 97 Argyle Road Kew Statement of Significance, March 2022	No	No	No	Yes	No	No	No	No
HO933	Currajong 337 Auburn Road, Hawthorn <b>Statement of Significance:</b> Currajong, 337 Auburn Road, Hawthorn Statement of Significance, November 2021	No	No	No	Yes	No	No	No	No
HO937	Summer and Cliff House 25 Swinton Avenue and 3/2 Hodgson Street (part), Kew <b>Statement of Significance:</b> Summer House and Cliff House Statement of Significance, June 2021	Yes	No	Yes - Eucalyptus tree (Summer House)	Yes	No	No	No	No
HO938	House - Chesney Wolde 57 Berkeley Street, Hawthorn <b>Statement of Significance:</b>	No	No	No	No	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	57 Berkeley Street, Hawthorn (Chesney Wolde) Statement of Significance, February 2023								
HO939	House 60 Berkeley Street, Hawthorn <b>Statement of Significance:</b> 60 Berkeley Street, Hawthorn Statement of Significance, March 2021	No	No	No	No	No	No	No	No
HO940 Interim Control Expiry Date: 28/02/2023	Withers House (former) 32 Corby Street, Balwyn North	No	No	No	Yes	No	No	No	No
HO945 Interim Control Expiry Date: 30/06/2023	<i>Batrouney House (former)</i> 9 Seattle Street, Balwyn North	Yes	No	No	Yes	Yes (front retaining walls and steps)	No	No	No
HO949 Interim Control Expiry Date: 18/10/2023	House 5 Creswick Street, Deepdene	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO954 Interim Control Expiry Date: 30/04/2024	7 Fuller Avenue, Glen Iris	No	No	No	Yes	No	No	No	No
HO955 Interim Control Expiry Date: 30/04/2024	33 Fuller Avenue, Glen Iris	No	No	No	Yes	No	No	No	No
HO956 Interim Control Expiry Date: 30/04/2024	Dent Street Precinct, Glen Iris	No	No	No	Yes	No	No	No	No
HO957 Interim Control Expiry Date: 30/04/2024	High Street North Precinct, Glen Iris	No	No	No	Yes	No	No	No	No
HO958	Tower Hill Estate Precinct, Glen Iris and Ashburton	No	No	No	Yes	No	No	No	No

## BOROONDARA PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
Interim Control Expiry Date: 30/04/2024									

## BOROONDARA PLANNING SCHEME

21/06/2019  
GC126**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0**---  
Proposed C367boro**Incorporated documents**

<b>Name of document</b>	<b>Introduced by:</b>
117 Normanby Road Statement of Significance, August 2020	C306boro
146-148 Winmalee Road, Balwyn Statement of Significance	C276boro
17-19 King Street, Balwyn Statement of Significance	C276boro
192 Doncaster Road, Balwyn North Statement of Significance	C276boro
48 Narrak Road, Balwyn Statement of Significance	C276boro
57 Berkeley Street, Hawthorn (Chesney Wolde) Statement of Significance, February 2023	C367boro
60 Berkeley Street, Hawthorn Statement of Significance, March 2021	C367boro
800 Toorak Road Comprehensive Development Plan, October 2015	C239
950 Burke Road, Balwyn Statement of Significance	C276boro
1st Deepdene Scout Hall Statement of Significance (32 Whitehorse Road, Deepdene), September 2020	C318boro
"Mountfield" Estate Incorporated Plan March 2005 (updated September 2011)	C144
Adair House Statement of Significance, February 2021	C308boro
All Hallows' Catholic Church-School, Statement of Significance (3 Brenbeal Street, Balwyn), September 2020	C318boro
Aloha Statement of Significance (9 Boston Road, Balwyn), September 2020	C318boro
Angle Road Precinct Statement of Significance (1-13 and 2-12 Angle Road, Deepdene), September 2020	C318boro
Ardene Court Flats Statement of Significance, August 2020	C284boroPt1boro
Ashburton Primary School, 10A Fakenham Road, Ashburton Statement of Significance, December 2021	C337boro
Ashburton Uniting Church, 3-7 Ashburn Grove, Ashburton Statement of Significance, December 2021	C337boro
Auburn South Primary School No.4183 Statement of Significance, February 2021	C308boro
Balloch's Bakery and Stables (former) Statement of Significance, February 2021	C308boro
Balwyn Village Commercial Precinct Statement of Significance	C276boro
Banool Estate Precinct Statement of Significance, August 2020	C294boroPt2boro
Bel-Air Statement of Significance (113 Yarrbat Avenue, Balwyn), September 2020	C318boro
Belford Court Arcade Statement of Significance, August 2020	C306boro
Boulevard Estate and Environs Precinct Statement of Significance, August 2020	C306boro
Bradford Estate Precinct Statement of Significance, December 2020	C363boro
Brickfields Environs Precinct Statement of Significance, February 2021	C308boro
Burke Road Commercial Precinct Statement of Significance, August 2020	C294boroPt2boro

**BOROONDARA PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
Burnlea, 22 Bourne Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Burwood Road Estate Precinct Statement of Significance, February 2021	C308boro
Burwood Statement of Significance, August 2020	C294boroPt2boro
Camberwell Railway Station Incorporated Plan 2007	C55
Camberwell South Primary School No. 4170, 4 Peate Avenue, Glen Iris Statement of Significance, June 2022	C333boroPt2
Canyanboon Statement of Significance, August 2020	C294boroPt2boro
Carabacel (later 'Carrick Hill', later 'Dunreay') Statement of Significance, February 2021	C308boro
Carinya (formerly Warrack Lodge), 14 Alfred Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Carmelite Monastery Melbourne Statement of Significance, August 2020	C294boroPt2boro
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
Church House Statement of Significance (146 Yarrbat Avenue, Balwyn), September 2020	C318boro
Clomanto Statement of Significance, February 2021	C308boro
Cotham Village Commercial Precinct Statement of Significance, August 2020	C294boroPt2boro
Craigmill Statement of Significance, August 2020	C294boroPt2boro
Cranmore Estate and Environs Precinct Statement of Significance, August 2020	C284boroPt1boro
Cukierman Residence Statement of Significance, February 2021	C308boro
Currajong, 337 Auburn Road, Hawthorn Statement of Significance, November 2021	C355boro
Dalsworth Statement of Significance, December 2018	C285
Dickie House Statement of Significance, August 2020	C284boroPt1boro
Duplex Statement of Significance (35 to 37 Rowland Street, Kew), August 2020	C294boroPt2boro
East Kew Uniting Church and former Citizens Hall Statement of Significance, August 2020	C306boro
Edwardian Shops, 556-558 Glenferrie Road, Hawthorn Statement of Significance, August 2020	C284boroPt1boro
Eira Statement of Significance, July 2021	C364boro
Essington Estate & Environs Precinct Statement of Significance, February 2021	C308boro
Evandale (formerly Dewrang) Statement of Significance (269 Union Road, Balwyn), September 2020	C318boro
Fankhauser Farmhouse Statement of Significance	C276boro
Farey Brothers' Bakery (former) Statement of Significance, August 2020	C284boroPt1boro
Fernside (former) Statement of Significance, August 2020	C294boroPt2boro
Flats Statement of Significance (7 Mangan Street, Balwyn), September 2020	C318boro
Flats Statement of Significance (20 Denmark Hill Road, Hawthorn East), February 2021	C308boro

**BOROONDARA PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
Flying Fox Campsite, Yarra Bend Park, December 2004	C60
Former Frank Paton Memorial Church and Hall Statement of Significance (958A Burke Road, Deepdene), September 2020	C318boro
Former Lion Rubber Works, Grant Dorman Statement of Significance, August 2020	C284boroPt1boro
Former Watson Residence (3-5 Florence Avenue, Kew) Statement of Significance, April 2021	C353boroPt1
Former W.R Nash and Son Showroom and Service Station Statement of Significance, August 2020	C306boro
Glenferrie and Riversdale Roads Commercial Precinct Statement of Significance, August 2020	C284boroPt1boro
Glen Iris Heights and Cherry's Hill Estates Precinct Statement of Significance, June 2022	C333boroPt2
Glen Iris Primary School No. 1148, 170 Glen Iris Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Grange Hill (former Hillsbury) Statement of Significance, August 2020	C294boroPt2boro
Harp Village Commercial Precinct Statement of Significance, September 2020	C340boro
Havelock Road, Denmark Hill Road and Linton Court Precinct Statement of Significance, February 2021	C308boro
Hirsch House and Office (former), 118 Glen Iris Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Home Farm Estate and Environs Precinct Statement of Significance, December 2021	C337boro
House, 9 Donald Street, Ashburton Statement of Significance, December 2021	C337boro
House, 1 Keyes Street, Ashburton Statement of Significance, December 2021	C337boro
House, 45 Yuile Street, Ashburton Statement of Significance, December 2021	C337boro
House, 12-14 Tannock Street, Balwyn North Statement of Significance, October 2021	C341boro
House, 39 Peate, Avenue, Glen Iris Statement of Significance, June 2022	C333boroPt2
House, 44 Denman Avenue, Glen Iris Statement of Significance, June 2022	C333boroPt2
House, 55 Bath Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
House and Garden Statement of Significance (171 Doncaster Road, Balwyn North), September 2020	C318boro
House Statement of Significance (1 Mountain View Road, Balwyn North), September 2020	C318boro
House Statement of Significance (31 Studley Park Road, Kew), August 2020	C294boroPt2boro
House Statement of Significance (59 Pakington Street, Kew), August 2020	C294boroPt2boro
Houses (5 & 7 Higham Road, Hawthorn East), February 2021	C308boro
Iona Estate Residential Precinct Statement of Significance, August 2020	C294boroPt2boro
Kew East Primary School No. 3161 Statement of Significance, August 2020	C306boro
Kew Primary School No. 1075 Statement of Significance, August 2020	C294boroPt2boro



**BOROONDARA PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
Kew Residential Services Urban Design Framework, October 2003	C53
Kew Service Reservoir Statement of Significance, January 2019	C293
Khartoum Statement of Significance (8 Kitchener Street, Deepdene), September 2020	C318boro
Langley Burrell, 148 Summerhill Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Les Cloches Statement of Significance, February 2021	C308boro
Lindum Statement of Significance, August 2020	C294boroPt2boro
Longford Estate & Environs Precinct Statement of Significance, November 2021	C355boro
Lumeah Statement of Significance, February 2021	C308boro
M1 Redevelopment Project, October 2006	C62
Mararoa Statement of Significance (28 Leonard Street, Deepdene), September 2020	C318boro
Mardegan House Statement of Significance, August 2020	C306boro
Maud Street Maisonette Precinct Statement of Significance	C276boro
May Street Precinct Statement of Significance, August 2020	C294boroPt2boro
McDonald-Smith House (former) Statement of Significance, August 2020	C294boroPt2boro
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Croquet Club (Former Glenferrie Hill Recreation Club) Statement of Significance, August 2020	C284boroPt1boro
Merledon Statement of Significance, February 2021	C308boro
Methodist Ladies' College Statement of Significance, June 2020	C305boro
Milston House Statement of Significance, August 2020	C294boroPt2boro
Misso House Statement of Significance, August 2020	C306boro
Mombah (former) Statement of Significance, February 2021	C308boro
Monash Freeway Upgrade Project Incorporated Document, March 2016	GC47
Newtown Housing Project Statement of Significance, February 2021	C308boro
North East Link Project Incorporated Document, December 2019	GC98
Norwood Terrace Statement of Significance, August 2020	C284boroPt1boro
Omro Statement of Significance, August 2020	C294boroPt2boro
Palace Balwyn Cinema Statement of Significance	C276boro
Pyrus Park, 7 Vears Road, Ashburton Statement of Significance, December 2021	C337boro
Quamby (formerly Woongarra), 29 Alfred Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Red House Statement of Significance, May 2020	C305boro
Residence Statement of Significance (264 Cotham Road, Kew), August 2020	C294boroPt2boro
Reumah Statement of Significance(1 Reumah Court,Balwyn), September 2020	C318boro

**BOROONDARA PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
Rexmoor Statement of Significance (8 Boston Road, Balwyn), September 2020	C318boro
Riversdale Reserve Precinct Statement of Significance, August 2020	C284boroPt1boro
Riversdale Village Precinct Statement of Significance, August 2020	C284boroPt1boro
River House Statement of Significance, June 2021	C362boro
Romney Lodge (formerly Delloraine), 2 Allison Avenue, Glen Iris Statement of Significance, June 2022	C333boroPt2
Rookery Estate Precinct Statement of Significance, August 2020	C284boroPt1boro
Rosetta Statement of Significance, February 2021	C308boro
Seegar House, 26 Goldthorns Avenue, Kew Statement of Significance, March 2022	C353boroPt2
Shanklin, St Lawrence, Auburn, Fernside, Illawarra, Riversdale, Tooronga Statement of Significance, February 2021	C308boro
Shops Statement of Significance (1139-1141 Burke Road, Kew), August 2020	C294boroPt2boro
Shrine of St Anthony Church Complex Statement of Significance, August 2020	C284boroPt1boro
Silver Birches (formerly Hillsborough) and Garden Statement of Significance (129-131 Yarrbat Avenue, Balwyn), September 2020	C318boro
Site Specific Control Under Schedule to Clause 52.03 of the Boroondara Planning Scheme, 347 and 347A Riversdale Rd, Hawthorn East, April 2012	C91
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 1 Whitehorse Road, Deepdene, June 2015	C220
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 20 Delany Close, Canterbury, October 1999	NPS1
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 29, 31, 33 Allambee Avenue, Camberwell, October 1999	NPS1
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 308 High Street, Kew, June 2015	C220
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 83 Charles Street, Kew, October 1999	NPS1
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, 240 Camberwell Road, Camberwell, October 1999	NPS1
Site Specific Control Under Schedule To Clause 52.03 of the City of Boroondara Planning Scheme, Nos. 217 - 219 Cotham Road, Kew, March 2012	C143
Skye, 97 Argyle Road, Kew Statement of Significance, March 2022	C353boroPt2
Smith's Paddock (Burwood Reserve) Environs Precinct Statement of Significance, February 2021	C308boro
St Anne's Church Statement of Significance, August 2020	C306boro
St Barnabas' Anglican Church Statement of Significance	C276boro
St Joseph's Catholic School (formerly St John's School) Statement of Significance, August 2020	C284boroPt1boro
St Michael's Memorial Church, 270 High Street, Ashburton Statement of Significance, December 2021	C337boro

**BOROONDARA PLANNING SCHEME**

<b>Name of document</b>	<b>Introduced by:</b>
St Michael's Parish Hall, 268 High Street, Ashburton Statement of Significance, December 2021	C337boro
St. Oswald's Anglican Church Complex, 100-108 High Street, Glen Iris Statement of Significance, June 2022	C333boroPt2
St Paul's Anglican Church Complex Statement of Significance, August 2020	C306boro
Stonyhurst & Athol Estates Precinct Statement of Significance, February 2021	C308boro
Summerhill Estate Precinct Statement of Significance, June 2022	C333boroPt2
Summerhill Road Methodist Church Complex Statement of Significance, June 2022	C333boroPt2
Summer House and Cliff House Statement of Significance, June 2021	C362boro
Surbiton Statement of Significance, August 2020	C294boroPt2boro
The Fold, 26 Summerhill Road, Glen Iris Statement of Significance, June 2022	C333boroPt2
Thornton Estate Residential Precinct Statement of Significance, January 2022	C353boroPt1
Toorak Road, Kooyong Level Crossing Removal Project Incorporated Document, May 2019	GC126
Tooronga Village Incorporated Plan, 2013	C188
Tram Shelter Statement of Significance, February 2021	C308boro
Trengrove House Statement of Significance, February 2021	C308boro
Urangeline (former Edzell, Mildura) Statement of Significance, August 2020	C294boroPt2boro
Victoria Road Precinct Statement of Significance, February 2021	C308boro
Victorian House, 10 Marquis Street, Ashburton Statement of Significance, December 2021	C337boro
Victorian Shops, 817-821 Glenferrie Road, Hawthorn Statement of Significance, August 2020	C284boroPt1boro
Victory Estate Precinct Statement of Significance, August 2020	C284boroPt1boro
Violet Farm Estate Precinct Statement of Significance, June 2022	C333boroPt2
Violet Grove and Environs Precinct Statement of Significance, August 2020	C284boroPt1boro
Walker Development Plan – Kew, Building Height Envelope Plan, March 2006	C65
Wentworth Statement of Significance, May 2020	C305boro
William Carey Chapel Statement of Significance, August 2020	C294boroPt2boro
Willsmere Park Shared Path Project June 2013	C142
Windella Avenue and Environs Precinct Statement of Significance, August 2020	C306boro
Woodford Statement of Significance, August 2020	C284boroPt1boro
Woorayl, 3 Valley Parade, Glen Iris Statement of Significance, June 2022	C333boroPt2
Yarralands Flats Statement of Significance, August 2020	C284boroPt1boro

## BOROONDARA PLANNING SCHEME

31/07/2018  
VC148

## SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

## 1.0

-/-/-/-/-  
Proposed C367boro

## Background documents

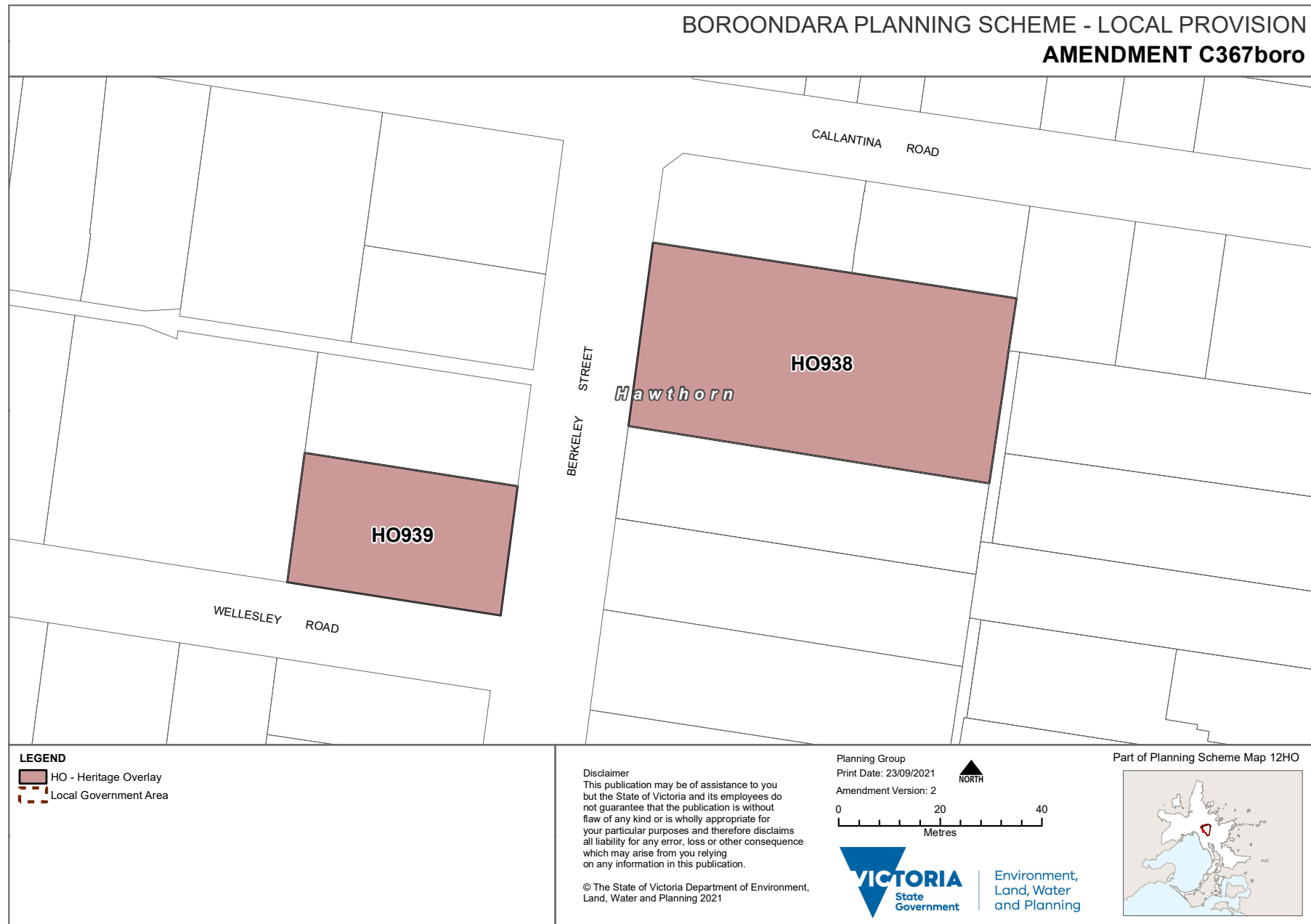
Name of background document	Amendment number - clause reference
<i>57 Berkeley Street, Hawthorn (Chesney Wolde) Heritage Citation, February 2023</i>	C367boro - Clause 43.01
<i>60 Berkeley Street, Hawthorn Heritage Citation, March 2021</i>	C367boro - Clause 43.01
Assessment of Heritage Precincts in Kew (City of Boroondara, April 2013)	C142 - Clause 15.03-1L
Assessment of the Burwood Road Heritage Precinct, Hawthorn (City of Boroondara, August 2008, updated March 2012)	C98 - Clause 15.03-1L
Auburn Village Heritage Study (City of Boroondara, 2005)	C57 - Clause 15.03-1L
Balwyn Access Plan(City of Boroondara, 2013)	C229 - Clauses 15.01-1L, 18.02-1L, 18.02-3L, 18.02-4L
Balwyn Parking Precinct Plan (Ratio, 2013)	C229 - Clauses 18.02-3L, 18.02-4L
Balwyn Road Residential Precinct, Canterbury: Stage 2 Heritage Precinct Review (City of Boroondara, August 2006)	C59 - Clause 15.03-1L
Balwyn Structure Plan (City of Boroondara, 2011)	C164 - Clause 11.03-3L
Boroondara Access and Inclusion Plan 2013-17 (City of Boroondara, 2013)	C229 - Clauses 13.07-1,16.01-1L
Boroondara Bicycle Strategy (Arup, 2008)	C229 - Clauses 18.02-1L, 18.02-3L, 18.02-4L
Boroondara Car Share Policy (City of Boroondara, 2013)	C229 - Clauses 18.02-1L, 18.02-3L, 18.02-4L
Boroondara Integrated Transport Strategy (Arup, 2006)	C229 - Clauses 18.02-1L, 18.02-3L, 18.02-4L
Boroondara Open Space Strategy (City of Boroondara, 2013)	C229 - Clauses 12.01-1L, 12.03-1L, 13.03-1L, 15.02-1L and 19.02-6L
Boroondara Road Safety Strategy (City of Boroondara, 2008)	C229 - Clauses 18.02-1L, 18.02-3L, 18.02-4L
Boroondara Schedule of Gradings Map (City of Boroondara, undated)	C66 - Clause 15.03-1L
Camberwell Conservation Study (City of Camberwell, 1991)	Boroondara L4 - Clause 15.03-1L
Camberwell Junction Heritage Review (City of Boroondara, 2008, updated 2013)	C101 - Clause 15.03-1L
Camberwell Junction Structure Plan (Cities of Camberwell and Hawthorn, December 1993)	NPS1 - Clause 11.03-1L
Canterbury Hill Estate Precinct Citation (2014)	C150 - Clause 15.03-1L
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 1: Canterbury</i> (Context Pty Ltd, 26 November 2018)	C266boro - Clause 15.03-1L
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 2: Camberwell</i> (Context Pty Ltd, December 2018)	C274Pt2boro - Clause 15.03-1L
<i>City of Boroondara Municipal-Wide-Heritage Gap Study Volume 3: Hawthorn</i> (Context Pty Ltd, 20 July 2020)	C284boroPt1boro - Clause 43.01

## BOROONDARA PLANNING SCHEME

Name of background document	Amendment number - clause reference
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 4: Kew, Revised Report 11 May 2021</i>	C353boroPt1 - Clause 43.01
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 5: Kew East and Mont Albert (August 2020)</i>	C306boro - Clause 43.01
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 6: Hawthorn East (November 2021)</i>	C355boro - Clause 43.01
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 6: Glen Iris (Context Pty Ltd, March 2022)</i>	C333boroPt2 - Clause 43.01
<i>City of Boroondara Municipal-Wide Heritage Gap Study Volume 8: Ashburton (Context Pty Ltd, December 2021)</i>	C337boro - Clause 43.01
<i>City of Kew Urban Conservation Study (City of Kew, 1988)</i>	Kew L8 - Clause 15.03-1L
<i>Creswick Estate Precinct Heritage Citation (2016)</i>	C236 - Clause 15.03-1L
<i>Currajong, 337 Auburn Road, Hawthorn Heritage Citation, Silberberg Consulting, November 2021</i>	C355boro - Clause 43.01
<i>Fairmount Park Estate Precinct Heritage Citation (2016)</i>	C236 - Clause 15.03-1L
<i>Former Watson Residence (3-5 Florence Avenue, Kew) Heritage Citation, April 2021</i>	C353boroPt1 - Clause 43.01
<i>Grange Avenue Residential Precinct Citation (August 2014)</i>	C178 - Clause 15.03-1L
<i>Glenferrie: Heart of Hawthorn Structure Plan (City of Boroondara 2010, updated 28 December 2011)</i>	C230 - Clause 11.03-1L
<i>Glenferrie: Heart of Hawthorn Structure Plan Implementation Plan (City of Boroondara, 2010, updated 28 December 2011)</i>	C230 - Clause 11.03-1L
<i>Hawthorn Heritage Precincts Study (City of Boroondara, April 2012)</i>	C99 - Clause 15.03-1
<i>Hawthorn Heritage Study (City of Hawthorn, 1993)</i>	Boroondara L3 Part 1 - Clause 15.03-1
<i>Heritage Policy - Statements of Significance (City of Boroondara, August 2016, or as amended and adopted by Council from time to time)</i>	C229 - Clause 15.03-1
<i>Integrated Water Management Strategy 2014-2024 (City of Boroondara, 2014)</i>	C229 - Clauses 12.01-1L, 12.03-1L, 13.03-1L, 15.02-1L, and 19.03-3L
<i>Kew and Hawthorn Further Investigations - Assessment of Specific Sites (February 2014)</i>	C153 - Clause 15.03-1L
<i>Kew Junction Commercial Heritage Study (September 2013)</i>	C149 - Clause 15.03-1L
<i>Kew Junction Structure Plan (City of Boroondara, 2009, updated 28 December 2011)</i>	C230 - Clause 11.03-1L
<i>The Lower Yarra Concept Plan - Dights Falls to Punt Road (Melbourne Metropolitan Board of Works, 1986)</i>	VC197 - Schedule1 to Clause 42.03
<i>Lower Yarra River Study - Recommendations Report (Department of Environment, Land, Water and Planning, 2016)</i>	VC197 - Schedule 1 to Clause 42.03 VC197 - Schedule 31 to Clause 43.02
<i>Methodist Ladies' College Heritage Citation, June 2020</i>	C305boro - Clause 43.01
<i>The Middle Yarra Concept Plan - Dights Falls to Burke Road (Melbourne Parks and Waterways, 1990)</i>	VC197 - Schedule 1 to Clause 42.03
<i>Neighbourhood Centres and Commercial Corridors Guidelines (City of Boroondara, 2014)</i>	C108 - Clauses 11.03-1L, 15.01-1L

## BOROONDARA PLANNING SCHEME

Name of background document	Amendment number - clause reference
<i>Neighbourhood Character Precinct Statements</i> (City of Boroondara, 2013 or as amended and adopted by Council from time to time)	C190 - Clauses 13.07-1L, 15.01-5L
<i>Neighbourhood Character Study and New Residential Zones Methodology and Implementation Report</i> (City of Boroondara, October 2013)	C190 - Clauses 13.07-1L, 15.01-5L, 16.01-3L
<i>Parking Management Policy</i> (City of Boroondara, 2006, updated November 2017)	C229 - Clauses 18.02-3L, 18.02-4L
Red House Heritage Citation, May 2020	C305boro - Clause 43.01
<i>Review of B-graded Buildings in Kew, Camberwell and Hawthorn</i> (City of Boroondara, January 2007, updated June 2007 and November 2009) Volumes 1, 2 and 3.	C64 - Clause 15.03-1L
<i>Review of C* Grade Buildings in the Former City of Hawthorn</i> (City of Boroondara, September 2006, updated June 2007 and November 2009) Volumes 1 and 2.	C64 - Clause 15.03-1L
River House - Heritage Citation, Extent Heritage, June 2021	C362boro - Clause 43.01
Seegar House, 26 Goldthorns Avenue, Kew Heritage Citation, March 2022	C353boroPt2 - Clause 43.01
<i>Single Dwelling Covenant Policy</i> (June 2011)	C229 - Clause 15.01-5L
Skye, 97 Argyle Road, Kew Heritage Citation, March 2022	C353boroPt2 - Clause 43.01
<i>Surrey Hills and Canterbury Hill Estate Heritage Study</i> (2014, updated 2016)	C177 - Clause 15.03-1L
<i>Surrey Hills North Residential Precinct Citation</i> (2014, updated 2014)	C150 - Clause 15.03-1L
Summer House and Cliff House - Heritage Citation, Extent Heritage, June 2021	C362boro - Clause 43.01
<i>Technical Bulletin 8.1: Fences &amp; Gates</i> (National Trust of Australia (Victoria), 1988)	C66 - Clause 15.03-1L
<i>Thematic Environmental History</i> (City of Boroondara, 2012)	C229 - Clause 15.03-1L
<i>Union Road Commercial Precinct Citation</i> (City of Boroondara, 2011)	C148 - Clause 15.03-1L
<i>Union Road Residential Precinct Citation</i> (City of Boroondara, 2011, updated 2014)	C150 - Clause 15.03-1L
<i>Urban Biodiversity Strategy 2013-2023</i> (City of Boroondara, 2013)	C229 - Clauses 12.01-1L, 12.03-1L, 13.03-1L, 15.02-1L and 19.02-6L
Wentworth Heritage Citation, May 2020	C305boro - Clause 43.01
<i>West Hawthorn Urban Design Framework</i> (David Lock Associates, 2006)	C69 - Clauses 11.03-6L, 15.01-1L
<i>Yarra Bend Park Strategy Plan</i> (Parks Victoria, 1999)	VC197 - Schedule 1 to Clause 42.03



## BOROONDARA PLANNING SCHEME

**57 Berkeley Street, Hawthorn Statement of Significance**

<b>Heritage Place:</b>	Chesney Wolde 57 Berkeley Street, Hawthorn	<b>PS ref no:</b>	HO938
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**What is significant?**

The Federation-style villa, Chesney Wolde, and its garden setting on a double-block, at 57 Berkeley Street, Hawthorn is of local significance to the City of Boroondara.

The rear alteration dating to 1995 is non-contributory and can be retained, altered and/or removed as required.

**How is it significant?**

57 Berkeley Street, Chesney Wolde, is of representative value (Criterion D) to the City of Boroondara.

**Why is it significant?**

Chesney Wolde is a fine and early example of a house, which is representative of the substantial villas built south of Riversdale Road during a period of intensive residential development of this area of Hawthorn between the 1910s – 1940s. This residential development was stimulated by improved public transport, in particular the opening of an electric tram line along Riversdale Road to the city in 1916, around the same time Chesney Wolde was built. The house, built on one of two blocks of the site, demonstrates

This document is an incorporated document in the Boroondara Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*



## BOROONDARA PLANNING SCHEME

the evolution of this part of Hawthorn as a select locality for the homes of the middle and professional classes and their desire for comfortable living in a garden suburb setting. (Criterion D).

**Primary source**

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*57 Berkeley Street, Hawthorn Heritage Citation (Peter Barrett, February 2023)*

This document is an incorporated document in the Boroondara Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## BOROONDARA PLANNING SCHEME

**60 Berkeley Street, Hawthorn Statement of Significance**

<b>Heritage Place:</b>	House 60 Berkeley Street, Hawthorn	<b>PS ref no:</b>	HO939
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**What is significant?**

The house designed by Albion H. Walkley for Arthur Ekins at 60 Berkeley Street, Hawthorn is significant.

**How is it significant?**

60 Berkeley Street is of local historical, representative and aesthetic significance to the City of Boroondara.

**Why is it significant?**

60 Berkeley Street was designed by architect Albion Walkley, for Arthur Ekins, in 1916. Architect designed homes were a distinguishing feature of Middle-Class residential development in Hawthorn as the formerly exclusive 'gentlemen's homes' welcomed the addition of affluent Middle Class residents such as Arthur Ekins, a commercial traveller, who could nonetheless afford architects to design individual homes incorporating the latest fashions. Walkley has been recognised locally as an important historical influence in the design of numerous homes around Boroondara and in the locality of Hawthorn. (Criterion A)

60 Berkeley Street is a representative and intact example of an Arts and Craft inspired transitional style bungalow built between the Federation and Interwar periods. (Criterion D)

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## BOROONDARA PLANNING SCHEME

The house at 60 Berkeley Road is an individual design by the architect Albion Walkley, specifically adapted to its corner site. It incorporates notable characteristics of the Arts & Crafts style popular in the Federation and early Interwar periods. These include diverse window styles in the one design – canted bay and box windows, casement windows, with ornate timber brackets and corbels, shingle frieze and hood, and lattice pane windows. The house is high set on the street, creating a grand effect despite its relatively modest single storey height, with an entry stair to a central and spacious ‘piazza’ styled porch under a gabled roof. The porch transitions to a wide verandah returning around the corner of the house, creating a bungalow effect. The verandah itself is characterised by brick piers with rounded edges and cornices all in brick, with timber balustrades and understated ‘belly’ ballusters, an exposed rafter eaves. The house incorporates black ribbon tuckpointed brickwork on the body of the house, with soldier courses below the eaves. (Criterion E)

**Primary source**

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*60 Berkeley Street, Hawthorn Heritage Citation (Trethowan, March 2021)*

## 7.4 Contract No 2022/131 - Transactional Banking Services

### Executive Summary

#### Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2022-131, Banking Services Contract.

The Services to be performed under this Contract include transactional banking services for the Boroondara City Council. The scope of these Services is as listed below.

- Operating Account Facility
- Electronic Facilities
- Payment Collection
- Overdraft Facilities
- Bank Guarantees
- Other Professional Services
- Transitional Arrangements
- EFTPOS facilities
- eCommerce Services
- Payment Gateway Facilities
- Training
- Offset Account

#### Background

Council have explored the opportunity of opting into the State Government Panel banking contract. The following three banks were appointed to the State's panel after a tender process was undertaken by State:

- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- Westpac Banking Corporation (Westpac)

Council has reviewed the tender documentation provided by each of the banks through the arrangement with the State, and assessed their offerings against the transactional banking needs of the City of Boroondara.

It is recommended that Council opt into the State panel arrangement and that panel member CBA is awarded the contract for Council's banking services, as they are assessed as providing the best service and value for money to meet Council's banking service needs.

#### Confidentiality

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

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

## Officers' recommendation

That Council resolve to:

1. To award Contract No. 2022-131, Banking Services Contract to Commonwealth Bank of Australia (ABN 48 123 123 124) at their schedule of rates as outlined in the state purchasing contract for an initial contract term of three and a half years with possible extensions to a maximum contract term of four years. The estimated contract cost for the maximum term is \$1,014,739 excluding GST.
2. To authorise the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution to execute the contract agreement with the above contractor.
3. To authorise the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution to negotiate extensions to Contract No. 2022-131, Banking Services Contract, with the above contractor to the maximum seven and a half year contract term.
4. To note that expenditure under this contract in 2022-23 is in accordance with Council's adopted budget and expenditure in future years has been incorporated into Council's long-term financial plan.

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

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## **1. Purpose**

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2022-131, Banking Services Contract.

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

The Boroondara Community Plan (2021-31) is structured around the following seven priority themes:

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

This report is consistent with the 10-year Boroondara Community Plan 2021-31. In particular, the Council Plan theme of Civic Leadership & Governance and the strategy “Resources are responsibly allocated and used”.

This process has been carried out in accordance with the requirements of Council’s contracts and probity policy and Council’s procurement policy.

## **3. Background**

Council was notified of the opportunity to opt into the State Government Panel banking contract to access an economies of scale pricing offered through a large scale panel contract.

The Victorian Government has elected to obtain its future banking requirements using a panel arrangement. To this end it has conducted a competitive tender to select suitable suppliers for this panel. The following three banks have been appointed to the panel:

- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- Westpac Banking Corporation (Westpac)

These three banks are contracted through a Master Supply Agreement (MSA) to provide banking services and products under the State Purchasing Contract (SPC) for a minimum period of five years concluding 30 September 2026. The State has the option to extend the state purchase contract for two further 2-year terms.

The new SPC has four modules that cover banking, payments and collection services.

As an eligible State Purchasing entity (SPE), Council has the ability to opt into this arrangement. A SPE can acquire any services and/or deliverables from

any of the panel banks by issuing a Purchase Order Contract (POC) under the relevant SPC.

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

Consideration was given to the following in the evaluation of the State's panel contracts:

- Pricing offered for high volume channels by the State's banking panel using the Bank Selector Tool model offered by the State Government. The Bank Selector Tool requests Council's volumes for banking transactions, and the spreadsheet formulas calculate the price for the three participating Banks.
- Any additional noteworthy pricing not included in the Bank Selector Tool model.
- Qualitative measures as noted below based on knowledge of the market offerings of each of the panel banks:
  - Product Suite
  - Innovative Services
  - Community benefit/social and ethical responsibility
  - Relationship Management
  - Implementation Capabilities.

The bank selector tool demonstrated that CBA scored best in all evaluation criteria and resulted in financial savings in comparison to the other two panel bank organisations.

In addition to the evaluation tool, CBA have a proven track record as Council's current provider of banking services and have provided this service to the City of Boroondara for over 10 years. The banking products integrate with City of Boroondara's Technology One platform enabling automation and ease of processing daily banking transactions which benefits internal and external stakeholders.

From the above, we have concluded that CBA are assessed as the most competitively priced offering for Council and assessed CBA as the strongest in all qualitative criteria.

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

External consultation was undertaken with technical experts in the banking field to assist in evaluating the different banking options to Council.

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

Council's adopted 2022-23 Budget for Banking Services (Account Numbers: 51601-55002, 51601-55003, 51601-55005, 51601-55006, 51601-55007 and 51601-55009) contains a total allocation of \$409,990 for Transactional Banking Services.

The total cost of transactional banking services is estimated at \$1,014,739 over the life of the contract, including all possible extensions. This is incorporated in Council's long-term financial plan

## **7. Governance issues**

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

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

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

Consideration was given to each bank's proposal regarding their involvement in communities.

## **9. Conclusion**

It is recommended that Council engage Commonwealth Bank of Australia for the provision of Banking and transactional services for the period ending 30 September 2026 at a cost of \$646,727 excluding GST, plus a two x 2-year optional extension period, at a cost of \$368,012 excluding GST, bringing the cumulative value to \$1,014,739 excluding GST.

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

**Report officer:** Nicole Montague, Coordinator Financial Accounting



## 7.5 January 2023 Monthly Financial Report

### Executive Summary

#### Purpose

The purpose of this report is to provide Council the Monthly Financial Report for January 2023. The Monthly Financial Report is designed to identify and explain major variances at an organisational level and is provided in **Attachment 1**.

#### Background

The year to date annual budget referred to in this report reflects the 2022-23 Amended Budget, approved by Council on 14 November 2022 which includes the carry forward funding for final 2021-22 priority projects and capital works forward commitments.

#### Key Issues

##### **Year to date actuals vs. 2022-23 Amended Budget**

Council's favourable operating result against year to date budget of \$97.50 million is \$7.14 million or 8% above 2022-23 Amended Budget of \$90.36 million primarily due to a number of factors which are outlined in **Section 2** of **Attachment 1 - Financial Overview**.

Capital works actual expenditure is \$28.19 million which is \$2.03 million above year to date budget phasing of \$26.16 million. Priority projects expenditure of \$13.39 million is \$2.02 million below year to date budget phasing of \$15.41 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of January Council's cash position stood at \$140.83 million or \$15.87 million above year to date budget.

### Officers' recommendation

That Council resolve to receive and note the Monthly Financial Report for January 2023 (**Attachment 1**).

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

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## **1. Purpose**

The purpose of this report is to provide Council the Monthly Financial Report for January 2023. The Monthly Financial Report is designed to identify and explain major variances at an organisational level and is provided in **Attachment 1**.

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

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

## **3. Background**

The year to date annual budget referred to in this report reflects the 2022-23 Amended Budget, approved by Council on 14 November 2022 which includes the carry forward funding for final 2021-22 priority projects and capital works forward commitments.

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

### **Year to date actual vs. year to date 2022-23 Amended Budget**

The favourable operating result against year to date budget of \$97.50 million is \$7.14 million or 8% above the 2022-23 Amended Budget of \$90.36 million primarily due to a number of factors which are outlined in **Section 2 Financial Overview**.

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

Cash and investment holdings are \$140.83 million as at 31 January 2023, or \$15.87 million higher than year to date budget of \$124.96 million. This represents a decrease of \$9.51 million from 30 June 2022.

The Balance Sheet as at 31 January 2023 indicates a satisfactory result with total current assets of \$252.13 million and total current liabilities of \$64.56 million.

Please refer to **page 8 of Attachment 1** for further detail.

### **Capital Works**

Council's year to date performance in gross capital works expenditure is \$28.19 million which is \$2.03 million above year to date budget phasing of \$26.16 million. Year to date actual and commitments as at 31 January 2023 equates to \$58.94 million.

### **Priority Projects**

Council's year to date performance in gross priority project expenditure is \$13.39 million which is \$2.02 million below year to date budget phasing of

\$15.41 million (year to date actual and commitments as at 31 January 2023 equates to \$32.32 million).

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

**5. Consultation/communication**

The Executive Leadership Team has reviewed and approved the report.

**6. Financial and resource implications**

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

**7. Governance issues**

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

**8. Social and environmental issues**

There are no direct impacts resulting from this report.

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

**Report officer:** Sapphire Allan, Coordinator Management Accounting



# Monthly Financial Report

January 2023

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## 1. Executive Overview

### 1.1 Introduction and overview

The Monthly Performance Report for January 2023 has been prepared in accordance with Australian Accounting Standards.

This monthly report is designed to identify major variations against the 2022-23 Amended Budget at an organisational level.

The year to date and annual budget referred to in this report reflects the 2022-23 Amended Budget adopted by Council on 14 November 2022 which includes the carry forward funding for final 2021-22 priority projects and capital works forward commitments.

### 1.2 Key financial highlights and overview

Key financial summary	ANNUAL ORIGINAL BUDGET \$'000	YTD ACTUAL (1) \$'000	YTD BUDGET (2) \$'000	YTD VARIANCE (1) - (2) \$'000	YTD VARIANCE (1) / (2) %	STATUS YTD VARIANCE	2022-23 AMENDED BUDGET (3) \$'000
Surplus/(Deficit) for the year	6,607	97,495	90,355	7,140	8%	✓	2,280
Recurrent income	255,177	233,106	230,492	2,614	1%	✓	249,618
Recurrent expenditure	226,608	125,129	128,241	3,112	2%	✓	226,757
Capital works Expenditure *	78,890	28,187	26,161	(2,026)	-8%	✓	73,702
Priority projects Expenditure *	23,148	13,393	15,415	2,022	13%	✓	34,799
Closing cash and investments **	87,121	140,830	124,959	15,871	13%	✓	115,616

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

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

#### Status legend:

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

The overall financial position at 31 January 2023 is satisfactory with a working capital ratio of 3.91 to 1 (including cash contingency for emergency response works and reserve funds of \$23.47 million).

#### Storm Event - October 2022

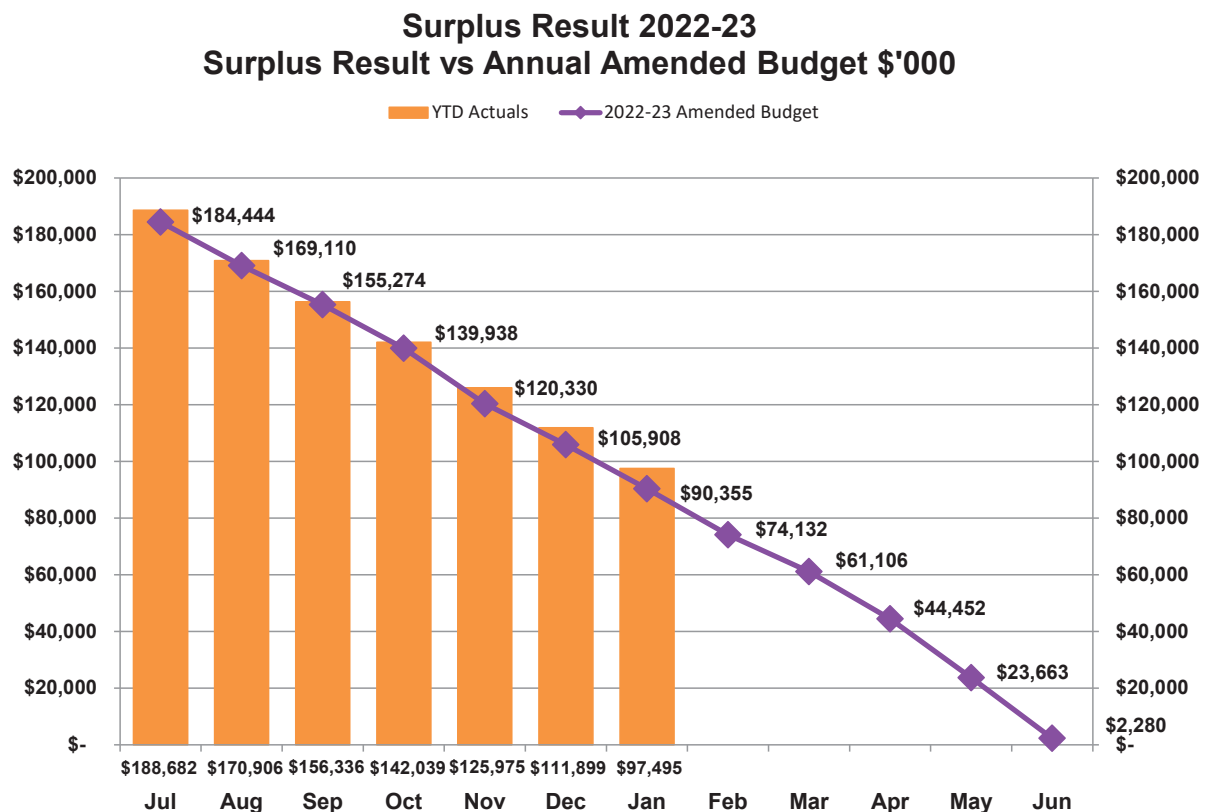
During October 2022 the City encountered significant rainfall on the 7<sup>th</sup> and 13<sup>th</sup> October which lead to some minor flooding in some locations. Council received 590 requests in relation to these storms. Actual expenditure at the end of January was \$212,792 with committed expenditure of \$13,212. Considering these events, the cash contingency will be reduced by this amount. Total forecast expenditure is expected to be around \$250,000.

## Surplus Result

### Year to date actual vs. 2022-23 Amended Budget

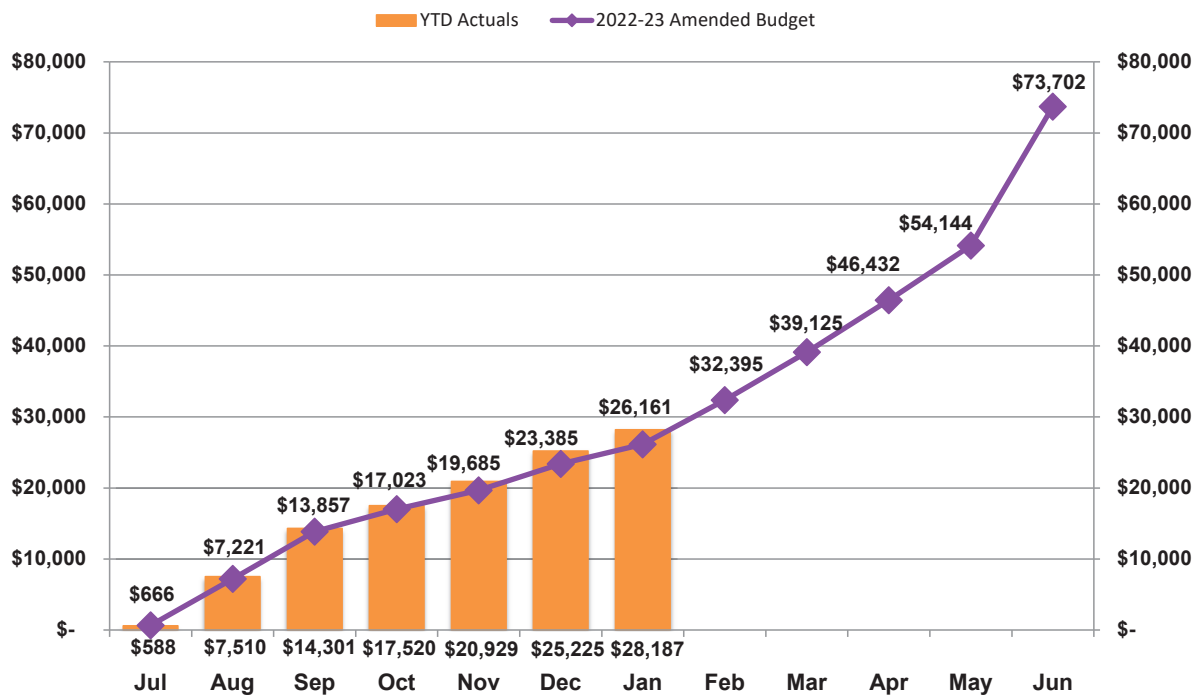
The year to date surplus result of \$97.50 million as per the budget is due to the striking of full year annual rates in August 2022. The surplus result will reduce over the course of the year as Council delivers services to the community. In addition, the favourable result against year to date budget of \$7.14 million or 8% is due to timing differences for income and expenditure across Council. Refer to **Section 2 Financial Overview** for details on Council's financial performance.

Please refer to the graphical representation below of actual year to date surplus result versus the 2022-23 Amended Budget.



## Capital Works

### Capital Works Projects 2022-23 Cumulative Budget vs Actual Expenditure All Projects - \$'000



Council's year to date performance in gross capital works expenditure is \$28.19 million which is \$2.03 million above year to date budget phasing of \$26.16 million.

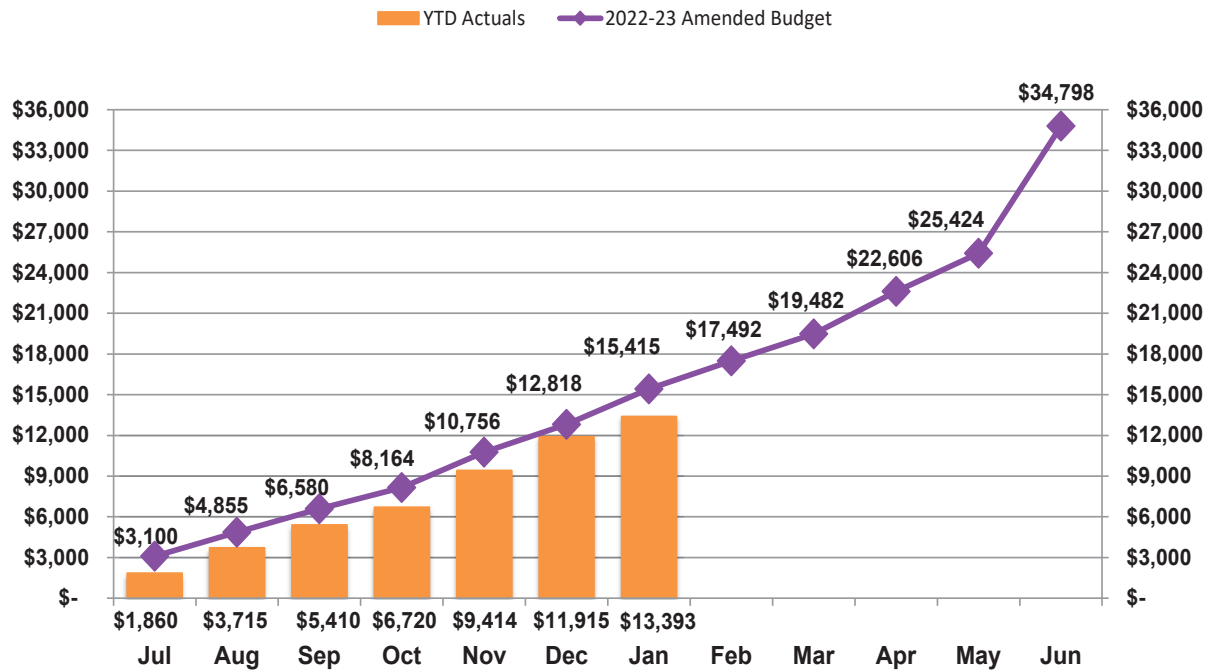
Capital works committed expenditure as at 31 January 2023 is \$30.76 million (year to date actual and commitments equates to \$58.94 million).

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



## Priority Projects

### Priority Projects 2022-23 Cumulative Budget vs Actual Expenditure All Projects - \$'000



Council's year to date performance in gross priority project expenditure is \$13.39 million which is \$2.02 million below year to date budget phasing of \$15.41 million.

Priority projects committed expenditure as at 31 January 2023 is \$18.92 million (year to date actual and commitments equates to \$32.32 million).

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

## 2. Financial overview

### 2.1 Income Statement

The year to date surplus result of \$97.50 million is \$7.14 million above the 2022-23 Amended Budget surplus of \$90.36 million. The favourable result against year to date budget is due to a number of factors which are outlined below.

Year to date total recurrent and non-recurrent income is above budget by \$2.01 million comprising recurrent income of \$2.61 million and non-recurrent income of (\$609,000), while year to date total recurrent and non-recurrent expenditure is \$5.13 million (\$3.11 million + \$2.02 million) below budget.

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

#### Definitions

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

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

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

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

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

Income		
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Rates and charges (\$155,000)	T	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$155,000) - rates and charges income, primarily in supplementary rates.</li> </ul>
Statutory fees and fines (\$458,000)	T	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>(\$370,000) - lodgement fee income - primarily in scheme control income.</li> </ul>
	T	<ul style="list-style-type: none"> <li>(\$182,000) - parking management income.</li> </ul>
	T	<b>Offset by higher than budgeted income:</b> <ul style="list-style-type: none"> <li>\$116,000 - skip bins income.</li> </ul>

Income		
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
User fees (\$644,000)	T  T T  T	<b>Lower than budgeted income:</b> <ul style="list-style-type: none"> <li>• (\$438,000) - service fees and charges primarily in Asset Protection permit income and Freeway Golf Course.</li> <li>• (\$113,000) - registrations income primarily in health services.</li> <li>• (\$84,000) - fines income.</li> </ul> <b>Offset by higher than budgeted income:</b> <ul style="list-style-type: none"> <li>• \$132,000 - infringements court charges.</li> </ul>
Contributions - Cash \$1.37 million	T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>• \$1.37 million - developers open space contributions received higher than planned budget phasing.</li> </ul>
Rental Income \$301,000	T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>• \$244,000 - rental/hire income - primarily at Hawthorn Arts Centre from October to December with some venue hirers returning for the first time since 2019 and Formal Gardens higher than planned budget phasing.</li> </ul>
Other income \$473,000	T  T	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>• \$359,000- road and footpath occupation income higher than planned budget phasing.</li> <li>• \$91,000 - right of ways income higher than planned budget phasing.</li> </ul>
Interest \$1.65 million	P	<b>Higher than budgeted income:</b> <ul style="list-style-type: none"> <li>• \$1.65 million - managed interest - due to interest on investments.</li> </ul>

Expenditure		
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Employee costs \$1.27 million	T  T  T T	<b>Lower than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>• \$3.92 million - salaries and associated costs primarily due to staff vacancies across the organisation.</li> <li>• \$121,000 - apprenticeships/traineeships.</li> </ul> <b>Offset by higher than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>• (\$2.53 million) - temporary staff filling vacancies across the organisation.</li> <li>• (\$300,000) - overtime and casuals and relievers filling vacancies across the organisation.</li> </ul>

Expenditure		
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Materials and services \$1.66 million	T	<b>Lower than budgeted expenditure:</b>
	T	• \$805,000 - professional services and advice expense.
	T	• \$398,000 - legal fees expense.
	T	• \$316,000 - consultants expense.
	T	• \$256,000 - application support expense.
	T	• \$218,000 - water supply expense.
	T	• \$211,000 - waste/recycling disposal expense.
	T	• \$194,000 - telephone/internet/data sim cards expense.
	T	• \$165,000 - painting services expense.
	T	• \$155,000 - below excess claims, fleet expense.
	T	• \$148,000 - block tree pruning expense.
	T	• \$145,000 - mowing contractors expense.
	T	• \$107,000 - cleaning building internal expense.
	T	• \$105,000 - other rates and taxes expense.
	T	• \$96,000 - vandalism and graffiti removal expense.
	T	• \$86,000 - postage expense.
	T	• \$78,000 - insurance premiums, decrease to Council's public liability and building insurance expenses influenced by movements in the insurance markets.
		<b>Offset by higher than budgeted expenditure:</b>
	T	• (\$641,000) - concrete expense.
	T	• (\$528,000) - specialist tree work, high voltage works and block tree pruning in Environmental Sustainability and Open Space.
	T	• (\$245,000) - licensing/maintenance contracts expense.
	T	• (\$155,000) - plumbing services expense.
	T	• (\$153,000) - recruitment costs expense.
	T	• (\$124,000) - drainage cleaning and maintenance expense.
	T	• (\$119,000) - infringements court filing fees expense.
	T	• (\$110,000) - tipping fees expense.
	T	• (\$92,000) - website licence/hosting expense.
	T	• (\$91,000) - distillate expense.
	T	• (\$91,000) - capital works in progress (items expensed due to not meeting the asset capitalisation criteria - this is a non-cash accounting entry).
	T	• (\$87,000) - equipment purchase expense.

Expenditure		
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations
Other expenses \$195,000	T	<b>Lower than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>\$160,000 - conferences seminars training expense across the organisation.</li> <li>\$75,000 - special rates expenditure behind planned budget phasing.</li> </ul> <b>Offset by higher than budgeted expenditure:</b> <ul style="list-style-type: none"> <li>(\$158,000) - leased assets across the organisation that are short term (less than 12 months) or low value in nature. In accordance with the requirements of the new accounting standard AASB 16 - Leases short term or low value leases will be expensed to the income statement.</li> <li>(\$93,000) - grants and subsidies - behind planned budget phasing, primarily in Operational Social Support Grants and Senior Citizens Centre grants.</li> </ul>
	T	
	T	
	T	

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

Cash and investment holdings are \$140.83 million as at 31 January 2023 which has decreased by \$9.51 million from 30 June 2022.

Total cash and investment holdings are \$15.87 million higher than year to date budget primarily due to

- Higher than budgeted rates and charges \$7.74 million due to timing and slightly higher collection rate (55.25%) than anticipated (53%).
- Lower than budgeted materials and services \$4.17 million due to timing of cash outflows.
- Higher than budgeted developer open space contributions of \$1.63 million due to timing.
- Higher than budgeted interest received of \$1.29 million due to interest on investments.
- Employee costs are lower than budgeted primarily due to staff vacancies across the organisation.

partially offset by:

- Property, infrastructure, plant and equipment of (\$5.39 million) due to timing of cash outflows relating to the capital works program.
- Lower receipts for grants operating of (\$1.29 million) due to timing.

The Balance Sheet as at 31 January 2023 indicates a satisfactory result with total current assets of \$252.13 million and total current liabilities of \$64.56 million.

The working capital ratio of 3.91 to 1 (includes a 0.5% or \$846,000 cash contingency for emergency response works and reserve funds of \$23.47 million) reflects the increase in current debtors resulting from the striking of the rates which will reduce by 30 June 2023 as Council funds its operating programs and capital works. The rate debt will be repaid over the remainder of the financial year in accordance with the payment options chosen by ratepayers.

### 2.3 Priority Projects

Council's year to date performance in gross priority project expenditure is \$13.39 million which is \$2.02 million below year to date budget phasing primarily due to expenditure delays, the most significant being:

- **81084. System Development and Implementation - (\$2.33 million)**  
*In October 2022 the Transforming Boroondara Program Board and Transforming Boroondara Steering Committee endorsed the change request for the Program. This was due to the vendor delays in commencing the Core Initiative. The revised phasing of the project delivery expenditure will be captured as part of the full year forecast review in March.*

Priority projects committed expenditure as at 31 January 2023 is \$18.92 million (year to date actual and commitments equates to \$32.32 million).

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

### 2.4 Capital Works

Council's year to date performance in gross capital works expenditure is \$28.19 million which is \$2.03 million above year to date budget phasing with the most significant being:

- **71637 - Full Road reconstruction and kerb replacement - \$1.23 million**  
*Works are progressing ahead of planned budget phasing due to increased contractor availability in the second quarter of the financial year and favourable weather conditions.*

Capital works committed expenditure as at 31 January 2023 is \$30.76 million (year to date actual and commitments equates to \$58.94 million).

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

### 3. Financial Statements

#### 3.1 Income Statement

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1)	YTD BUDGET (2)	YTD VARIANCE (1) - (2)	YTD VARIANCE %	2022-23 AMENDED BUDGET (3)
	\$'000s	\$'000s	\$'000s	\$'000s	%	\$'000s
<b>Recurrent income</b>						
Rates and charges	203,580	203,197	203,352	(155)	0%	203,627
Statutory fees and fines	14,245	8,520	8,978	(458)	-5%	15,514
User fees	16,728	5,872	6,516	(644)	-10%	11,867
Grants - operating	10,257	5,008	4,938	70	1%	7,093
Contributions - cash	5,079	4,352	2,978	1,374	46%	5,079
Rental income	2,430	1,686	1,385	301	22%	2,430
Other income	2,508	1,943	1,470	473	32%	2,508
Interest	350	2,528	875	1,653	189%	1,500
<b>Total recurrent income</b>	<b>255,177</b>	<b>233,106</b>	<b>230,492</b>	<b>2,614</b>	<b>1%</b>	<b>249,618</b>
<b>Recurrent expenditure</b>						
Employee costs	97,599	53,178	54,452	1,274	2%	96,119
Materials and services	73,556	39,880	41,538	1,658	4%	73,655
Bad and doubtful debts	1,818	629	614	(15)	-2%	2,140
Depreciation and amortisation <sup>1</sup>	38,454	22,423	22,423	-	0%	38,454
Amortisation - right of use assets	4,331	2,525	2,525	-	0%	4,331
Borrowing costs	2,781	2,363	2,363	-	0%	3,952
Finance costs - leases	322	188	188	-	0%	322
Other expenses	7,747	3,943	4,138	195	5%	7,784
<b>Total recurrent expenditure</b>	<b>226,608</b>	<b>125,129</b>	<b>128,241</b>	<b>3,112</b>	<b>2%</b>	<b>226,757</b>
<b>Net recurrent operating surplus</b>	<b>28,569</b>	<b>107,977</b>	<b>102,251</b>	<b>5,726</b>	<b>6%</b>	<b>22,861</b>
<b>Non-recurrent income</b>						
Priority projects income	1,333	1,362	2,169	(807)	-37%	2,970
Capital works income	2,616	1,548	1,350	198	15%	14,011
<b>Total non-recurrent income</b>	<b>3,949</b>	<b>2,910</b>	<b>3,519</b>	<b>(609)</b>	<b>-17%</b>	<b>16,981</b>
<b>Non-recurrent expenditure</b>						
Priority projects expenditure	23,148	13,393	15,415	2,022	13%	34,799
<b>Total non-recurrent expenditure</b>	<b>23,148</b>	<b>13,393</b>	<b>15,415</b>	<b>2,022</b>	<b>13%</b>	<b>34,799</b>
<b>Net non recurrent operating surplus (deficit)</b>	<b>(19,199)</b>	<b>(10,483)</b>	<b>(11,896)</b>	<b>1,413</b>	<b>-12%</b>	<b>(17,818)</b>
<b>Net gain (loss) on disposal of property, infrastructure, plant and equipment</b>	<b>(2,763)</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>100%</b>	<b>(2,763)</b>
<b>Surplus/(Deficit) for the year <sup>2</sup></b>	<b>6,607</b>	<b>97,495</b>	<b>90,355</b>	<b>7,140</b>	<b>8%</b>	<b>2,280</b>

Note: All numbers are rounded to the nearest thousand.

1. Depreciation and amortisation primarily relates to property, plant, equipment and infrastructure assets.
2. The year to date surplus result of \$97.50 million as per the budget is due to the striking of full year annual rates in August 2022. The surplus result will reduce over the course of the year as Council delivers services to the community. In addition, the favourable result against year to date budget of \$7.14 million or 8% is due to timing differences for income and expenditure. Refer to Section 2 Financial Overview for details on Council's financial performance.



### 3.2 Balance Sheet

	31 Jan 2023 \$'000	30 Jun 2022 \$'000	31 Jan 2022 \$'000
<b>Current assets</b>			
Cash and cash equivalents <sup>1</sup>	140,830	71,342	85,654
Other financial assets <sup>1</sup>	-	79,000	-
Trade and other receivables	110,219	26,093	107,088
Prepayments	1,077	2,373	1,348
<b>Total current assets</b>	<b>252,126</b>	<b>178,808</b>	<b>194,090</b>
<b>Non-current assets</b>			
Financial assets	4	4	4
Property, plant and equipment, infrastructure	4,415,644	4,410,083	4,048,031
Right of use assets	7,007	8,552	9,026
Intangible assets	269	269	584
Investment property	8,756	8,756	8,745
<b>Total non-current assets</b>	<b>4,431,680</b>	<b>4,427,664</b>	<b>4,066,390</b>
<b>Total assets</b>	<b>4,683,806</b>	<b>4,606,472</b>	<b>4,260,480</b>
<b>Current liabilities</b>			
Trade and other payables	10,700	27,671	12,072
Interest-bearing liabilities	3,634	7,579	651
Provisions	18,715	19,749	19,922
Trust funds and deposits	16,468	13,411	11,438
Unearned income	11,840	11,985	10,744
Lease liabilities	3,206	3,206	9,461
<b>Total current liabilities</b>	<b>64,563</b>	<b>83,601</b>	<b>64,288</b>
<b>Non-current liabilities</b>			
Provisions	2,120	2,120	2,024
Interest-bearing liabilities	83,960	83,960	21,539
Provision for investments in joint ventures	6,040	6,040	6,727
Lease liabilities	4,323	5,447	-
<b>Total non-current liabilities</b>	<b>96,443</b>	<b>97,567</b>	<b>30,290</b>
<b>Total liabilities</b>	<b>161,006</b>	<b>181,168</b>	<b>94,578</b>
<b>Net assets</b>	<b>4,522,800</b>	<b>4,425,304</b>	<b>4,165,902</b>
<b>Equity</b>			
Accumulated surplus	1,032,837	935,341	1,017,657
Asset revaluation reserve	3,466,496	3,466,496	3,125,778
Reserves <sup>2</sup>	23,467	23,467	22,467
<b>Total equity</b>	<b>4,522,800</b>	<b>4,425,304</b>	<b>4,165,902</b>
<b>Working capital ratio</b>	<b>3.91</b>		

Note: All numbers are rounded to the nearest thousand.

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

2. Reserve funds comprise of Strategic Acquisition Fund (\$434,000), Open Space Development Fund (\$14.03 million) and Defined Benefits Superannuation future call up reserve (\$9.00 million).

### 3.3 Statement of Cash Flows

	ANNUAL ORIGINAL BUDGET	YEAR TO DATE			2022-23 AMENDED BUDGET
		ACTUAL (1)	YTD ANNUAL AMENDED BUDGET (2)	VARIANCE (unfav) (1) - (2)	
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Cash flows from operating activities</b>					
Rates and waste charges <sup>1</sup>	205,981	115,666	107,923	7,743	201,537
Statutory fees and fines	11,757	7,699	8,365	(666)	12,852
User charges and other fines	18,401	6,824	7,167	(343)	13,056
Grants - operating <sup>2</sup>	12,618	6,469	7,758	(1,289)	4,911
Grants - capital	2,616	1,095	1,350	(255)	13,836
Contributions - monetary <sup>3</sup>	5,079	4,610	2,981	1,629	5,254
Interest received	350	2,166	875	1,291	1,500
Other receipts	5,432	3,987	3,140	847	5,432
Net GST refund	14,221	9,993	7,281	2,712	16,203
Trust funds and deposits taken <sup>4</sup>	100	3,057	-	3,057	100
Employee costs <sup>5</sup>	(103,667)	(59,041)	(61,696)	2,655	(105,691)
Materials and services <sup>6</sup>	(101,138)	(62,229)	(66,399)	4,170	(112,405)
Short-term, low value and variable lease payments	(596)	(522)	(355)	(167)	(596)
Other payments	(8,002)	(3,907)	(4,250)	343	(8,112)
<b>Net cash provided by/(used in) operating activities</b>	<b>63,152</b>	<b>35,867</b>	<b>14,140</b>	<b>21,727</b>	<b>47,877</b>
<b>Cash flows from investing activities</b>					
Payments for property, infrastructure, plant and equipment <sup>7</sup>	(78,889)	(37,047)	(31,662)	(5,385)	(73,702)
Proceeds from sale of property, plant and equipment	4,720	1	-	1	4,720
Net proceeds / (payments) for investments	-	79,000	79,000	-	79,000
<b>Net cash used in investing activities</b>	<b>(74,169)</b>	<b>41,954</b>	<b>47,338</b>	<b>(5,384)</b>	<b>10,018</b>
<b>Cash flows from financing activities</b>					
Finance costs	(2,859)	(2,082)	(2,082)	-	(4,272)
Proceeds from borrowings	19,700	-	-	-	19,700
Repayment of borrowings	(26,362)	(3,945)	(3,945)	-	(25,907)
Interest paid - lease liability	(323)	(188)	(189)	1	(323)
Repayment of lease liabilities	(3,733)	(2,118)	(1,645)	(473)	(2,819)
<b>Net cash provided by (used in) financing activities</b>	<b>(13,577)</b>	<b>(8,333)</b>	<b>(7,861)</b>	<b>(472)</b>	<b>(13,621)</b>
Net increase (decrease) in cash and cash equivalents	(24,594)	69,488	53,617	15,871	44,274
Cash and cash equivalents at beginning of year	111,715	71,342	71,342	-	71,342
<b>Cash and cash equivalents at end of year</b>	<b>87,121</b>	<b>140,830</b>	<b>124,959</b>	<b>15,871</b>	<b>115,616</b>

Note: All numbers are rounded to the nearest thousand.

1. Rates and waste charges are higher than budget due to timing and a higher collection rate (55.25%) than anticipated (53%).
2. Grants operating are \$1.29 million lower than budget primarily due to timing.
3. Higher than planned developer contributions \$1.63 million due to timing.
4. Trust funds and deposits includes the fire services property levy received which relates to the timing of fire services property levy and levy interest amounts received and subsequently remitted to the State Revenue Office (SRO) which are to be made in four payments in accordance with Section 41(1) of the FSPL Act. An instalment is due and payable to the Commissioner of State Revenue 28 days after the due date of rates instalments. Levy monies are to be remitted to the SRO by the following dates each financial year - 28 October; 28 December; 28 March; and 28 June.
5. Employee Costs are \$2.66 million lower than budgeted primarily due to staff vacancies across the organisation.
6. Materials and Services are lower than budget due to timing of cash outflows \$4.17 million.
7. Payments for property, plant and equipment differs from that presented in the capital works statement due to settlement of the 30 June 2022 creditors and forward commitment expenditure. Works delivered in the 2021-22 financial year have previously been brought to account and accrued against the 2021-22 capital works statement.

### 3.4 Capital Works expenditure by asset group

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL	YTD BUDGET	YTD VARIANCE	YTD VARIANCE	COMMIT	2022-23 AMENDED BUDGET
	\$'000s	(1) \$'000s	(2) \$'000s	(1) - (2) \$'000s	%	\$'000s	(3) \$'000s
<b>Infrastructure</b>							
Bridges	1,459	1,737	1,740	3	0%	1,769	2,265
Drainage	4,218	1,258	1,079	(179)	-17%	954	5,443
Footpaths and cycleways	2,100	827	695	(132)	-19%	73	2,481
Off street carparks	721	215	194	(21)	-11%	-	671
Parks, open space and streetscapes	4,693	2,595	2,466	(129)	-5%	1,143	6,509
Recreational, leisure & com facilities	3,639	1,416	1,467	51	3%	983	5,878
Roads	12,551	5,084	3,742	(1,342)	-36%	1,244	13,446
<b>Total Infrastructure</b>	<b>29,381</b>	<b>13,132</b>	<b>11,383</b>	<b>(1,749)</b>	<b>-15%</b>	<b>6,166</b>	<b>36,693</b>
<b>Plant and Equipment</b>							
Computers and telecommunications	1,062	817	654	(163)	-25%	333	2,123
Fixtures, fittings and furniture	1,655	199	577	378	66%	496	2,208
Library books	995	494	548	54	10%	101	995
Plant machinery and equipment	1,363	785	689	(96)	-14%	280	1,654
<b>Total Plant and Equipment</b>	<b>5,075</b>	<b>2,295</b>	<b>2,468</b>	<b>173</b>	<b>7%</b>	<b>1,210</b>	<b>6,980</b>
<b>Property</b>							
Building	22,740	4,747	4,702	(45)	-1%	9,250	18,706
Building improvements	58	(2)	20	22	110%	3	58
Major Projects	21,636	8,015	7,588	(427)	-6%	14,128	11,265
<b>Total Property</b>	<b>44,434</b>	<b>12,760</b>	<b>12,310</b>	<b>(450)</b>	<b>-4%</b>	<b>23,381</b>	<b>30,029</b>
<b>Total capital works expenditure</b>	<b>78,890</b>	<b>28,187</b>	<b>26,161</b>	<b>(2,026)</b>	<b>-8%</b>	<b>30,757</b>	<b>73,702</b>
<b>Represented by:</b>							
Asset renewal expenditure	53,595	18,916	16,714	(2,202)	-13%	20,169	53,849
Asset upgrade expenditure	2,315	2,285	2,306	21	1%	2,358	4,419
New asset expenditure	16,946	5,809	5,996	187	3%	6,110	12,915
Asset expansion expenditure	6,034	1,177	1,145	(32)	-3%	2,120	2,519
<b>Total capital works expenditure</b>	<b>78,890</b>	<b>28,187</b>	<b>26,161</b>	<b>(2,026)</b>	<b>-8%</b>	<b>30,757</b>	<b>73,702</b>

Note: All numbers are rounded to the nearest thousand.

## 7.6 Contract No 2022/28 - Electrical Services

### Executive Summary

#### Purpose

The purpose of this report is to seek Council support to awarding Contract No. 2022/28 Electrical Services - Annual Supply to a panel of contractors. This panel of contractors will provide maintenance and repair services for electrical components in Council owned buildings and facilities.

#### Background

This contract directly replaces an existing Contract No. 2017/37 Electrical Services – Annual Supply, which expires 31 March 2023. The services provided are for electrical maintenance and repair of Council buildings and minor alterations and improvements to Council buildings.

This contract will provide Electrical Services for an initial period of three (3) years, with up to three increments of one (1) year each up to a maximum contract period of six (6) years.

#### Next Steps

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

#### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

## Officers' recommendation

That Council:

1. Award Contract No. 2022/28. Electrical Services - Annual Supply to the following five (5) Contractors:

- Alert Electrical Group (ACN 152 645 933);
- City West Electrical Pty Ltd (ACN 115 931 710);
- Commlec Services Pty Ltd (ACN 055 185 718);
- HA Saunders Electrical Pty Ltd (ACN 061 660 446); and
- Wallgates Electrical (ACN 096 477 842)

at their tendered schedule of rates for an initial period of three (3) years, with up to three increments of one (1) year each, to a maximum contract term of up to six (6) years. The estimated value over the maximum contract term is \$2,073,093 (incl. GST) and excluding any price adjustment due to rise and fall.

The estimated cost to Council after return of GST Input Credits is \$1,884,630 ex. GST for the full contract period.

2. Authorise the Director Places and Spaces to sign and execute the contracts on behalf of the Council with the above Contractors.
3. Authorise the Director Places and Spaces to negotiate and execute optional extension periods.
4. Note that expenditure under this contract is in accordance with Council's adopted budget in financial year 2022/23. Future years expenditure is foreshadowed and in accordance with the approved budget allocations.

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

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## **1. Purpose**

The purpose of this report is to seek Council support to awarding Contract No. 2022/28 Electrical Services - Annual Supply to a panel of contractors. This panel of contractors will provide maintenance and repair services for electrical components in Council owned buildings and facilities.

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

This contract aligns with the following themes and strategies in the Boroondara Community Plan (2021-31) and Council Plan (2021- 25):

### **Theme One - Your Community, Services and Facilities**

**Strategy 1.6** Create and maintain public areas, facilities, amenities, footpaths and spaces that are inviting, clean and appropriately lit to increase social connection and improve perceptions of safety.

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

## **3. Background**

The Council requires suitably qualified and experienced contractors to form a panel of up to five (5) contractors to provide Electrical Services in various municipal facilities, in accordance with the requirements of the specification.

The works to be performed by the contractors shall generally include, but not be limited to:

- Maintenance of electrical fixtures and fittings in Council buildings;
- Proactive lighting inspections of municipal buildings; and
- Modification of existing electrical systems.

The contract structure is a schedule of rates contract, with materials charged on a cost-plus basis.

### **Invitation to tender**

In accordance with Council's Procurement Policy 2021-25, Council invited public tenders from suitably experienced and qualified organisations to provide electrical services on an ad hoc basis at various municipal facilities.

An Invitation to tender was advertised in the local government tenders section of "The Age" newspaper on Saturday, 8 October 2022 and on Council's tendering portal VendorPanel. The closing date for submissions was 2pm on Friday, 21 October 2022.

In response to the advertisement, Council received 25 submissions:

- 1st Call Electrical Services Pty Ltd
- Adapt Essential Service
- Alert Electrical Group
- City West Electrical
- Clapstick Audio
- Commlec Services Pty Ltd
- Eco Electrical Services Pty Ltd
- Electract Pty Ltd
- HA Saunders Electrical Contractors Pty Ltd
- Harris HMC Maintenance
- Hiflow Industries Pty Ltd
- High Access Cabling Pty Ltd
- Industelec Services Pty Ltd
- JNJ Electrics
- Kennedy's (Aust) Pty Ltd
- Leading Electrical Group
- Modtech Group Pty Ltd
- Platinum Electricians
- Pro Point Electrical
- QA electrical Pty Ltd
- Surelink Electrical and Maintenance
- Vicwide Electrics Pty Ltd
- Wallgates Electrical Services
- Want a Sparky Pty Ltd
- Westwoods Electrical

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

The electrical maintenance of buildings assists with preventing or detecting electrical problems to avoid injury and costly interruptions. It assists in providing safe and operational community facilities for staff and visitors.

The key considerations used to determine the outcome of this tender process were:

- the contract allowed for a panel arrangement of five contractors that could demonstrate a wide range of electrical and data services;
- contractors are required to be adequately resourced and industry certified;
- emphasis be placed on the qualitative analysis given the broad range of electrical service industry rates;
- a proven track record undertaking similar works in the past; and
- ability to plan, schedule and perform the works in strict accordance with the specified outcomes.

## 5. Collaborative Procurement Opportunities

Officers held discussions with neighbouring local governments to determine the suitability of a collaborative procurement process. No other local government required the same services at this time therefore, collaborative procurement wasn't appropriate in achieving a better value outcome.

## 6. Consultation/communication

Internal consultation across the appropriate services within the Facilities, Waste and Infrastructure team informed the review and development of the specification and associated tender documents.

## 7. Financial and resource implications

Council's 2022-23 Adopted Budget contains the following allocation:

Item	Ex GST
Electrical Services	\$314,105
Less expenditure and commitments to date	\$267,749
<b>Remaining Budget 2022 -23</b>	<b>\$46,356</b>

This is a Schedule of Rates contract; expenditure of this contract will be in accordance with Council's 2022/23 adopted budget. Council does not guarantee the appointed contractors a minimum quantity of work in relation to any of the contract components.

The amount of work performed will be in accordance with the need and budgetary allocations each year. Payment will be made in line with the respective Tenderer's Schedule of Rates.

## 8. Governance issues

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

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

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

## 9. Social and environmental issues

Well-maintained electrical infrastructure enhances the safety, security, and operation of council facilities, creates greater opportunities for usage and provides a sense of pride and safer communities.



## 10. Evaluation and review

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

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2022/28 - Electrical Services – Annual Supply Panel, to the following five companies, which will constitute a panel of Contractors:

- Alert Electrical Group (ACN 152 645 933);
- City West Electrical Pty Ltd (ACN 115 931 710);
- Commlec Services Pty Ltd (ACN 055 185 718);
- HA Saunders Electrical Pty Ltd (ACN 061 660 446); and
- Wallgates Electrical (ACN 096 477 842).

**Manager:**                    **George Batsakis, Manager Facilities, Waste and Infrastructure**

**Report officer:**        Michael Robins, Coordinator Facilities Maintenance

## 7.7 MAV Membership

### Executive Summary

As a result of changes to the Municipal Association of Victoria (“MAV”) Rules, Council will be bound to two-year membership terms and a six month notice period to withdraw from MAV from 31 December 2022.

Following initial discussions with Councillors, Council gave notice to the MAV that it intended to withdraw from the MAV before 31 December 2022, effective 1 July 2023. Consequently, MAV has decided its regional groupings.

Officers seek a formal resolution from Council about MAV membership.

#### Purpose

This report briefs Councillors about Council’s use of its MAV membership. Based on that information, Council can consider whether to remain a member of the MAV.

#### Key Issues

MAV provides five types of services. In deciding whether the MAV’s annual fee of about \$78,000 represents value for money, officers considered Council’s use of MAV services and financial savings from MAV membership:

**1 - Policy and Advocacy** - Officers consider that Council does not significantly benefit from MAV’s policy and advocacy services. It is not reliant on MAV for policy development as compared to some other Councils.

Officers also have not found significant benefit from MAV’s advocacy. MAV’s advocacy for Council as a metropolitan Council is reduced following changes to MAV Rules to remove plural voting. It is also affected by its regional grouping with the City of Melbourne and other inner-city Councils instead of Monash and Whitehorse City Councils.

**2 - Governance and legislation** – Council seldom relies on MAV for assistance for its internal and external governance matters. Officers do acknowledge that MAV’s legislative updates can be helpful.

**3 - Sector development** – Councillors and council officers do occasionally attend MAV training and conferences. Leaving MAV will have some impact given that while most training remains available at an increased cost, many conferences and networking events are exclusive to MAV members.

Council does not rely on MAV to facilitate innovation and digital transformation with greater maturity and sufficient resourcing of its own.

**4 - Insurance services** – Council requires insurance in a market that is limited. While officers believe that MAV is likely to continue to insure Council as a non-member there is also likely to be an additional fee. MAV has not committed to what that fee will be but officers estimate it could be between \$5,000 and \$60,000 per annum (up to 5% of Council’s premium).

**5 - Procurement** – Council contracts for a range of goods and services either procured through MAV or on MAV panels. Using MAV contracts and panels saves some staffing costs for Council and reduces time by obviating the need to conduct public tenders for these goods and services. Officers also believe that MAV also obtains better rates by leveraging a larger the purchasing power of its membership.

Financially, officers consider that MAV membership saves Council over \$100,000 annually.

### **Officers' recommendation**

That Council resolve to remain a member of the Municipal Association of Victoria.

**Responsible director: Phillip Storer, CEO**

## **1. Purpose**

This report briefs Councillors about Council's use of its Municipal Association of Victoria ("MAV") membership. Based on that information, Council can consider whether or not to remain a member of the MAV.

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

MAV membership can support Council in achieving policy and financial goals in Boroondara Community Plan theme 7 – Leadership and Governance.

## **3. Background**

### ***Changes to MAV rules***

In May 2021, MAV resolved to update its rules. It subsequently released a position paper in about November 2021, and Council made submissions to MAV about that position paper in March 2022.

In mid-August 2022, MAV released draft proposed Rules, and called a special meeting of the State Council on 16 September 2022 to discuss them. At that meeting, MAV resolved to adopt the new rules.

The new MAV Rules came into effect in October 2022 after they received approval as delegated legislation from the Governor in Council.

Critically, the new MAV Rules require a member Council to give six months' notice to leave MAV and pay the full subscription for a two-year period.

The next subscription period commences on 1 July 2023. Consequently, Council was required to give notice to withdraw by 31 December 2022, or it would be required to pay two years' subscription from 1 July 2023 to 30 June 2025 in order to withdraw from MAV.

Following discussions with Councillors and before this Council meeting, by letter dated 23 December 2022, the Chief Executive Officer gave notice to MAV of an intention to cease to be a participating member from 1 July 2023 in accordance with the MAV Rules.

Two other changes to MAV rules relevant to the factors below are that:

- Non-participating (non-member) councils can obtain MAV services for a fee if the MAV CEO agrees. This will likely include insurance services. MAV has indicated that any services that MAV decides to provide to non-member councils will be provided at either full cost recovery or a commercial rate that includes corporate overheads and covers any disbenefits to member councils.
- Boroondara and other larger councils lost plural voting in the MAV Council. As a result of this change, regional councils will command 48 votes compared to 31 votes held by metropolitan councils.

## ***Regional Groupings and the MAV Board***

MAV membership is divided into ten regional groups of councils – five metropolitan groups and five regional groups. Each of those groups elects a representative to the MAV Board. The Board also has an elected President. Currently for the next two-year period, both presidential candidates are from regional councils.

The City of Boroondara was previously in a regional grouping comprising Boroondara, Stonington, Glen Eira, Bayside and Kingston City Councils. This was changed recently so now the City of Boroondara is in the Inner Metropolitan South-East region comprising Boroondara, Stonington, Glen Eira, Bayside, Melbourne, Yarra and Port Phillip City Councils.

Council sought to be in an alternate proposed regional grouping with Monash and Whitehorse City Councils instead of Melbourne, Yarra and Port Phillip City Councils because the City of Boroondara considered its demographics and services were more closely aligned Monash and Whitehorse City Councils as opposed to Melbourne, Yarra and Port Phillip. MAV did not select this option.

### ***MAV membership fees***

Council's 2021/2022 MAV membership fee was \$77,859.10. The subscription covers a financial year from 1 July 2022 to 30 June 2023.

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

### ***Use of services***

A key factor to Council remaining in MAV is balancing the benefit Council derives from using MAV services against the fee Council pays to discern if membership delivers value to Council. MAV provides five key services to councils and Council's use of each service is set out below.

***1 - Policy and Advocacy - Developing policy for councils (for example during the pandemic) and advocating local government interests across the sector by producing submissions and reports.***

Officers consider that Council does not significantly benefit from MAV's policy and advocacy services. Council has mature and capable resourcing to develop policy for both general business needs and emerging risks. It is not reliant on MAV for policy development as compared to smaller regional Councils.

While Council regularly contributes to MAV State Council motions, officers also have not found significant benefit from MAV's advocacy. Council resubmitted several motions at successive MAV State Councils such as vegetation around power lines and funding for maternal and child health services.

This position is unlikely to improve for Council. The new MAV rules to remove plural voting has diluted the influence of metropolitan councils even though they represent almost 75% of Victoria's population. The current 79 council members is made up of 31 metropolitan councils and 48 rural councils.

The single vote for all councils in the new rules gives greater influence to the 48 rural councils even though they represent 25% of the Victorian population. Issues where there may be a divergence in views between rural councils include time to cease old growth logging and location of renewable energy like windfarms.

**2 - Governance and legislation** – *Supporting councils by developing governance processes and protocols as well as providing advice to assist councils on internal and external governance matters.*

Council seldom relies on MAV for assistance for its internal and external governance matters. Officers do acknowledge that MAV's legislative updates can be helpful.

**3 - Sector development** – *Training and support services to help councillors and councils improve capability. Working with councils to be more efficient by innovation, digital transformation, and collaboration.*

Councillors and council officers do occasionally attend MAV training and conferences. Leaving MAV will have some impact given that while some training remains available at an increased cost, many conferences and networking events are exclusive to MAV members.

Council does not rely on MAV to facilitate innovation and digital transformation with greater maturity and sufficient resourcing of its own.

**4 - Insurance services** – *MAV provides a range of insurance products on a not-for-profit basis including the Liability Mutual Insurance (LMI) that Council purchases providing public liability and professional indemnity.*

Council requires insurance in a market that is limited. MAV's role in providing insurance was statutorily created in 1993 after Municipal Mutual collapsed and councils could not find appropriate coverage. Council previously left MAV and sought coverage from a private insurer but had to return to MAV when that insurer withdrew from the market.

Under the new MAV Rules MAV can insure Council even if Council was not a member where the MAV CEO agrees. MAV verbally advised officers that it would do so but has not responded in writing.

MAV also verbally advised officers an additional fee would be imposed on non-member councils for insurance. As noted above, MAV advised in writing it would supply services to non-members on the basis of "full cost recovery or a commercial rate that includes corporate overheads".

Council wrote to MAV to ask what that fee would be and how that fee would be calculated, but MAV has not responded. Officers understand Bayside Council were verbally advised that the fee would be about \$5,000 - \$10,000, noting that Bayside would have a different premium and risk profile to Boroondara.

Officers note that the MAV insurance premium is over \$1.2m per year. Consequently, if the MAV charged percentage fee, say 2.5 per cent, it would already equate to over \$30,000 per annum.

**5 - Procurement** – Lastly, MAV provides not for profit procurement support by leveraging the combined purchasing power of its 79 member councils to negotiate discounts and better value for money solutions.

Council contracts for a goods and services either procured through MAV or on MAV panels including: Microsoft licences; bill payment services; debt finance; plant machine equipment; trucks vans and buses; and specialised truck bodies.

Using MAV contracts and panels saves some staffing costs for Council and significant time to conduct public tenders for these goods and services. Officers also believe that MAV obtains better rates by leveraging the purchasing power of its membership.

### **Financial value**

Another key factor is balancing the membership fee of \$77,859.10 against any additional costs that Council would incur, and any savings Council may benefit from by retaining MAV membership. Officers have identified the following additional costs or savings.

Insurance – As noted, MAV indicated that it would charge an additional fee to provide LMI insurance to Council if it was not a member of MAV. MAV have not indicated what that fee is which would be at the discretion of MAV. The fee could range from \$5,000 to \$60,000 (based on a 5% fee). Alternate options are limited, particularly as a single council, with renewals due by 30 June 2023.

Procurement savings from purchasing power – The list below itemises goods and services that Council currently procures through MAV panels excluding where those goods and services could alternatively be obtained through other panels like the State government or Procurement Australia:

Service	FY 22 spend
Australian Standards - SAI Global*	\$16,708*
Bill Payment Services – Australia Post	\$29,122
Disaster recovery and backup services – VM Ware	\$98,280
Records Storage and Imaging Services - Grace	\$63,094
Total	\$207,204
5% saving	\$10,360

\*This is the amount SAI Global invoiced Council for the previous financial year, but the MAV suggested that Council would pay \$43,000 for this service if Council was not a member of the MAV.

Savings – Officers have identified two savings from MAV membership:

- **Playground equipment** - officers have identified a potential saving moving forward for playground equipment. MAV has negotiated an 18% discount for playground equipment. Noting that last year Council spent about \$511,609 on playground equipment, that equates to a potential saving of \$92,089.
- **Maternal Child Health Nurse biannual conference** – MAV provide a biannual day-long conference which Council's 40 MCH staff attend. MAV indicated that **non**-member council staff could attend this conference in the future at cost. Officers conservatively estimate the cost of the conference at

\$400 per head (a similar private conference is priced at \$900 for two days). Consequently, this is an estimated cost saving of about \$32,000.

## **5. Consultation/communication**

In preparing this report, officers consulted with other Councils and reviewed material about procurement and insurance.

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

The direct financial impact is Council's MAV membership fee, currently \$77,859.10 per annum. On the other hand, officers estimate that membership of MAV saves Council over \$100,000 annually.

## **7. Governance issues**

No officers involved in preparing this report have any general or material interest in this matter.

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

Council's MAV membership does not have any direct or significant impact on community/ social well-being and/or the environment.

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

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



## 7.8 Rear 218-224 High Street, Kew - Proposed sale of Council land

### Executive Summary

#### Purpose

This report is to consider the proposed sale of the Council owned land located at the rear of 218-224 High Street, Kew.

#### Background

Council has owned a 211m<sup>2</sup> parcel of land at the rear of 218-224 High Street, Kew, known as Lot 2 on Plan of Subdivision 139875 and contained within certificate of title Volume 9688, Folio 749, since 1982 (**the Land**).

Council acquired the Land, shown in **Attachment 1**, as part of a planning permit in 1980 to allow for potential development under the then Interim Development Policy of 30 September 1980. The Land adjoins the southern boundary of 218-224 High Street, Kew and is accessed from a right of way from Derrick Street, Kew.

The terms of the acquisition of the Land included an agreement for Council to lease the Land back to 218-224 High Street, Kew for use as a car park. Consistent with the terms of the planning permit issued in 1980, the Land augments an asphalt carpark with painted line marking for four (4) parking spaces.

In 2021, the new owner of 218-224 High Street, Kew requested to purchase the Land from Council.

Based on the size and location of the Land, and due to this having limited independent development potential, it is proposed to sell the Land by private treaty to the adjoining owner at 218-224 High Street, Kew at market value plus Council's associated costs.

As a condition of the sale, the proposed purchaser is required to apply to have the planning permit issued on 15 October 1980 amended to remove the requirements of the agreement and lease for use of the Land and to accept imposition of a condition requiring the provision of car parking spaces consistent with the existing use of 218-224 High Street, Kew. The planning permit has been amended as required and the amended permit was issued on 3 January 2023.

Council at its meeting on 22 August 2022 resolved to secure an offer from the owner of 218-224 High Street, Kew for the purchase of the Land at full market value plus Council's associated costs. The valuation of the Land as determined by Council's contract valuers was provided as a confidential attachment to the Council report at the time. Additionally, Council resolved to commence the community engagement statutory procedures under section 114 of the *Local Government Act 2020* that is required for the sale of the Land.

#### Key Issues

In accordance with Council's resolution of 22 August 2022, a conditional offer has been secured from the owner of 218-224 High Street, Kew to purchase the Land at market value plus Council's associated costs. The offer is conditional on Council complying with section 114 of the *Local Government Act 2020*.

In accordance with its community engagement policy, Council has completed a community engagement process and given notice of its intention to sell the Land to the owner of 218-224 High Street, Kew, in accordance with section 114 of the *Local Government Act 2020*. No submissions have been received.

Council is now in a position to decide whether or not to sell the Land.

#### Confidentiality

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

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

## Officers' recommendation

That Council, having undertaken a community engagement process in accordance with Council's community engagement policy and given notice of its intention to sell the land at the rear of 218-224 High Street, Kew, known as Lot 2 on Plan of Subdivision 139875 and contained within certificate of title Volume 9688, Folio 749 **(the Land)** to the owner of 218-224 High Street, Kew in accordance with section 114 of the *Local Government Act 2020*, resolves to:

1. Sell the Land to the owner of 218-224 High Street, Kew for the sum of \$605,000.00 inclusive of GST being the current market value of the Land.
2. Sell the Land on the following substantive terms and conditions:
  - a. The Purchaser must reimburse Council its costs associated with the sale of the Land, estimated to be \$35,190.00 inclusive of GST.
  - b. The Purchaser must create a drainage easement in favour of Council over that part of the Land shown cross-hatched on the Plan For Creation of Easement in **Attachment 2**.
  - c. The settlement of the sale must be completed within 6 months from the date the Purchaser is notified of Council's resolution to proceed with the sale of the Land.
3. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the Land to the owner of 218-224 High Street, Kew.

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

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## **1. Purpose**

This report is to consider the proposed sale of the Council owned land located at the rear of 218-224 High Street, Kew.

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

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

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

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

## **3. Background**

In 1980 the sites adjoining 218-224 High Street, Kew were undeveloped. The Council at the time regarded the acquisition of the rear 218-224 High Street, Kew as necessary for a future access road, public open space or a pedestrian mall. This was in accordance with the Interim Development Policy of 30 September 1980.

As part of the 1980 planning permit granted to the owner of 218-224 High Street, Kew for the development of their site, two conditions imposed were:

- The land at the rear of 218-224 High Street, Kew, shown in **Attachment 1**, was to be transferred to Council ownership; and
- Council was to lease back the land at a peppercorn rental for parking and vehicular egress.

As a result, Council has owned the 211 m<sup>2</sup> parcel of land at the rear of 218-224 High Street, Kew, known as Lot 2 on Plan of Subdivision 139875 and contained within certificate of title Volume 9688, Folio 749, since 1982 (**the Land**).

Consistent with the terms of the planning permit issued in 1980, the Land comprises an asphalt carpark with painted line marking for four spaces.

The new owner of 218-224 High Street, Kew has requested to purchase the Land from Council.

Based on the size and location of the Land, and due to this having limited independent development potential, it is proposed to sell the Land by private treaty to the adjoining owner at 218-224 High Street, Kew at market value plus Council's associated costs.

The proposed sale and consolidation with the site at 218-224 High Street, Kew would result in the disposal of land that has little opportunity to contribute to orderly planning of the area. It would also potentially allow the site to be redeveloped in accordance with Council's plans for the area. Any redevelopment plans will be subject to the normal planning process. The current planning controls are sufficient to address any concerns or issues that may arise should a future planning permit application be submitted for the redevelopment of the site, such as vehicular access for cars and trucks to other nearby buildings and parking areas. Officers have advised that parking in the area is sufficient for current demands and do not believe there is need to place restrictions on the Land by way of a section 173 Agreement under the *Planning and Environment Act 1987*.

As a condition of the sale, the proposed purchaser is required to apply to have the planning permit issued on 15 October 1980 amended to remove the requirements of the agreement and lease for use of the Land and to accept imposition of a condition requiring the provision of car parking spaces consistent with the existing use of 218-224 High Street, Kew. The planning permit has been amended as required and the amended permit was issued on 3 January 2023.

Council at its meeting on 22 August 2022 resolved to secure an offer from the owner of 218-224 High Street Kew for the purchase of the Land. Additionally, Council resolved to commence the community engagement statutory procedures under section 114 of the *Local Government Act 2020* that is required for the sale of the Land.

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

In accordance with Council's resolution of 22 August 2022, a conditional offer has been secured from the owner of 218-224 High Street, Kew to purchase the Land at full market value plus Council's associated costs. The market valuation is \$605,000 (inclusive GST) plus costs of \$35,190. A copy of the valuation is in **Attachment 3**. The offer is conditional on Council complying with community engagement as required under section 114 of the *Local Government Act 2020* which has now been completed.

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

In accordance with its community engagement policy, Council has undertaken a community engagement process and given notice of its intention to sell the Land to the owner of 218-224 High Street, Kew, in accordance with section 114 of the *Local Government Act 2020*.

A public notice was published in *The Age* newspaper on 24 November 2022 and on Council's website for the duration of the consultation period from 24 November 2022 until 23 December 2022. The notices invited written submissions from interested parties for consideration by Council.

Each of the seven (7) property owners adjoining the right of way that connects to Derrick Street were provided with a copy of the public notice and invited to provide feedback.

No submissions have been received and accordingly Council is now in a position to decide whether or not to sell the Land.

## 6. Financial and resource implications

If Council proceeds with the sale of the Land, the sale will generate once off income for Council together with the ability to rate the Land in the future. All costs associated with the sale are proposed to be recouped from the proposed purchaser. The sale price has been determined by an independent valuer and is provided as a confidential attachment (refer **Attachment 3**).

The owner of 218-224 High Street, Kew has signed a conditional Offer to Purchase the Land from Council for the sum of \$640,190 (inclusive of GST). The purchase price comprises the following amounts shown in Table 1:

*Table 1: Land sale revenue*

Item	Amount (GST inclusive)
Land sale price	\$605,000.00
Reimbursement of Council costs	\$35,190.00
<b>Total</b>	<b>\$640,190.00</b>

## 7. Governance issues

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

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

## 8. Social and environmental issues

The proposed sale of the Land is not expected to have a positive or negative impact on the community, social wellbeing or the environment. However, the funds raised can be used to support initiatives created by Council to enhance community wellbeing.

## 9. Evaluation and review

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

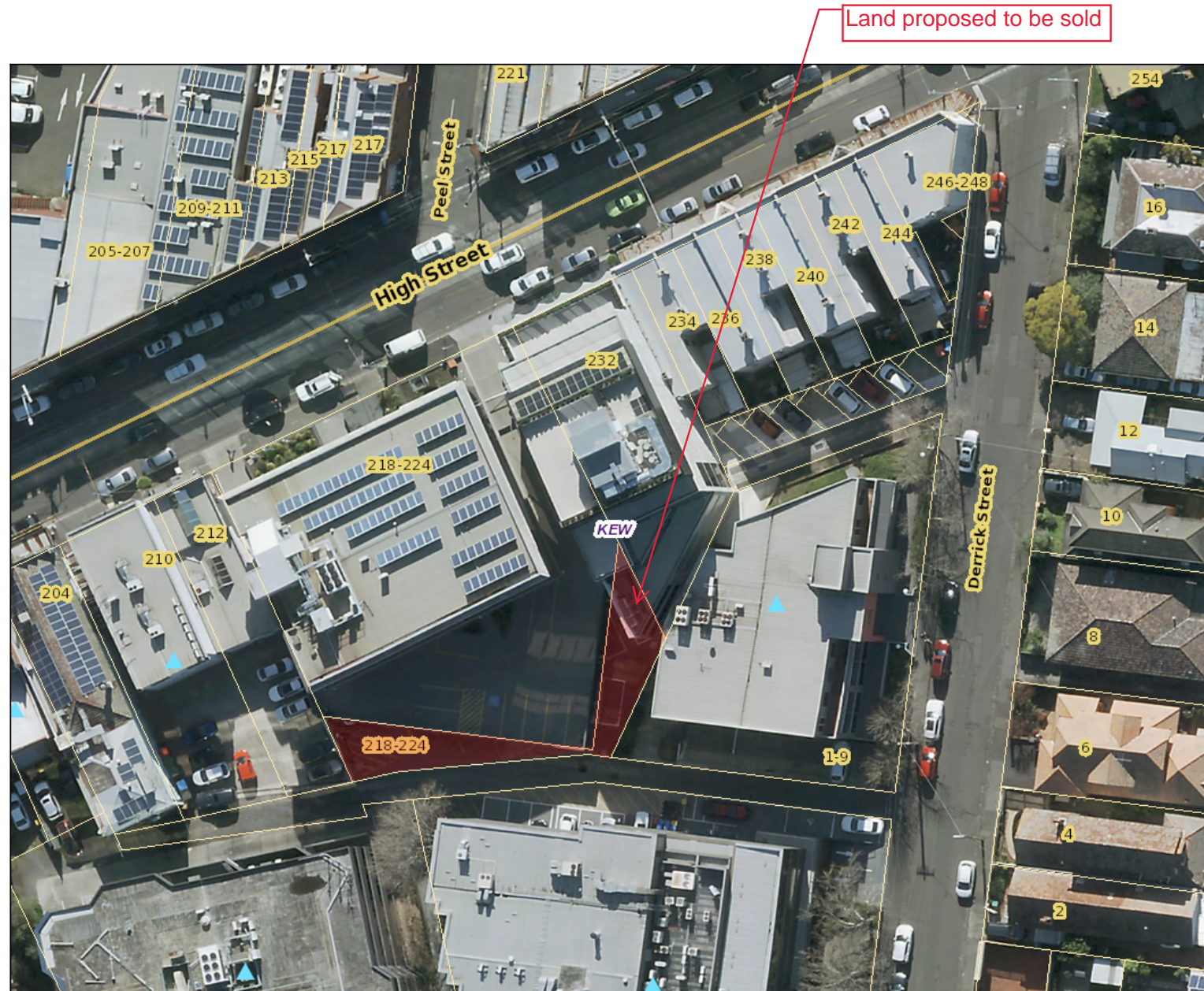
## 10. Conclusion

The Land is currently used to provide parking and access to a private development but does not serve a broader community purpose. No community needs for which the land is suitable have been identified. The property is considered surplus by officers.

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

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





Map Produced: 23 December, 2022 14:56:33

Land proposed to be sold

**KEY**

Multi Assessment

Multi Lot

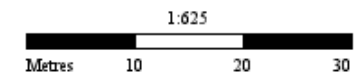
Road Names - Major

Road Names - Minor

Property

Roads - Major

Suburbs

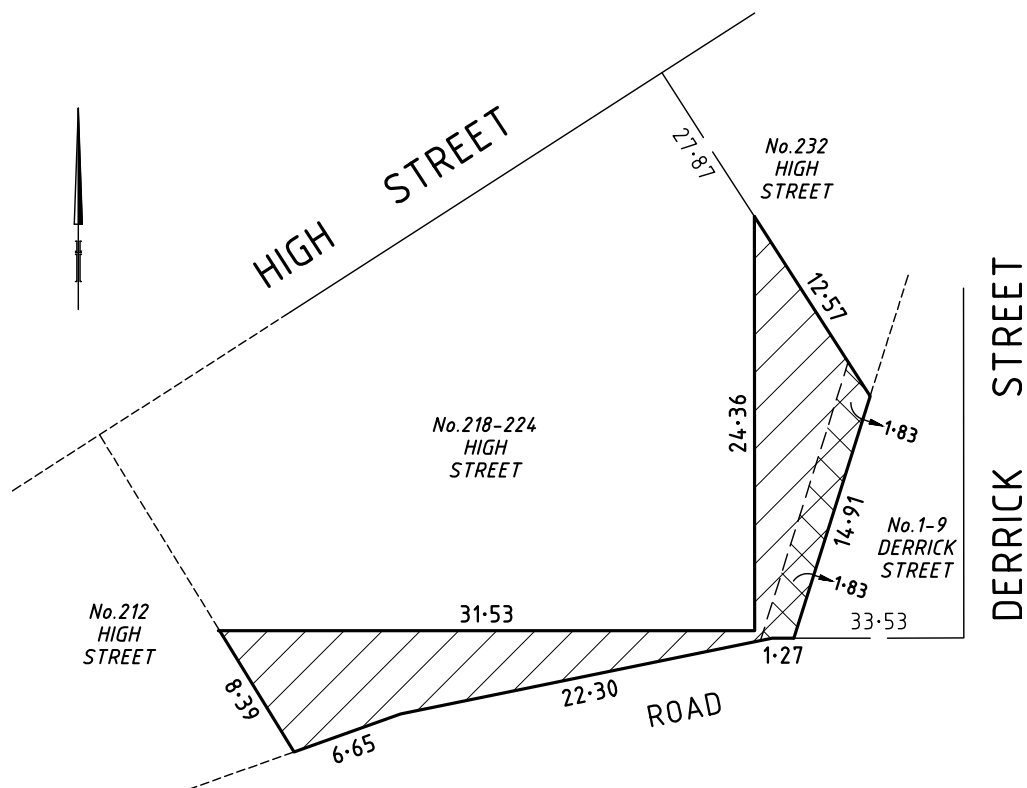


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## 7.9 Rear 6 Kooyongkoot Road, Hawthorn - Proposed sale of Council land

### Executive Summary

#### Purpose

This report is to consider commencement of the statutory procedures to sell a parcel of Council owned land at the rear of 6 Kooyongkoot Road, Hawthorn. The land is considered by officers to be of little value to Council and has been occupied by the adjoining property for in excess of 15 years.

#### Background

Council has received a request from the owner of 6 Kooyongkoot Road, Hawthorn for the sale of a parcel of Council owned land at the rear of that property (**the Land**).

The Land is part of a narrow strip of land, for the most part 1.83m wide, shown hatched on **Attachment 1 (the Parent Land)**, in the ownership of Council since 1893. Given its shape and location, it is assumed that the Parent Land was acquired by Council for drainage purposes. Consistent with this view, the Parent Land contains a Council drain.

The Parent Land is currently occupied by several adjoining properties. Over time, three parcels of land have been sold to abutting property owners.

The Land occupied by 6 Kooyongkoot Road, Hawthorn is shown cross-hatched on **Attachment 2**. A plan of subdivision has been prepared showing the Land proposed for sale as Lot 1 on Plan of Subdivision PS911922W contained in **Attachment 3**.

The applicant has advised that the Land has been enclosed within the rear of the property for in excess of 40 years.

In addition to the Land, the property also occupies land known as a hiatus, shown coloured green on **Attachment 2**. The hiatus land is excess land between the adjacent historical subdivisions. While Council is unable to deal with hiatus land, the applicant can “take up” the hiatus as part of the consolidation process required by Council.

#### Key Issues

The Land proposed to be sold is considered by officers to be of little value to Council and has been occupied by the adjoining property at 6 Kooyongkoot Road, Hawthorn for in excess of 40 years.

Any sale of Council land requires Council to comply with section 114 of the *Local Government Act 2020*.

The surrounding property owners have also been consulted on the proposal and no objections have been received to date. As a result of the consultation, two further adjoining property owners have expressed interest in acquiring part of the Parent Land they also occupy. If negotiations prove successful, these further sales will be progressed as a separate exercise.

The owner of 6 Kooyongkoot Road, Hawthorn has signed an Offer to Purchase the Land from Council upon completion of the formal procedures.



It has been identified that both a Yarra Valley Water sewer and a Council drain are in, or in close proximity to, the Land. Accordingly, a sewerage easement and a drainage easement will be created in favour of Yarra Valley Water and Council respectively over the Land.

#### Confidentiality

Confidential information is contained in **Attachment 5**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the *Local Government Act 2020*. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

## Officers' recommendation

That Council resolve to:

1. Commence the statutory procedures under section 114 of the *Local Government Act 2020*, to sell the land at the rear of 6 Kooyongkoot Road, Hawthorn, shown cross-hatched in **Attachment 2** and as Lot 1 on Plan of Subdivision PS911922W in **Attachment 3** and as annexed to the minutes (**the Land**).
2. Give notice of its intention to sell the Land on Council's website stating that Council proposes to sell the Land to the owner of 6 Kooyongkoot Road, Hawthorn, by private treaty, in accordance with Council policy.
3. Invite both written and verbal submissions on the proposed sale.
4. Note a further report will be presented to a future meeting of the Services Delegated Committee of Council should any submissions be received to enable consideration of the submissions and for a decision on whether to proceed with the proposed sale in full, in part or not to proceed with the sale.
5. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the sale of the Land if no submissions are received.
6. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the Land to the owner at 6 Kooyongkoot Road, Hawthorn, for the sum of \$86,094.00 (inclusive of GST), in accordance with Principle 2 of Council's Discontinuance of Roads and Reserves Policy 2022.

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

---

## **1. Purpose**

This report is to consider commencement of the statutory procedures to sell a parcel of Council owned land at the rear of 6 Kooyongkoot Road, Hawthorn, shown cross-hatched in **Attachment 2** and as Lot 1 on Plan of Subdivision PS911922W in **Attachment 3**.

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

This matter is addressed under Council's Discontinuance of Roads and Reserves Policy 2022.

This report is consistent with the Boroondara Community Plan 2012-31 (BCP), incorporating the 10-year Community Vision, Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25.

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

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

## **3. Background**

Council has received a request from the owner of 6 Kooyongkoot Road, Hawthorn for the sale of a parcel of Council owned land at the rear of that property (**the Land**).

The Land is part of a narrow strip of land, for the most part 1.83m wide, shown hatched on **Attachment 1 (the Parent Land)**, in the ownership of Council since 1893. Given its shape and location, it is assumed that the Parent Land was acquired by Council for drainage purposes. Consistent with this view, the Parent Land contains a Council drain.

The Parent Land is currently occupied by several adjoining properties. Over time, three parcels of land have been sold to abutting property owners.

The Land occupied by 6 Kooyongkoot Road, Hawthorn is shown cross-hatched on **Attachment 2**. A plan of subdivision has been prepared showing the Land proposed to be sold as Lot 1 on Plan of Subdivision PS911922W contained in **Attachment 3**.

The applicant has advised that the Land has been enclosed within the rear of the property for in excess of 40 years.

In addition to the Land, the property also occupies land known as a hiatus, shown coloured green on **Attachment 2**. The hiatus land is excess land between the adjacent historical subdivisions. While Council is unable to deal with hiatus land, the applicant can "take up" the hiatus as part of the consolidation process required by Council.

See **Attachment 4** for an aerial view.

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

The Land proposed to be sold is considered by officers to be of little value to Council and has been occupied as part of 6 Kooyongkoot Road, Hawthorn for in excess of 40 years. Recent negotiations with the owner have resulted in the owner agreeing to acquire the Land in accordance with the purchase price detailed in this report.

The adjoining property owners have been consulted on the proposal and no objections have been received. As a result of the consultation, two further adjoining property owners have expressed interest in acquiring part of the Parent Land they also occupy. If negotiations prove successful, these further sales will be progressed as a separate exercise.

It has been identified that both a Yarra Valley Water sewer and a Council drain are in, or in close proximity to, the Land. Accordingly, a sewerage easement and a drainage easement will be created in favour of Yarra Valley Water and Council respectively over the Land.

#### 5. Consultation/communication

The owner of 6 Kooyongkoot Road, Hawthorn has made a conditional Offer to Purchase the Land shown cross-hatched on **Attachment 2**, in accordance with Council policy. The owner has also agreed to meet Council's costs associated with undertaking the sale.

The procedures under section 114 of the *Local Government Act 2020* require that Council publish a notice of its intention to sell the Land on the Council's website and undertake a community engagement process in accordance with its community engagement policy before the sale of any land.

In order to provide a mechanism for feedback from interested parties as part of Council's community engagement process, the notice on Council's website will invite written submissions for consideration. The notice will advise any person can make a submission in relation to the proposed sale and request to be heard in support of their written submission at a meeting of the Council or its committee on a date, time and place to be determined by Council prior to a decision being made to proceed or otherwise with the proposal.

In addition to the notice on Council's website, all abutting property owners will be advised of the proposal in writing and informed of the opportunity to make a submission.

If any submissions are received, a further report will be presented to a future meeting of the Services Delegated Committee of Council to enable the consideration of any submissions and for a decision on whether or not to sell the Land.

If no submissions are received, the Chief Executive Officer, or any such other person as the Chief Executive Officer approves, will undertake the necessary procedural steps to complete the formal procedures for the sale of the Land, including the execution of all relevant documentation.

## 6. Financial and resource implications

If Council proceeds with the sale of the Land, the sale will generate once off income for Council together with the ability to rate the Land in the future. All costs associated with the sale are proposed to be recouped from the proposed purchaser.

Principle 2 of section 4.2.8 of Council's Discontinuance of Roads and Reserves Policy 2022 has been used in determining the purchase price for the Land.

### *Principle 2*

*"Council titled land will be offered at market value."*

Under Council's Discontinuance of Roads and Reserves Policy 2022, the market value is as determined by Council's contract valuers. The valuation will reflect the additional value the subject parcel of land will add to the value of the existing property of the potential acquirer and will take into consideration the market value of land within the immediate locale having regard to the location of the subject land and characteristics including whether the land:

- Is incapable of being developed in its own right given the small land area;
- Is only marketable to the adjoining owners;
- Is long and narrow, and/or;
- Is encumbered with an easement.

The owner of 6 Kooyongkoot Road, Hawthorn has signed a conditional Offer to Purchase the Land from Council for the sum of \$86,094.00 (inclusive of GST). The purchase price comprises the following amounts shown in Table 1:

*Table 1: Land sale revenue*

Item	Amount (GST inclusive)
Land sale price	\$66,924.00
Reimbursement of Council costs	\$19,170.00
<b>Total</b>	<b>\$86,094.00</b>

## 7. Governance issues

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

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

## 8. Social and environmental issues

The proposed sale of the Land is not expected to have a positive or negative impact on the community, social wellbeing or the environment.

## 9. Evaluation and review

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

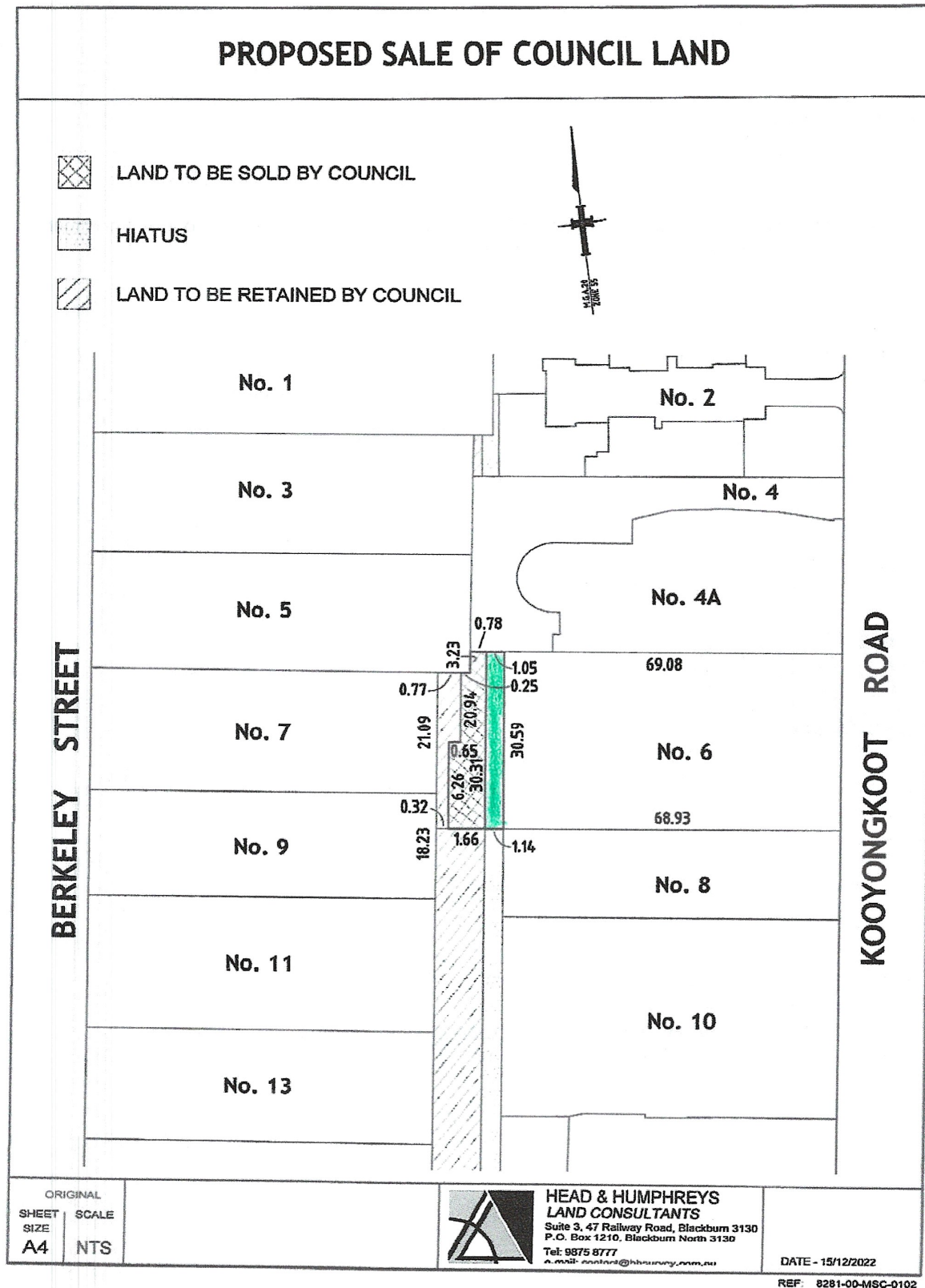
## 10. Conclusion


The Land is considered by officers to be of little value to Council. It is considered appropriate procedures be commenced for its sale to the adjoining owner in accordance with Council's Discontinuance of Roads and Reserves Policy 2022. Progressing the proposal will formalise the occupation of the Land by the adjoining property at 6 Kooyongkoot Road, Hawthorn, which has prevailed for many years.

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

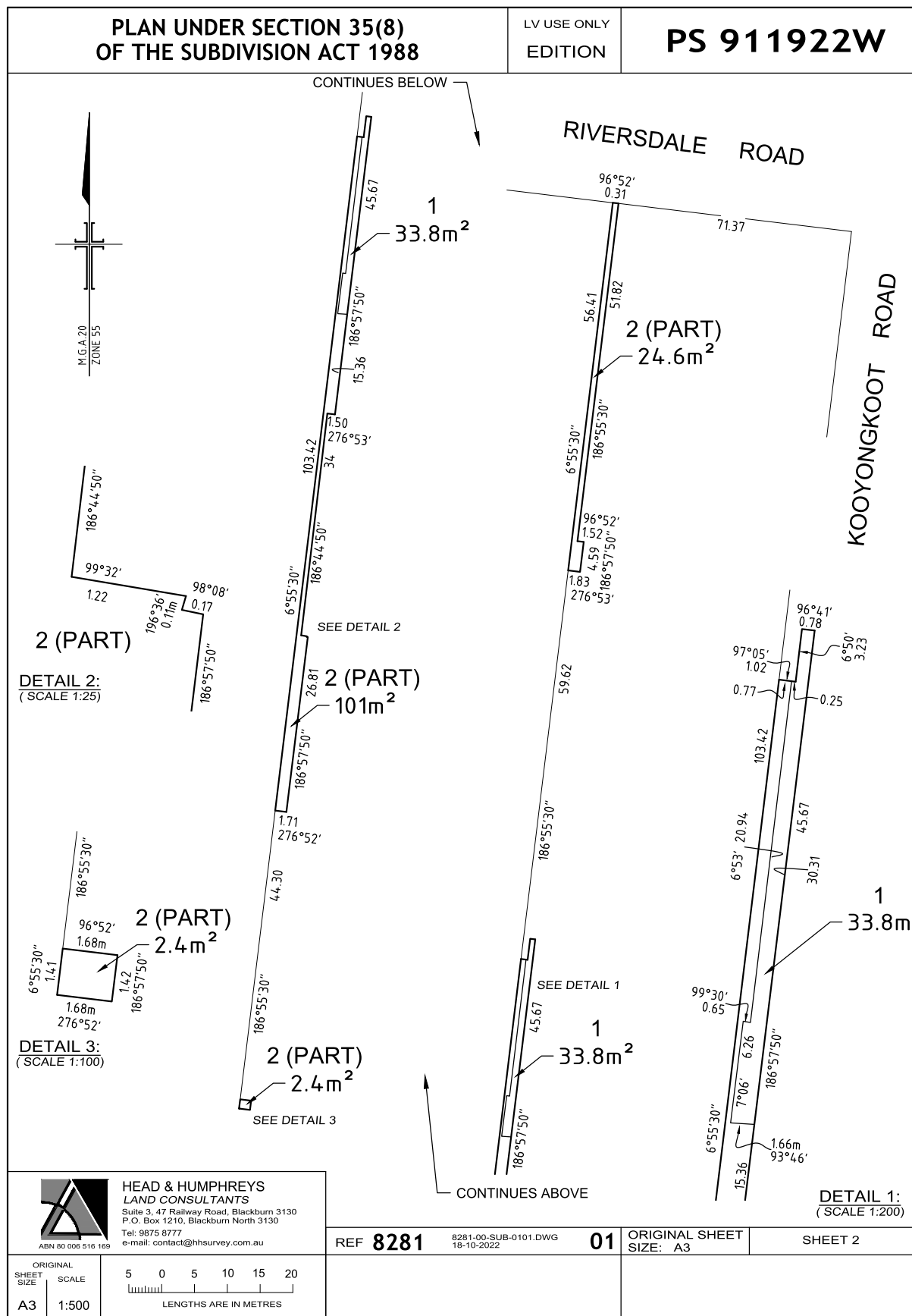
**Report officer:** Michael Hutchison, Head of Strategic Property and Revenue

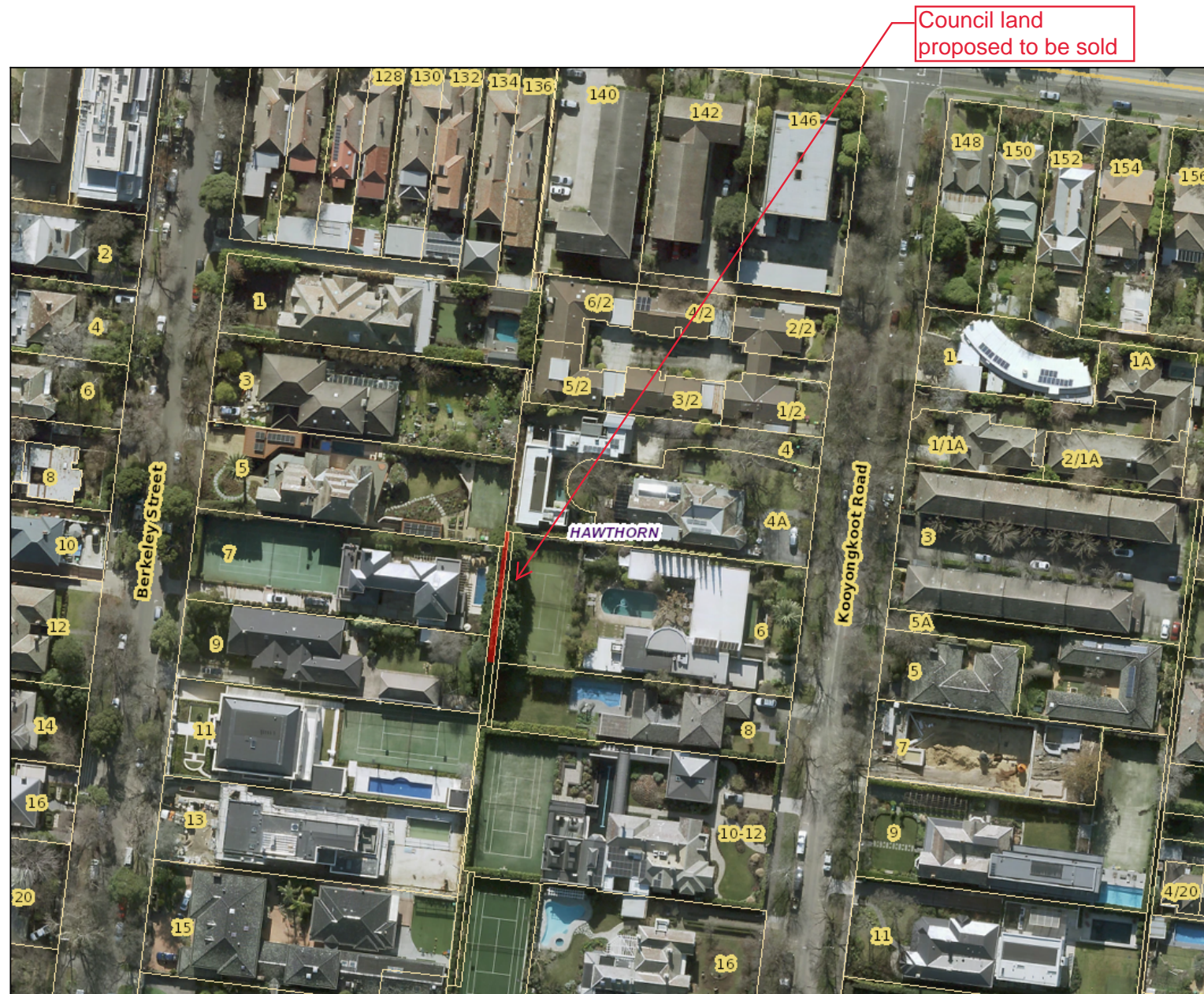




<b>PLAN UNDER SECTION 35(8) OF THE SUBDIVISION ACT 1988</b>				LV USE ONLY EDITION	<b>PS 911922W</b>											
<b>Location of Land</b> Parish: BOROONDARA Township: ----- Section: ----- Crown Allotment: 4 (PART) Crown Portion: 3 (PART)  Title References: Vol. 12064 Fol. 535  Last Plan Reference: LOT 2 ON PS813717U Postal Address: RIVERSDALE ROAD HAWTHORN 3122  MGA20 Co-ordinates: E 327 300 Zone 55 (Of approx. centre of plan) N 5 811 230				<b>Notations</b>  Staging This is not a staged subdivision. Planning Permit No. ---  Survey:- Only Lot 1 is based on survey.  To be completed where applicable This survey has been connected to permanent mark no(s). BOROONDARA PM57  In proclaimed Survey Area No. ---												
<b>Vesting of Roads or Reserves</b>																
Identifier	Council/Body/Person															
Nil	Nil															
<b>Notations</b>																
Depth Limitation: Does not apply																
<b>Easement Information</b>																
<b>Legend:</b> A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">Easement Reference</th> <th style="width: 15%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 10%;">Origin</th> <th style="width: 55%;">Land Benefited/In Favour of</th> </tr> <tr> <td style="padding: 5px;">ALL OF THE LAND IN LOT 1</td> <td style="padding: 5px;">SEWERAGE DRAINAGE</td> <td style="padding: 5px;">SEE DIAG. SEE DIAG.</td> <td style="padding: 5px;">THIS PLAN THIS PLAN</td> <td style="padding: 5px;">YARRA VALLEY WATER CORPORATION BOROONDARA CITY COUNCIL</td> </tr> </table>							Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of	ALL OF THE LAND IN LOT 1	SEWERAGE DRAINAGE	SEE DIAG. SEE DIAG.	THIS PLAN THIS PLAN	YARRA VALLEY WATER CORPORATION BOROONDARA CITY COUNCIL
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of												
ALL OF THE LAND IN LOT 1	SEWERAGE DRAINAGE	SEE DIAG. SEE DIAG.	THIS PLAN THIS PLAN	YARRA VALLEY WATER CORPORATION BOROONDARA CITY COUNCIL												
 <b>HEAD &amp; HUMPHREYS LAND CONSULTANTS</b> Suite 3, 47 Railway Road, Blackburn 3130 P.O. Box 1210, Blackburn North 3130 Tel: 9875 8777 e-mail: contact@hhsurvey.com.au <small>ABN 80 006 516 169</small>		REF <b>8281</b> 8281-00-SUB-0101.DWG 15-10-2022		<b>01</b>	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2 SHEETS										







Council land  
proposed to be sold

**KEY**

Road Names - Major

Road Names - Minor

Property



Roads - Major



Suburbs



Property



Railway Stations



1:1,250

Metres 20 40 60

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Map Produced: 05 January, 2023 11:23:36

## 7.10 Review of Instrument of Delegation Council to Council Staff

### Executive Summary

#### 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.

## Officers' recommendation

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.

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

---

## **1. Purpose**

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

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

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

Reviewing the Instrument of Delegation from Council to Members of Council staff relates to Priority Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

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

## **3. Background**

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

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

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

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

The attached Instrument is recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

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

Changes to the instrument is as follows:

- Regulation 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.

- Changes to staff titles to align with organisational structure.
- CEO delegations have been removed as the CEO has already been delegated Council powers in the S5 Council to CEO Instrument.

## **5. Consultation/communication**

Consultation with the senior leadership team of the organisation has taken place in the preparation of the proposed revised instrument.

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

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

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

## **7. Governance issues**

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

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

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

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

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

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



## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



## Instrument of Delegation

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the 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>CD</b>	means	Coordinator Drainage
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DE</b>	means	Drainage Engineer
<b>DPS</b>	means	Director Places & Spaces
<b>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>CPLAC</b>	means	Coordinator Parking Local Laws Animal Management and School Crossings
<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>CSTP</b>	means	Coordinator Strategic Planning
<b>CT</b>	means	Coordinator Traffic
<b>CTM</b>	means	Coordinator Transport Management
<b>DTE</b>	means	Department Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<b>LCO</b>	Means	Landscape Compliance Officer
<b>LMPI</b>	means	Lead Major Project Interface
<b>MACP</b>	means	Manager Asset and Capital Planning
<b>MBS</b>	means	Manager Building Services
<b>MCP</b>	means	Manager Capital Projects
<b>MCS</b>	means	Manager Civic Services
<b>MPP</b>	means	Manager Planning and Placemaking
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>MF&amp;WI</b>	means	Manager Facilities, Waste and Infrastructure

S6 Instrument of Delegation to Members of Council Staff

March 2023  
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<b>P&amp;A</b>	means	All Permits and Appeals Staff
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PO</b>	means	Prosecutions Officer
<b>PP</b>	means	Principal Urban Planner
<b>PSTP</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>PPM</b>	means	Principal Project Planner Major Project Interface
<b>SDO</b>	means	Senior Drainage Engineer
<b>SO</b>	means	Subdivision Officer or Senior Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer or Urban Planner
<b>SSP</b>	means	Senior Urban Planner
<b>SUPF</b>	means	Senior Urban Planning Forester
<b>SSTP</b>	means	Senior Strategic Planner
<b>STP</b>	means	Strategic Planner
<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
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>TLUPF</b>	means	Team Leader Urban Planning Forestry
<b>UPF</b>	means	Urban Planning Forester

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 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) strategyadopted by Council;
    - 
    - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
  - 3.4 As a principle of delegation, no delegation has been assigned to a member of Council staff where that delegation has not also been assigned to the Chief Executive Officer, the relevant Director(s) and their line manager, subject to any other specific requirements or statutory provisions to the contrary.

The Common Seal of the Boroondara  
City Council was hereunto affixed

Chief Executive Officer

Mayor

Date

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

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	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	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	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	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	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	DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	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>

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19AA(4)(c)	Power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 19CB(4)(b)	Power to request a copy of records	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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 19EA(3)	Function of receiving copy of revised food safety program	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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	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	DUL, MCS, CHP&P & TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	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	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	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 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	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
---	Power to register, or renew the registration of a food premises	DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Refusal to grant/or renew/ the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using an online portal.	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.	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	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	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	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 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	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)	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	DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	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	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	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	DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	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	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	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 39A	Power to register, or renew the registration of a food premises despite minor defects	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	DUL, MCS, CHP&P, TLHS & EHO	
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
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>	DUL, MCS, CHP&P, TLHS & EHO	

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	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	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	DUL, MCS, CHP&P, TLHS & EHO	
s 40F	Power to cancel the registration of food premises	DUL, MCS, CHP&P & TLHS.	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier. Subject to the prior approval of the MCS. The deletion to the TLHA only applies in the absence of the CHP&P.
s 43	Duty to maintain records of registration	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	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	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 45AC	Power to bring proceedings	DUL, MCS, CHP&P, TLHS & EHO	
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	DUL, MCS, CHP&P, EHO & TLHS	Where Council is the registration authority

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

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	DUL, MPP, CSTP, PSTP, SSTP,STP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	DUL, MPP, CSTP, PSTP,SSTP,STP		
s 4H	Duty to make amendments to the VPP available	DUL MPP, SSTP, CSTP,PSTP,STP		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	DUL, MPP, CSTP, PSTP,SSTP,STP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	DUL, MPP, CSTP, PSTP,SSTP,STP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	DUL, MPP, CSTP, PSTP,SSTP,STP		
s 8A(5)	Function of receiving notice of the Minister's decision	DUL, MPP, CSTP, PSTP,SSTP,STP		
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DUL, MPP, CSTP, PSTP,SSTP,STP		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(1)	Duty to review the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
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	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP	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, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP		Where Council is a planning authority

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP	Until the end of 2 months after the amendment comes into operation or lapses	
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP	Except submissions which request a change to the items in s 22(5)(a) and (b)	
s 22(2)	Power to consider a late submission  Duty to consider a late submission, if directed by the Minister	CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP		
s 30(4)(b)	Duty to provide information in writing upon request	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 31(1)	Duty to submit adopted amendments to the Minister	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 32(2)	Duty to give more notice if required	DUL, MPP, CSTP, PSTP, SSTP, STP		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 33(1)	Duty to give more notice of changes to an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 36(2)	Duty to give notice of approval of amendments	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 38(5)	Duty to give notice of revocation of an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 40(1)	Function of lodging a copy of an approved amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 41	Duty to make approved amendment available	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42	Duty to make copy of the planning scheme available	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	DUL, MPP, CSTP, PSTP, SSTP, STP	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.	

<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 46AW	Function of being consulted by the Minister	DUL, MPP, CSTP & Supervising Urban Planning Officers	Where Council is a responsible public entity	
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	DUL, MPP, CSTP & Supervising Urban Planning Officers,	Where Council is a responsible public entity	
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DUL, MPP, CSTP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DUL, MPP, CSTP & 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	DUL, MPP, CSTP 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.	

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

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GR(2)	Power to consider a late submission.  Duty to consider a late submission if directed to do so by the Minister.	DUL, MPP, CSTP 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	DUL, MPP, CSTP 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	DUL, MPP, CSTP 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	DUL, MPP, CSTP and Supervising Urban Planning Officers		
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DUL, MPP, CSTP and Supervising Urban Planning Officers		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DUL, MPP, CSTP and		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DUL, MPP, CSTP and Supervising Urban Planning Officers		
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DUL, MPP, CSTP and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DUL, MPP, CSTP 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)	DUL, MPP, CSTP, 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)	DUL, MPP, CSTP, SO and Supervising Urban Planning Officers	Where Council is the collecting agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GV(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	DUL, MPP, CSTP, SO and Supervising Urban Planning Officers		
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DUL, MPP, CSTP, SO and Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DUL, MPP, CSTP, SO and 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	DUL, MPP, CSTP, SO and 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	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZ(2)(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	DUL, MPP, CSTP, 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 that planning authority.	
s 46GZ(2)(a)	Function of receiving the monetary component	DUL, MPP, CSTP, 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	DUL, MPP, CSTP 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	DUL, MPP, CSTP, 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.	
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)	DUL, MPP, CSTP & Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DUL, MPP, CSTP, CFO, CCO 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(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DUL, MPP, CSTP 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	
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	DUL, MPP, CSTP, CFO, CCO 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	DUL, MPP, CSTP and Supervising Urban Planning Officers	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZ(9)	Function of receiving the fee simple in the land	DUL, MPP, CSTP, CFO, CCO 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 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	
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DUL, MPP, CSTP 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)	DUL, MPP, CSTP 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	DUL, MPP, CSTP 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)	DUL, MPP, CSTP and Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DUL, MPP, CSTP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DUL, MPP, CSTP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DUL, MPP, CSTP 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	DUL, MPP, CSTP, 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	
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)	DUL, MPP, CSTP and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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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	DUL, MPP CSTP, CFO, MCP, CRPS, SO 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	DUL, MPP CSTP, 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	
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	

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s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DUL, MPP, CSTP 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	
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	DUL & Specific Urban Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DUL & Supervising Urban Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	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	DUL & Supervising Urban Planning Officers		
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DUL and Supervising Urban Planning Officers		

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s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	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	DUL and Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	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	DUL and Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	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	DUL and MPP	Only applies when levy is paid to Council as a 'development agency'	

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s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	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	DUL, CSTP, 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.	DUL and MPP	With the consent of, and in the manner approved by, the Minister	
s 46QC	Power to recover any amount of levy payable under Part 3B	DUL and MPP		
s 46QD	Duty to prepare report and give a report to the Minister	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	DUL		

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s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period			
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it			
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	DUL & Supervising Urban Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DUL, Specific Urban Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 50(4)	Duty to amend applications	DUL & Specific Urban Planning Officers		
s 50(5)	Power to refuse to amend applications	DUL & Specific Urban Planning Officers		

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s 50(6)	Duty to make note of amendments to applications in the Register	DUL & Specific Urban Planning Officers, TLPP & PSO		
s 50A(1)	Power to make amendments to applications	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	DUL & Specific Urban Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	DUL & Specific Urban Planning Officers, TLPP & PSO		
s 51	Duty to make copies of applications available for inspection	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DUL & Specific Urban Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	DUL & Specific Urban Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DUL & Specific Urban Planning Officers		

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

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s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DUL and Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	DUL and Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DUL, MPP and Specific Urban Planning Officers	Power to refuse to extend time is limited to 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)	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	DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	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	DUL and Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	DUL and Specific Urban Planning Officers		

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s 57A(5)	Power to refuse to amend applications	DUL and Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	DUL and Specific Urban Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	DUL and Specific Urban Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DUL and Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	DUL and Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	DUL and Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	DUL and MPP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	
s 60	Duty to consider certain matters	DUL and Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	DUL and Specific Urban Planning Officers		

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

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	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 Aboriginal Heritage Act 2006.</p>	

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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	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 Aboriginal Heritage Act 2006</p>



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	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 DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

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All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	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>	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DUL and Specific Urban Planning Officers		

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s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	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			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	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	DUL and Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DUL and Specific Urban Planning Officers		
s62(2)	Power to include other conditions	DUL and Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DUL 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 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	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	DUL and Specific Urban Planning Officers		
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	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)	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)	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)	DUL and Specific Urban Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	DUL and Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a

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				permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	DUL and Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DUL and Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	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	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	DUL, Specific Urban Planning Officers, TLPP and PSO		

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s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	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	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
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	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	DUL 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 69(1A)	Function of receiving applications for extensions of time to complete development	DUL, MPP and Specific Urban Planning Officers		
s 69(2)	Power to extend time	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	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 71(1)	Power to correct certain mistakes	DUL and Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	DUL, Specific Urban Planning Officers, TLPP and PSO		

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s 73	Power to decide to grant amendments subject to conditions	DUL, MPP and Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> <li>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</li> <li>2. The original application was: <ol style="list-style-type: none"> <li>a. determined by the Urban Planning Delegated Committee; or</li> <li>b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> <li>· no objections to the application for amendment; or</li> <li>· between one (1) and 12 objections received, inclusive, to the application for amendment.</li> </ul> </li> </ol> </li> </ol> <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> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision.</p>	<p><b>IMPLEMENTATION GUIDELINES:</b></p>

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			Compliance with the Boroondara Planning Scheme and adopted Council Policies.	

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s 74	Duty to issue an amended permit to the applicant if there no objectors	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	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	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	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	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	
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	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	DUL 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 83	Function of being the respondent to an appeal	DUL and Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	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	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	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	DUL, and Specific Urban Planning Officers, TLPP and PSO	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>	
s 84(6)	Duty to issue permits on receipt of advice within 3 business days	DUL and Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	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	DUL and Specific Urban Planning Officers		

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s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	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	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	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	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	DUL, Specific Urban Planning Officers TLPP and PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	DUL and Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	DUL and Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	DUL and Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DUL and MPP		

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s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DUL, and MPP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	DUL, MPP, CSTP 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	DUL, MPP, CSTP, PSTP, SSTP, STP and Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	DUL, MPP, CSTP, PSTP, SSTP, STP and Specific Urban Planning Officers		
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)	DUL, MPP, CSTP, PSTP, SSTP, STP and Specific Urban Planning Officers		

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s 96H(3)	Power to give notice in compliance with the Minister's direction	DUL, MPP, CSTP, PSTP, SSTP, STP and Specific Urban Planning Officers		
s 96J	Duty to issue permits as directed by the Minister	DUL, MPP, CSTP, PSTP and Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DUL, MPP, CSTP, PSTP 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	DUL and MPP		
s 97C	Power to request the Minister to decide the application	DUL, and MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	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	DUL, MPP and Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		

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s 97L	Duty to include Ministerial decisions in a register kept under s 49	DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DUL and MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DUL & MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DUL and MPP		
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	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	DUL, MPP and Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	DUL, MPP and Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		

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s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	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	DUL and MPP		
s 101	Function of receiving claims for expenses in conjunction with claim	DUL and MPP		
s 103	Power to reject a claim for compensation in certain circumstances	DUL and MPP	<i>Note – refers to small claims, ie: a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.</i>	
s 107(1)	Function of receiving claims for compensation	DUL and MPP		
s 107(3)	Power to agree to extend the time for making claim	DUL and MPP		
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes			
s 114(1)	Power to apply to the VCAT for an enforcement order	DUL, MPP and Supervising Urban Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DUL, MPP, Supervising Urban Planning Officers, SSP and PIO		

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s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DUL, MPP and Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	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)			
s 129	Function of recovering penalties	DUL and MPP		
s 130(5)	Power to allow person served with an infringement notice further time	DUL and MPP, Supervising Urban Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	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	DUL, MPP and Supervising Urban Planning Officers		

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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)	DUL, MPP, SSP, SSTP &STP, CSTP, PSTP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	DUL, MPP, MACP		
s 171(2)(g)	Power to grant and reserve easements	DUL, MPP, MACP		
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	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)	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	DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	

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	under s 46GV(4)			
s 173(1)	Power to enter into an agreement covering matters set out in s 174	DUL, DCT, DCS, DPS, MACP, MPP, and MCS	Subject to a prior Council resolution.	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		

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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	DUL, DCT, DCS, DPS, MACP, MPP, MCS and CDM&C		
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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, DE, CD, SDE, 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)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, CDM&C and Supervising Urban Planning Officers		

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s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C and Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C and Specific Urban Planning Officers		
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, SPP, DE, CD, SDE, PSTP, STRP and Specific Urban Planning Officers		

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s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTPP, DE CD, SDE, 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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, and Specific Urban Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		
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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, and CDM&C		

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178A(1)	Function of receiving an application to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, DE, CD, SDE, 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)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C 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>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178A(5)	Power to propose to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, SPP, DE, CD, SDE, PSTP, STRP and Specific Urban Planning Officers		
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTPP, DE, CD, SDE, STRP 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>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, and Specific Urban Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDE, CDM&C 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>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, 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
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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>Column 5</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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, 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)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP and Supervising Urban Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP 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>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C and Supervising Urban Planning Officers		
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	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	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, and Supervising Urban Planning Officers		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 179(2)	Duty to make available for inspection copy agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, PSTP, SSTP, STP, DE, CD, SDE, 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	DUL, DCT, DCS, DPS, MACP MPP, and MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDE, and Supervising Urban Planning Officers		
S 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDE, and Supervising Urban Planning Officers		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 182	Power to enforce an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, DE, CD, SDE, Supervising Urban Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, 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	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	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	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STRP, Supervising Urban Planning Officers, SSP and SO		

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STRP, Supervising Urban Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	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	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	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	DUL, MPP and Specific Urban Planning Officers		
S 201(3)	Duty to make declaration	DUL, MPP and Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	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>• DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;</li> <li>• DUL, MPP and Supervising Urban Planning Officers if all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference.</li> <li>• If the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul>	

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<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	DUL, MPP, CSTP 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	DUL, MPP, CSTP, 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	DUL, MPP, CSTP 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	DUL, MPP, CSTP 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.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
-	Power to give written authorisation in accordance with a provision of a planning scheme	DUL, MPP, CSTP, 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	DUL, MPP and Supervising Urban Planning Officers		
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	DUL, MPP, CSTP & Supervising Urban Planning Officers		

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DUL, MCS, MPP & MBS	
s 522(1)	Power to give a compliance notice to a person	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)	DUL, MCS, MPP & MBS	
s 525(4)	Duty to issue identity cards to authorised officers	DUL, MCS, MPP & MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	DUL, MCS, MPP & MBS	
s 526A(3)	Function of receiving reports of inspections	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)	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	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	DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	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.	DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	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	DPS, DCT, MACP, MCP, MT&T	Power of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.

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

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 15(2)	Duty to include details of an arrangement in the public roads register	DPS, MT&T, MACP	
s 16(7)	Power to enter into an arrangement under section 15	DPS, MCP, MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	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	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	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	DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	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	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	DPS, MT&T, MACP	

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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, All AP&P Staff, CPA&PA, DTE	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, All AP&P staff, MCS	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DPS, MT&T, MCP, MACP, MFW&I, CTM, CT, LMPI, CPA&PA, All AP&P staff, MCS	
s 42(1)	Power to declare a public road as a controlled access road	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>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	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	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)	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	DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff, DTE	<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	DPS, MCP, MACP	

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 51	Power to determine standards by incorporating the standards in a road management plan	DPS, MCP, MACP	
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	DPS, MCP, MT&T, MACP, CT, CTM, LMPI, PPM All Traffic and Transport Staff, MCS, CPA&PA, All AP&P staff, DTE	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, All AP&P staff, DTE	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	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>
s 66(1)	Power to consent to structures etc	DPS, MCP, MACP, All AP&P Staff, CPA&PA, MCS, All AP&P staff	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	DPS, MCP, MACP, MCS, CP&PA, P&A, AP&P	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	DPS, MCP, MACP, MCS, P&A, AP&P	Where Council is the coordinating road authority.
s 68(2)	Power to request information	DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer	DPS, DUL, CFO, EMPCD	
s 72	Duty to issue an identity card to each authorised officer	EMPCD	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85	Function of receiving reports from authorised officers	DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	DPS, MCP, MT&T, MACP & MCS	Exercising a notice of entry and keeping a register
s 87(1)	Function of receiving complaints	DPS, MACP, MCP, MT&T & MCS, CPA&PA, P&A, AP&P	
s 87(2)	Duty to investigate complaints and provide reports	DPS, MCP, MT&T, MACP & MCS, CTM, CT, LMPI, CPA&PA, P&A, AP&P	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DPS, MCP, MT&T, MACP & MCS, CPA&PA, PA&, AP&P	
s 112(2)	Power to recover damages in court	DPS, MCP, MT&T, MACP & MCS, CPA&PA, P&A, AP&P	<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	DPS, MCP, MT&T & MACP, All AP&P Staff, CPA&PA, CPA&PA, P&A, AP&P	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 119(2)	Function of consulting with the Head, Transport for Victoria	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)	DPS, MCP, & MACP, CPA&PA, AP&P	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	DPS, MCP, & MACP, All AP&P Staff, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	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>
s 123(1)	Power to charge for any service	DPS, MACP & MCP, All AP&P Staff, CPA&PA, P&A, AP&P	<i>Note:</i> <ul style="list-style-type: none"> <li>a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i></li> <li>b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> <li>• <i>supplying a service, product or commodity; or</i></li> </ul> </li> </ul> <i>giving information.</i>
Sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DPS, MCP, MACP, CP&PA, AP&P	<i>Note - “controlled access road” means a public road in respect of which a declaration is in force under section 42</i>

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	DPS, MCP, & MACP	
sch 2 cl 5	Duty to publish notice of declaration	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	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	DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DPS, MCP, & MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

<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(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	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	DPS, MCP, & MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DPS, MCP, & MACP, All AP&P Staff, CPA&PA, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DPS, MCP, & MACP, All AP&P Staff, CPA&PA, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DPS, MCP, & MACP, All AP&P Staff, CPA&PA, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DPS, MCP, & MACP, All AP&P Staff, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DPS, MCP, & MACP, All AP&P Staff, CPA&PA	Where Council is the works manager

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 13(2)	Power to vary notice period	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)	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	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl16(6)	Power to set reasonable conditions on consent	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff,	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		MT&T, LMPI, PPM, All Traffic and Transport Staff	
sch 7 cl 16(8)	Power to include consents and conditions	DPS, MCP, & MACP, MCS,  CPA&PA, All AP&P staff, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	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	DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	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	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	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	DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	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	DUL, MPP, CSP, PAC, SSP, CP, PSP, PO & SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) in accordance with the public availability requirements	DUL & MPP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	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	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	DUL & MPP, CSTP	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> a) <i>where the application is withdrawn and a new application is submitted;</i> b) <i>the amendment combines separate items from multiple requests for an amendment; and</i> c) <i>the amendment is intended to remove anomalies in the planning scheme.</i>
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DUL, MPP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> a) <i>where the application is withdrawn and a new application is submitted;</i> b) <i>the application relates to land used for charitable purposes; and</i> c) <i>the fee is not warranted due to the minor nature of the application.</i>
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	DUL, MPP, CSTP, 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	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	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)	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	DPS, MCP, & MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	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	DPS, MCP, & MACP	
r 16 (3)	Power to issue permits	DPS, MCP, MT&T, & MACP, cpa&pa, AP&P	Where Council is the coordinating road authority
r 18(1)	Power to give written consent regarding damage to roads	DPS, MCP, & MACP, MT&T, CPA&PA, AP&P	Where Council is the coordinating road authority

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r 23(2)	Power to make submissions to the Tribunal	DPS, MCP, & MACP, MCS, CPA&PA, AP&P, PO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	DPS, MCP & MACP, CPA&PA, AP&P	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DPS, MCP, MACP & MCS, CPA&PA, AP&P	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DPS, MCP & MACP, CPA&PA, AP&P, PO	

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

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## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

## Instrument of Delegation

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the 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>CD</b>	means	<a href="#">Coordinator Drainage</a>
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DE</b>	means	<a href="#">Drainage Engineer</a>
<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>CPLAC</b>	means	<a href="#">Coordinator Parking Local Laws Animal Management and School Crossings</a>
<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>DTE</b>	means	<a href="#">Department Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer</a>
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<b>LCO</b>	Means	Landscape Compliance Officer
<b>LMPI</b>	means	<a href="#">Lead Major Project Interface</a>
<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>P&amp;A</b>	means	<a href="#">All Permits and Appeals Staff</a>

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<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b><u>PQ</u></b>	<u>means</u>	<u>Prosecutions Officer</u>
<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><u>PPM</u></b>	<u>means</u>	<u>Principal Project Planner Major Project Interface</u>

<b>SCTA</b>	means	<del>Senior Coordinator Transport Advocacy</del>
<b>SDO</b>	means	<del>Senior Drainage Engineer</del>
<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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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DUL, DPS, DCT, CHP&P, PFRO & TLHFS & MCS, CPLAC	

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies

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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.	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P & TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
	Power to register, or renew the registration of a food premises	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority  Refusal to grant/or renew/ the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

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

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	<del>CEO</del> , DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority

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<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 39A	Power to register, or renew the registration of a food premises despite minor defects	<del>CEO</del> , 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	<del>CEO</del> , 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>	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	
s 40F	Power to cancel the registration of food premises	<del>CEO</del> , 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.

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43	Duty to maintain records of registration	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	<del>CEO</del> , DUL, MCS, CHP&P, TLHS & EHO	

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



HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	<del>GEO</del> , 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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>	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	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 4H	Duty to make amendments to the VPP available	<del>CEO, DUL MPP, SSTRPSSTP, CSTRPCSTP, PSTRPPSTP, STRPSTP</del>		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 8A(5)	Function of receiving notice of the Minister's decision	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
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	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 12B(1)	Duty to review the planning scheme	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 12B(2)	Duty to review the planning scheme at the direction of the Minister	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	<del>CEO</del> , DUL, All Planning Officers		
s 17(1)	Duty of giving a copy of amendments to the planning scheme	<del>CEO</del> , DUL, All Planning Officers		
s 17(2)	Duty of giving a copy of a s 173 agreement	<del>CEO</del> , 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 18	Duty to make amendments etc. available	<del>CEO</del> , 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	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>	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	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		Where Council is a planning authority
s 21(2)	Duty to make submissions available	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>	Until the end of 2 months after the amendment comes into operation or lapses	
s 21A(4)	Duty to publish notices	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRP</del>		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>	Except submissions which request a change to the items in s 22(5)(a) and (b)	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 22(2)	Power to consider a late submission  Duty to consider a late submission, if directed by the Minister	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	<del>CEO</del> , DUL & all Planning Officers		
s 26(1)	Power to make reports available for inspection	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		
s 26(2)	Duty to keep reports of panels available for inspection	<del>CEO</del> , DUL & all Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
		<del>STRPSTP</del>		
s 28	Duty to notify the Minister if abandoning an amendment	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 30(4)(a)	Duty to say if an amendment has lapsed	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 30(4)(b)	Duty to provide information in writing upon request	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 31(1)	Duty to submit adopted amendments to the Minister	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 32(2)	Duty to give more notice if required	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 33(1)	Duty to give more notice of changes to an amendment	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 36(2)	Duty to give notice of approval of amendments	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 38(5)	Duty to give notice of revocation of an amendment	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		

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s 40(1)	Function of lodging a copy of an approved amendment	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		
s 41	Duty to make approved amendment available	<del>CEO, DUL, MPP, CSTRPCSTP, PSTRPPSTP, SSTRPSSTP, STRPSTP</del>		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 42	Duty to make copy of the planning scheme available	<del>CEO</del> , 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del>	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.	
s 46AW	Function of being consulted by the Minister	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> & 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> & Supervising Urban Planning Officers,	Where Council is a responsible public entity	

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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, <u>GSTRPCSTP</u>	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, <u>GSTRPCSTP</u> & 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, <u>GSTRPCSTP</u> 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, <u>GSTRPCSTP</u> and 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 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DUL, MPP, <del>CSTRPCSTP</del> and Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DUL, MPP, <del>CSTRPCSTP</del> , and Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DUL, MPP, <del>CSTRPCSTP</del> and Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	CEO, DUL, MPP, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> and Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> and 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 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> and 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 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, <u>GSTRPCSTP</u> 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, <u>GSTRPCSTP</u> 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, <u>GSTRPCSTP</u> , 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, <u>GSTRPCSTP</u> , 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, <u>GSTRPCSTP</u> and Supervising Urban Planning Officers		

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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, <del>CSTRPCSTP</del> & Supervising Urban Planning Officers	Where Council is the collecting agency	
s <del>4</del> 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, <del>CSTRPCSTP</del> & 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, <del>CSTRPCSTP</del> & 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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , 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)	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> & 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	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> , 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	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> 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	

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

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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, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> 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, <del>CSTRPCSTP</del> and Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> , 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	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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)	<del>CEO</del> , DUL, MPP, <del>CSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP <del>CSTRPCSTP</del> , 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	<del>CEO</del> , DUL, MPP <del>CSTRPCSTP</del> , 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	

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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, <del>GSTRPCSTP</del> 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	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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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		

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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.	<del>CEO</del> , 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	<del>CEO</del> , 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)	<del>CEO</del> , 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	<del>CEO</del> , DUL, <del>GSTRPCSTP</del> , 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.	<del>CEO</del> , DUL and MPP	With the consent of, and in the manner approved by, the Minister	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46QC	Power to recover any amount of levy payable under Part 3B	<del>CEO</del> , DUL and MPP		
s 46QD	Duty to prepare report and give a report to the Minister	<del>CEO</del> , 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	<del>CEO and</del> DUL		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46Y	Duty to carry out works in conformity with the approved strategy plan	<del>CEO and</del> DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	<del>CEO</del> , DUL & Supervising Urban Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	<del>CEO</del> , DUL, Specific Urban Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	<del>CEO</del> , DUL, Specific Urban Planning Officers, TLPP and PSO		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	<del>CEO</del> , 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	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	<del>CEO</del> , DUL and Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 54(1B)	Duty to specify the lapse date for an application	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	<del>CEO</del> , DUL, MPP and Specific Urban Planning Officers	Power to refuse to extend time is limited to <del>CEO</del> , 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)	<del>CEO</del> , 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	<del>CEO</del> , DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	<del>CEO</del> , 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	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	<del>CEO</del> , DUL, Specific Urban Planning Officers, TLPP and PSO		

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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)	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	<del>CEO</del> , DUL and Specific Urban Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	<del>CEO</del> , DUL and Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	<del>CEO</del> , 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	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	<del>CEO</del> , 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	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	<del>CEO</del> , 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>

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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	<del>CEO</del> , 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><del>CEO</del>, DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions .	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	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>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	<del>CEO</del> , 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	<del>CEO</del> , 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			



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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<del>CEO</del> , 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)	<del>CEO</del> , 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)	<del>CEO</del> , 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)	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	<del>CEO</del> , 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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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 64(3)	Duty not to issue a permit until after the specified period	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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 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

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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	<del>CEO</del> , 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	<del>CEO</del> , DUL and Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	<del>CEO</del> , 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	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p>	Compliance with the Boroondara Planning Scheme and adopted Council Policies.

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</p> <p>2. The original application was:</p> <ul style="list-style-type: none"> <li>a. determined by the Urban Planning Delegated Committee; or</li> <li>b. a permit was issued at the direction of VCAT;</li> </ul> <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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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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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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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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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 93(2)	Duty to give notice of a VCAT order to stop development	<del>CEO</del> , DUL and Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	<del>CEO</del> , DUL and Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	<del>CEO</del> , DUL and Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	<del>CEO</del> , 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	<del>CEO</del> , DUL, and MPP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> 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	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> and Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> and Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DUL, MPP, <u>CSTRPCSTP</u> , <u>PSTRPPSTP</u> , <u>SSTRPSSTP</u> , <u>STRPSTP</u> and Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	CEO, DUL, MPP, <u>CSTRPCSTP</u> , <u>PSTRPPSTP</u> , <u>SSTRPSSTP</u> , <u>STRPSTP</u> and Specific Urban Planning Officers		
s 96J	Duty to issue permits as directed by the Minister	CEO, DUL, MPP, <u>CSTRPCSTP</u> , <u>PSTRPPSTP</u> and Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DUL, MPP, <u>CSTRPCSTP</u> , <u>PSTRPPSTP</u> 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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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	<del>CEO</del> , 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	<del>CEO</del> , DUL, MPP and Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	<del>CEO</del> , DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	<del>CEO</del> , DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	<del>CEO</del> , DUL and MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	<del>CEO</del> DUL & MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	<del>CEO</del> , DUL and MPP		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MPP and Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	<del>CEO</del> , DUL, MPP and Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	<del>CEO</del> , DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	<del>CEO</del> , 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	<del>CEO</del> , DUL and MPP		
s 101	Function of receiving claims for expenses in conjunction with claim	<del>CEO</del> , DUL and MPP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 129	Function of recovering penalties	<del>CEO</del> , DUL and MPP		
s 130(5)	Power to allow person served with an infringement notice further time	<del>CEO</del> , DUL and MPP, Supervising Urban Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	<del>CEO</del> , 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	<del>CEO</del> , 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)	<del>CEO</del> , DUL, MPP, SSP, <del>SSTRPSSTP</del> & <del>STRPSTP</del> , <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del>	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	<del>CEO</del> , DUL, MPP, MACP		



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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	<del>CEO</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>DE, CD, SDE</del> , CDM&C, <del>and</del> 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS and CDM&C		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>GSTRPCSTP</del> , CDM&C, <del>DE, CD, SDE, CDM&amp;C</del> , 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)	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>GSTRPCSTP, DE, CD, SDE, CDM&amp;C</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>GSTRPCSTP, DE, CD, SDE</del> , CDM&C and Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>GSTRPCSTP, DE, CD, SDE, CDM&amp;C</del> , CDM&C and Supervising Urban Planning Officers		

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S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , CDM&C, SPP, <del>DE, CD, SDE, PSTRPPSTP</del> , STRP and Specific Urban Planning Officers		
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , CDM&C, <del>PSTRPPSTP</del> , <del>DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , CDM&C, <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> , <del>DE, CD, SDE</del> , and Specific Urban Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , <del>DE, CD, SDE</del> , CDM&C and Supervising Urban Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , <del>DE, CD, SDE</del> , CDM&C and Specific Urban Planning Officers		

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s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP</del> , 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
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP, DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP, DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP, DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP, DE, CD, SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP, DE, CD, SDE</del> , 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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(3)(d)	Power to refuse to amend or end the agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , 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)	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , CDM&C, <del>DE</del> , <del>CD</del> , <del>SDE</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> and Supervising Urban Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, <del>CSTRPCSTP</del> , CDM&C, <del>DE</del> , <del>CD</del> , <del>SDE</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , CDM&C and Supervising Urban Planning Officers		

s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	<del>CEO,</del> DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>GSTRPCSTP, DE, CD, SDE,</del> CDM&C and Supervising Urban Planning Officers		
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	<del>CEO</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MPP, MCS, <del>CSTRPCSTP</del> , CDM&C, <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , and Supervising Urban Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , <del>STRPSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP MPP, and MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, <del>CSTRPCSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , and Supervising Urban Planning Officers		
S 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, <del>CSTRPCSTP</del> , <del>DE</del> , <del>CD</del> , <del>SDE</del> , and Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 182	Power to enforce an agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, <del>DE, CD, SDE</del> , Supervising Urban Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	<del>CEO</del> , DUL, DCT, DCS, DPS, MACP, MPP, MCS, <del>DE, CD, SDE</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, DCT, DCS, DPS, MPP, MCS, <del>CSTRPCSTP, PSTRPSTP, SSTRPSSTP</del> , STRP, Supervising Urban Planning Officers, SSP and SO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	<del>CEO</del> , DUL, DCT, DCS, DPS, MPP, MCS, <del>CSTRPCSTP</del> , <del>PSTRPPSTP</del> , <del>SSTRPSSTP</del> , STRP, Supervising Urban Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DUL, MPP and Specific Urban Planning Officers		
S 201(3)	Duty to make declaration	<del>CEO</del> , 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	<del>CEO</del> , 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>• <del>CEO</del>, DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;</li> <li>• <del>CEO</del>, 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>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DUL, MPP, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> , 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> 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, <del>GSTRPCSTP</del> , 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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	<del>CEO</del> , DUL, MPP, <del>GSTRPCSTP</del> & 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	<del>CEO</del> , DUL, MCS, MPP & MBS	
s 522(1)	Power to give a compliance notice to a person	<del>CEO</del> , 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)	<del>CEO</del> , DUL, MCS, MPP & MBS	
s 525(4)	Duty to issue identity cards to authorised officers	<del>CEO</del> , DUL, MCS, MPP & MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	<del>CEO</del> , DUL, MCS, MPP & MBS	
s 526A(3)	Function of receiving reports of inspections	<del>CEO</del> , 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)	<del>CEO</del> , DUL, MCS, MPP & MBS	

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



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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 16(7)	Power to enter into an arrangement under section 15	CEO, DPS, MCP MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	CEO, DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	CEO, DPS, MACP	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use		Where Council is the coordinating road authority. The power remains with the Council.
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s 18(3)	Duty to record designations in the public roads register	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority
s 19(1)	Duty to keep a register of public roads in respect of which it is the coordinating road authority	CEO, DPS, MT&T, MACP	
s 19(4)	Duty to specify details of discontinuances in the public roads register	CEO, DPS, CRPS, MACP	

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(5)	Duty to ensure the public roads register is available for public inspection	<del>GEO</del> , DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	<del>GEO</del> , DPS, MCP, MT&T, MACP, MCS, CPA&PA, <del>SGTA</del> , CTM, CT and All AP&P Staff, <u>DTE, LMPI, PPM, All Traffic and Transport Staff</u>	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	<del>GEO</del> , 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	<del>GEO</del> , DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	<del>GEO</del> , DPS, MCP, MT&T, MACP	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(1)	Duty to inspect, maintain and repair a public road.	<u>GEO</u> , DPS, MT&T, MCP, MFW&I, MACP, <u>LMPI</u> , <u>PPM</u> , All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, All AP&P Staff, CPA&PA, <u>DTE</u>	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	<u>GEO</u> , DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, All AP&P staff, <u>MCS</u>	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	<u>GEO</u> , DPS, MT&T, MCP, MACP, MFW&I, <u>CTM</u> , <u>CT</u> , <u>LMPI</u> , CPA&PA, <u>All AP&amp;P staff</u> , <u>MCS</u>	
s 42(1)	Power to declare a public road as a controlled access road	<u>GEO</u> , 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>

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s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	<del>CEO</del> , DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 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, DTE	<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	

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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	<del>CEO</del> , DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	<del>CEO</del> , DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	<del>CEO</del> , DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	<del>CEO</del> , DPS, MCP, MT&T, MACP, CT, CTM, <u>LMPI</u> , <u>PPMSCTA</u> & All Traffic and Transport Staff, MCS, CPA&PA, All AP&P staff, <u>DTE</u>	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	<del>CEO</del> , DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, All AP&P staff, <u>DTE</u>	Where Council is the infrastructure manager

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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>
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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(1)	Power to consent to structures etc	<del>CEO</del> , DPS, MCP, MACP, All AP&P Staff, CPA&PA, <u>MCS, All AP&amp;P staff</u>	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	<del>CEO</del> , DPS, MCP, MACP, MCS, <u>CP&amp;PA, P&amp;A, AP&amp;P</u>	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	<del>CEO</del> , DPS, MCP, MACP, MCS, <u>P&amp;A, AP&amp;P</u>	Where Council is the coordinating road authority.
s 68(2)	Power to request information	<del>CEO</del> , DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer	<del>CEO</del> , 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	<del>CEO</del> , DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	<del>CEO</del> , DPS, MCP, MT&T, MACP & MCS	<u>Exercising a notice of entry and keeping a register</u>
s 87(1)	Function of receiving complaints	<del>CEO</del> , DPS, MACP, MCP, MT&T & MCS, <u>CPA&amp;PA, P&amp;A, AP&amp;P</u>	

s 87(2)	Duty to investigate complaints and provide reports	<u>CEO, DPS, MCP, MT&amp;T, MACP &amp; MCS, CTM, CT, LMPI, CPA&amp;PA, P&amp;A, AP&amp;P</u>	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	<u>CEO, DPS, MCP, MT&amp;T, MACP &amp; MCS, CPA&amp;PA, PA&amp;, AP&amp;P</u>	

<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	<u>CEO, DPS, MCP, MT&amp;T, MACP &amp; MCS, CPA&amp;PA, P&amp;A, AP&amp;P</u>	<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	<u>CEO, DPS, MCP, MT&amp;T &amp; MACP, All AP&amp;P Staff, CPA&amp;PA, CPA&amp;PA, P&amp;A, AP&amp;P</u>	
s 119(2)	Function of consulting with the Head, Transport for Victoria	<u>CEO, DPS, MACP, MT&amp;T &amp; MCP</u>	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	<u>CEO, DPS, MCP, &amp; MACP, CPA&amp;PA, AP&amp;P</u>	
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)	<u>CEO, DPS, MCP, &amp; MACP</u>	
s 121(1)	Power to enter into an agreement in respect of works	<u>CEO, DPS, MCP, &amp; MACP, All</u>	

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		AP&P Staff, CPA&PA, <u>MT&amp;T</u>	
s 122(1)	Power to charge and recover fees	<u>CEO</u> , 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	<del>CEO</del> , DPS, MACP & MCP, All AP&P Staff, CPA&PA, <u>P&amp;A</u> , <u>AP&amp;P</u>	<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> • <i>supplying a service, product or commodity; or</i> <i>giving information.</i>
<u>sch 2 cl 2(1)</u>	<u>Power to make a decision in respect of controlled access roads</u>	<del>DPS</del> , <del>MCP</del> , <del>MACP</del> , <del>CP&amp;PA</del> , <del>AP&amp;P</del>	<u>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42</u>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	<del>CEO</del> , DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	<del>CEO</del> , DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	<del>CEO</del> , DPS, MCP, & MACP	
sch 2 cl 5	Duty to publish notice of declaration	<del>CEO</del> , 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	<del>CEO</del> , 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
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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	<u>CEO, DPS, MCP, &amp; MACP, CPA&amp;PA, AP&amp;P</u>	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	<u>CEO, DPS, MCP, &amp; MACP, All AP&amp;P Staff, CPA&amp;PA</u>	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	<u>CEO, DPS, MCP, &amp; MACP, CPA&amp;PA, AP&amp;P</u>	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	<u>CEO, DPS, MCP, &amp; MACP, All AP&amp;P Staff, CPA&amp;PA, MT&amp;T, CPA&amp;PA, AP&amp;P</u>	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	<u>CEO, DPS, MCP, &amp; MACP, All AP&amp;P Staff, CPA&amp;PA, MT&amp;T, CPA&amp;PA, AP&amp;P</u>	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	<u>CEO, DPS, MCP, &amp; MACP, All AP&amp;P Staff, CPA&amp;PA, MT&amp;T, CPA&amp;PA, AP&amp;P</u>	Where Council is the coordinating road authority

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sch 7 cl12(5)	Power to recover costs	CEO, DPS, MCP, & MACP, All AP&P Staff, CPA&PA	Where Council is the coordinating road authority
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<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 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)	<del>CEO</del> , 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	<del>CEO</del> , 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)	<del>CEO</del> , 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	<del>CEO</del> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T, LMPI, PPM, All Traffic and Transport Staff</u>	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	<del>CEO</del> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T, LMPI, PPM, All Traffic and Transport Staff</u>	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	<del>CEO</del> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T</u>	Where Council is the coordinating road authority

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		<u>LMPI, PPM, All Traffic and Transport Staff</u>	
sch 7 cl16(6)	Power to set reasonable conditions on consent	<del>GEO</del> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T, LMPI, PPM, All Traffic and Transport Staff</u>	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	<u>CEO</u> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T, LMPI, PPM, All Traffic and Transport Staff</u>	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	<u>CEO</u> , DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff, <u>MT&amp;T, LMPI, PPM, All Traffic and Transport Staff</u>	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	<u>CEO</u> , DPS, MCP, & MACP, MCS, CPA&PA, 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	<u>CEO</u> , 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	<u>CEO</u> , 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 7A cl 2	Power to cause street lights to be installed on roads	<del>CEO</del> , 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	<del>CEO</del> , 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	<del>CEO</del> , DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	<del>CEO</del> , DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DUL & MPP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of the responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DUL, MPP, CSP, PAC, SSP, CP, PSP, PO & SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) <u>available for inspection free of charge in accordance with the public availability requirements</u>	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 <u>for inspection free of charge in accordance with the public availability requirements</u>	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, <u>CSTRPCSTP</u>	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MPP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CEO, DUL, MPP, <u>CSTRPCSTP</u> , PSP, PP, PAC& CSP	Where Council is the responsible authority or planning authority.

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

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

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	<del>CEO</del> , DPS, MCP & MACP, <u>MCS</u> , <u>CPA&amp;PA</u> , <u>AP&amp;P</u>	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	<del>CEO</del> , DPS, MCP & MACP, <u>MCS</u> , <u>CPA&amp;PA</u> , <u>AP&amp;P</u>	Where Council is the coordinating road authority