

# COUNCIL MEETING

## MINUTES



(Open to the public)

**Monday 27 March 2023**

Council Chamber - 8 Inglesby Road, Camberwell

**Commencement** 6.34pm

**Attendance**

Councillor Felicity Sinfield (Mayor)  
Councillor Jim Parke  
Councillor Victor Franco (arrived at 6:36pm)  
Councillor Wes Gault  
Councillor Di Gillies  
Councillor Lisa Hollingsworth (Deputy Mayor)  
Councillor Jane Addis  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Garry Thompson  
Councillor Nick Stavrou

**Apologies**

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Kate McCaughey	Director Community Support
Scott Walker	Director Urban Living
Amy Montalti	Chief Finance Officer
Bryan Wee	Manager Governance and Legal
David Cowan	Manager Planning and Placemaking
Fiona Brown	Manager Community Planning and Development
George Batsakis	Manager facilities, Waste and Infrastructure
Michael Hutchison	Head of Strategic Property and Revenue
Katherine Wright	Senior Coordinator Social Planning and Research
Caddy Purdy	Senior Coordinator Community Strengthening
Christian Wilmsen	Coordinator Strategic Planning
Nicole Montague	Coordinator Financial Accounting
Cassandra Chatwin-Smith	Social Inclusion Project Officer
Katelyn Stanyer	Community Development Officer
Liam Merrifield	Senior Governance Officer

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**1 Adoption and confirmation of the minutes****MOTION****Moved Councillor Wes Gault****Seconded Councillor Susan Biggar**

**That the minutes of the Council meeting held on 27 February 2023 be adopted and confirmed.**

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

**Councillor Stavrou** declared a material conflict of interest for Items 7.4 and 7.8 in accordance with section 128 of the Local Government Act 2020. Councillor Stavrou advised the nature of the interest was "material business relationships".

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

Council received one (1) petition and one (1) joint letter. Details of the petition and joint letter are set out below. The joint letter was presented by Councillor Susan Biggar.

<b>No.</b>	<b>Ref. no.</b>	<b>Title / Description</b>	<b>No. of signatures</b>	<b>Referred to</b>
<b>1</b>	CAS-1183607-L3C9J9	With regards to Mary Mackillop Reserve signatories request that Council: <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
<b>2</b>		Signatories oppose the proposed destruction of the street tree at 50-50A Kooyongkoot Road, Hawthorn. The joint letter asserts that the tree is healthy and believes that Council should retain and preserve the tree. Questions were also raised as to whether the consultation of affected residents was appropriate.	86	DUL

**Legend:**

DCS Director Community Support  
DC&T Director Customer and Transformation

DUL  
DP&S  
GOV

Director Urban Living  
Director Places & Spaces  
Governance & Legal

**MOTION**

**Moved**            **Councillor Susan Biggar**

**Seconded**      **Councillor Lisa Hollingsworth**

**That Council resolve:**

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

**CARRIED****4 Informal Meetings of Councillors**

Chapter 6 of 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.

**MOTION**

**Moved**            **Councillor Susan Biggar**

**Seconded**      **Councillor Di Gillies**

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

**CARRIED**

## 5 Public question time

### PQT1 Jennifer Stuart

The **Mayor, Cr Felicity Sinfield** read the following question submitted with notice:

*"What is the proposed community engagement process for the amendment to the Governance Rules"*

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question was submitted.

The **Manager Governance and Legal, Bryan Wee** responded as follows:

- Council is currently formulating its approach to the community engagement required by the Local Government Act 2020. The form commencement and duration of the community engagement has not been decided upon. Council will advise the community of these matters during the community engagement process.

The **Mayor, Cr Felicity Sinfield** informed the meeting that all councillors had received a copy of the question and a written response would be provided to Jennifer Stuart in due course.

### PQT2 Leigh Naunton

The **Mayor, Cr Felicity Sinfield** read the following question submitted with notice:

*"Will Council help ensure that the public consultation is seen to have integrity and fairly represent the views of the Boroondara community by including in it a random survey of Boroondara citizens?"*

&

*"Will Council help ensure that the public consultation is seen to have integrity by providing a consultation period of 6 weeks or more?"*

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question was submitted.

The **Manager Governance and Legal, Bryan Wee** responded as follows:

- As noted, Council is currently formulating its approach to the community engagement process. The form, commencement and duration of community engagement is not yet decided upon and Council will advise the community of these matters in due course.

The **Mayor, Cr Felicity Sinfield** informed the meeting that all councillors had received a copy of the question and a written response would be provided to Leigh Naunton in due course.

**PQT3 Ian Hundley**

The **Mayor, Cr Felicity Sinfield** read the following question submitted with notice:

*"Please advise whether weekend duty officers have ready access to information on approved tree removals made under the Tree Protection Local Law so that they can be adequately informed to attend site when possibly illegal tree removals are reported by members of the public at these times?"*

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question was submitted.

The **Director Urban Living, Scott Walker** responded as follows:

- Council's Local Laws team respond to afterhours matters including tree works. Local Laws officers are aware of the Tree Protection Local Law and requirement to obtain permits for removal of protected trees and pruning of significant trees on private land. Attendance on sight is prioritized as soon as possible.
- If trees are being removed a request is made to site any permits issued and if not permits can be produced then details of the Tree Protection Local Law is provided and the officer takes details of the contractors on site (name, contact details, vehicle registration etc.). As well as photographs of each site attended.
- The Local Laws officer has access to relevant permits and decisions on trees on private land. After the initial inspection by the Local Laws officer tree protection issues on private properties are investigated by the Urban Forestry team in the Urban Planning Department.

The **Mayor, Cr Felicity Sinfield** informed the meeting that all councillors had received a copy of the question and a written response would be provided to Ian Hundley in due course.

**PQT4 Ian Hundley**

The **Mayor, Cr Felicity Sinfield** read the following question submitted with notice:

*"Please advise the annual net cost (expenditure less revenue) incurred by Council on delivery of aged care services under the Commonwealth Home Support Program in each of the years 2015 to 2022 and what the assessed annual net cost to Council would have been if it had chosen to continue to provide these services under the Commonwealth's replacement service, the Support at Home Program."*

This question has two parts. The first part is disallowed in accordance with the Governance Rules because it relates to confidential contractual matter. The second part of the question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question was submitted.

The **Director Community Support, Kate McCaughey** responded as follows:

- In terms of the second part of the question, Council is not in a position to provide what the annual net cost to Council would have been if it had continued to provide in home aged care services under the Commonwealth Home Support Program this is because we are unable to speculate on the hypothetical costs, income and client volumes for services we no longer deliver.

The **Mayor, Cr Felicity Sinfield** informed the meeting that all councillors had received a copy of the question and a written response would be provided to Ian Hundley in due course.

#### **PQT5 Dr Meredith Doig**

The **Mayor, Cr Felicity Sinfield** read the following question submitted with notice:

*"Given the statements made that inclusion of the prayer is unlawful and beyond the powers of Council, does Council intend to reinstate the prayer following the community consultation?"*

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question was submitted.

The **Manager Governance and Legal, Bryan Wee** responded as follows:

- Council has not made a decision as to whether or not to reinstate the prayer after community engagement and will do so after considering that community engagement.

The **Mayor, Cr Felicity Sinfield** informed the meeting that all councillors had received a copy of the question and a written response would be provided to Dr Meredith Doig in due course.

#### **PQT6 Theo Bila**

The **Mayor, Cr Felicity Sinfield** read the following question submitted after 12 noon on the day of the meeting:

*"Why do we need 5 pages to fill up for trimming or tree removal? So, I do want answers with subject and detail not a generic response. Need answer to my questions on 27 February 2023."*

The question was allowed in accordance with Chapter 2 of the Governance Rules.

The **Mayor, Cr Felicity Sinfield** informed the meeting that a written response would be provided to Theo Bila in due course.

## **6 Notices of motion**

Nil

## 7 Presentation of officer reports

### Procedural motion - En bloc

#### MOTION

Moved Councillor Di Gillies

Seconded Councillor Lisa Hollingsworth

That the following items:

- 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
- 7.5 January 2023 Monthly Financial Report
- 7.6 Contract No 2022/28 - Electrical Services
- 7.10 Review of Instrument of Delegation Council to Council Staff
- 7.11 Revised Instruments of Appointment and Authorisation - Council to Council Staff
- 7.12 Instrument of Sub-Delegation & Instruments of Appointment and Authorisation - Environment Protection Act 2017
- 7.13 Provision of Loan Borrowings 2022/23

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

#### CARRIED

### 7.1 Disability Inclusion Bill Exposure Draft

#### 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.

## MOTION

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

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

## CARRIED

### 7.2 Neighbourhood Houses Framework Report

#### 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.

## **MOTION**

**Moved            Councillor Di Gillies**

**Seconded      Councillor Lisa Hollingsworth**

**That Council adopt the Neighbourhood Houses Framework 2023.**

## **CARRIED**

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

#### 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.

## **MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

**That the Council resolve to:**

1. **Adopt Amendment C367boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 6 2, 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.**

**CARRIED****7.4 Contract No 2022/131 - Transactional Banking Services**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.

**Councillor Nick Stavrou** declared a material conflict of interest in this item in accordance with section 128 of the Local Government Act 2020. Cr Stavrou advised the nature of the interest was "a business relationship".

*Cr Stavrou left the Chamber at 6:57pm prior to the consideration and vote on this item.*

## MOTION

**Moved**            **Councillor Jane Addis**

**Seconded**      **Councillor Garry Thompson**

**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.

## CARRIED

*Cr Stavrou returned to the Chamber and resumed his seat at 7:04pm after consideration and voting on the item.*



## 7.5 January 2023 Monthly Financial Report

### 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.

## **MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**    **Councillor Lisa Hollingsworth**

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

## **CARRIED**

## 7.6 Contract No 2022/28 - Electrical Services

### 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.

#### **MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

**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.**

**CARRIED**

## 7.7 MAV Membership

### Procedural motion - laying the question on the table

**Moved** Councillor Lisa Hollingsworth

**Seconded** Councillor Cynthia Watson

**That the question remain on the table.**

**CARRIED**

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

### 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.

**Councillor Nick Stavrou** declared a material conflict of interest in this item in accordance with section 128 of the *Local Government Act 2020*. Cr Stavrou advised the nature of the interest was "a business relationship".

Cr Stavrou left the Chamber at 7:07pm prior to the consideration and vote on this item.

#### **MOTION**

**Moved**            **Councillor Garry Thompson**

**Seconded**      **Councillor Jane Addis**

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.**

## **CARRIED**

*Cr Stavrou returned to the Chamber and resumed his seat at 7:11pm after consideration and voting on the item.*

### **7.9 Rear 6 Kooyongkoot Road, Hawthorn - Proposed Sale of Council land**

#### 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.

## **MOTION**

**Moved**            **Councillor Susan Biggar**

**Seconded**      **Councillor Garry Thompson**

**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.**
- 3. 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.**
- 4. 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.**
- 5. 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.**

**CARRIED**

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

### Purpose

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

### Background

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

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

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

### Key Issues

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

### Next Steps

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

## **MOTION**

**Moved            Councillor Di Gillies**

**Seconded      Councillor Lisa Hollingsworth**

- 1. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation, Boroondara City Council (Council) resolves that:**
  - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff (annexed to the minutes as Attachment 1), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
  - b. The instrument comes into force immediately after the common seal of Council is affixed to the instrument.**
  - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**CARRIED**

## **7.11 Revised Instruments of Appointment and Authorisation - Council to Council Staff**

### Purpose

The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

The Instrument presented to Council is for the appointment and authorisation of staff from the Planning and Placemaking Department. A copy of the Instrument is at **Attachment 1**.

### Background

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis. The last review of this Instrument occurred in March 2022.

### Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instrument of Appointment and Authorisation.

This Instrument of Appointment and Authorisation has also been prepared following feedback from the Planning and Placemaking Department.

### Next Steps

The Instrument will be refreshed biannually to ensure any staffing changes within the Planning and Placemaking Department are captured. Officers expect another report to be presented to Council in late 2023 with a refreshed Instrument to reflect this.

## **MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

**That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, that:**

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation (Attachment 1 as annexed to the minutes) be appointed and authorised as set out in the Instrument.**
- 2. The Instrument of Appointment and Authorisation comes into force immediately once the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.**
- 3. The Instrument of Appointment and Authorisation be sealed.**
- 4. On the coming into force of the Instrument all previous Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* are revoked.**

## **CARRIED**



## **7.12 Instrument of Sub-Delegation & Instruments of Appointment and Authorisation - Environment Protection Act 2017**

### Purpose

The purpose of this report is for Council to consider executing an Instrument of Sub-Delegation from Council to Members of Council Staff, and an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017*.

### Background

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

Council last adopted an Instrument of Sub-Delegation from Council to Members of Council Staff and an Instrument of Appointment and Authorisation under the Act, on 28 October 2021.

Officers are now presenting a refreshed Instrument of Sub-Delegation from Council to Members of Council Staff (**Attachment 1**), and an Instrument of Appointment and Authorisation (**Attachment 2**) under the Act for adoption, to capture staffing changes in the Civic Services Department.

### Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instrument of Appointment and Authorisation.

This Instruments have also been prepared following feedback from the Civic Services Department.

### Next Steps

The Instruments will be refreshed as needed to ensure any staffing changes within the Civic Services Department are captured.

## **MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

**1. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 (the Act) and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 (Attachment 1, as annexed to the minutes), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
- c) The instrument be sealed.**

- d) On the coming into force of the instrument all previous delegations to members of Council staff under the Act are revoked.
  - e) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Boroondara City Council (Council) resolves that:
- a) The members of Council staff referred to in the instruments (Attachment 2, as annexed to the minutes) be appointed and authorised as set out in the instrument.
  - b) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
  - c) The instrument be sealed.
  - d) On the coming into force of the instrument all previous instruments of appointment and authorisation under the Environmental Protection Act are revoked.

## CARRIED

### 7.13 Provision of Loan Borrowings 2022/23

#### Purpose

Council approval is required to borrow funds and it is proposed to authorise the Chief Executive Officer or his delegate to source borrowings from the Treasury Corporation of Victoria (TCV) and execute the required loan documentation under delegation.

#### Background

Council has current loan borrowings with the National Australia Bank which are due to expire on the 31 May 2023 and will require a final installment of \$19.7 million to complete the loan and discharge loan obligations. The 2022-23 Budget provided for refinancing of these existing loan borrowings to support the delivery and renewal of required infrastructure to the community in light of COVID losses exceeding \$50 million.

#### Key Issues

Council's Long Term Financial Strategy has provided for refinance of these borrowings of \$19.7 million with principal and interest repayment over 10 years with interest fixed.

#### Next Steps

Upon approval by Council, a \$19.7 million loan with principal and interest repayments over 10 years will be procured through the TCV.

**MOTION**

**Moved**            **Councillor Di Gillies**

**Seconded**      **Councillor Lisa Hollingsworth**

**That Council resolve to:**

- 1. Borrow the amount of \$19.7 million from the Treasury Corporation Victoria, for a term of 10 years with interest fixed.**
- 2. Authorise the Chief Executive Officer or his delegate to execute the required loan documentation under delegation.**

**CARRIED**

**8        General business**

Nil

**9        Urgent business**

Nil

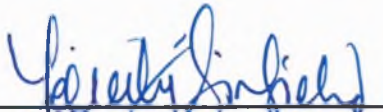
**10      Confidential business**

Nil

**The Council meeting concluded at 7:20pm**

**Confirmed**

**Chairperson**

  
(FELICITY M SINFIELD)

**Date**

21- APR - 2023

# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

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

- 4. Informal Meetings of Councillors
- 7.9 Rear 6 Kooyongkoot Road, Hawthorn - Proposed Sale of Council Land
- 7.10 Review of Instrument of Delegation Council to Council Staff
- 7.11 Revised Instruments of Appointment and Authorisation - Council to Council Staff
- 7.12 Instrument of Sub-Delegation & Instruments of Appointment and Authorisation - Environment Protection Act 2017

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# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

Attachments as annexed to the resolution:

4 Informal Meetings of Councillors

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
<p>Evening Councillor Planning and Budget Workshop</p> <p><b>16 February 2023</b></p>	<p>Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco</p>	<p>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)</p>	<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>	<p>Nil</p>
<p>Councillor Briefing &amp; Discussion</p> <p><b>27 February 2023</b></p>	<p>Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco</p>	<p>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)</p>	<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>	<p>Nil</p>
<p>Councillor Briefing &amp; Discussion</p> <p><b>6 March 2023</b></p>	<p>Cr Sinfield Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Thompson Cr Watson Cr Gillies Cr Franco</p>	<p>Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Bryan Wee (MGL) David Shepard (MES&amp;OS) Andrew McHugh (MHWS) Sam Taylor (SCSR) Elizabeth Manou (SGI) Brendon Burke (SLA)</p>	<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>	<p>Nil</p>

ys.

# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

Attachments as annexed to the resolution:

7.9 Rear 6 Kooyongkoot Road, Hawthorn - Proposed Sale of Council Land





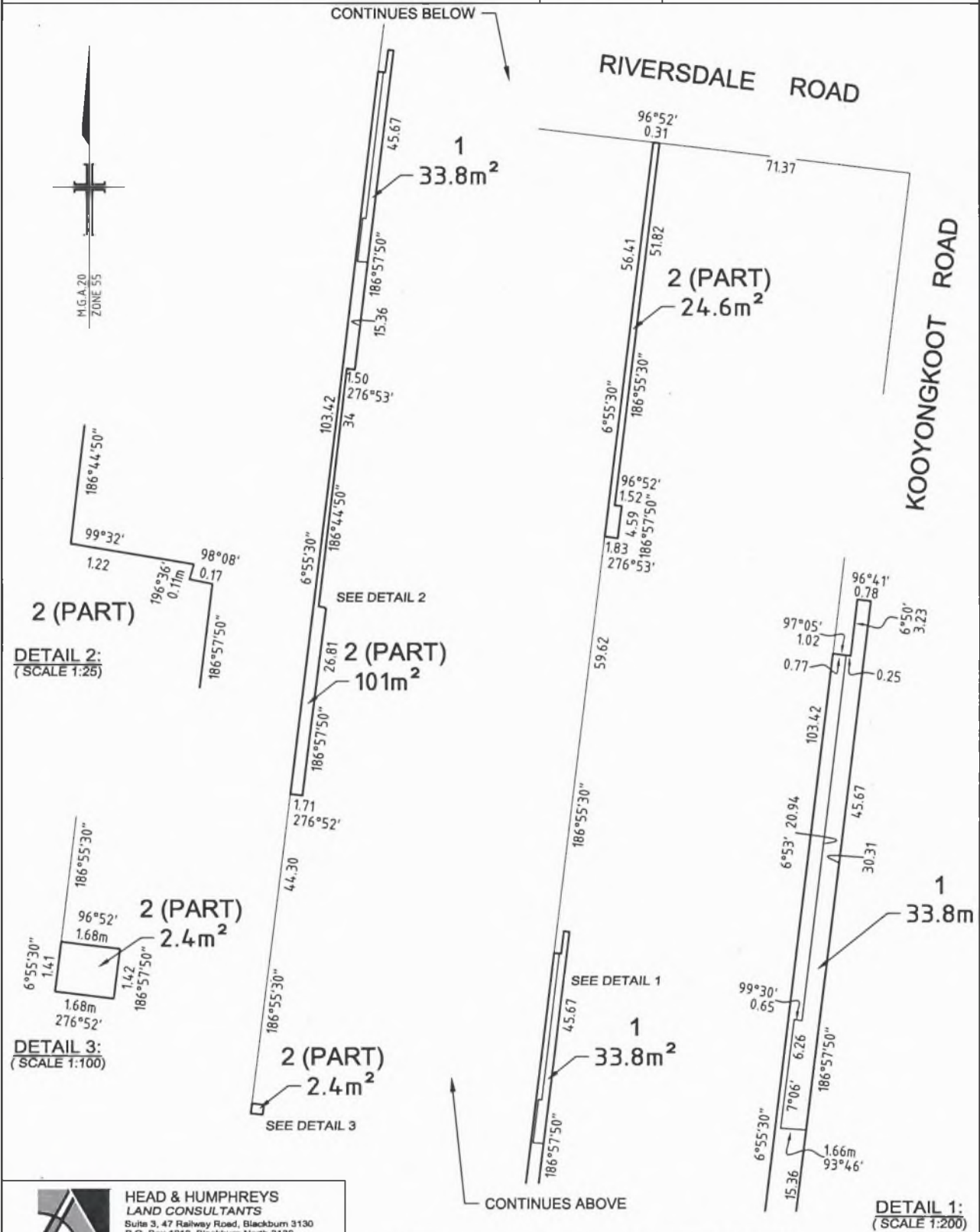
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PLAN UNDER SECTION 35(8)  
OF THE SUBDIVISION ACT 1988

LV USE ONLY  
EDITION

PS 911922W



**HEAD & HUMPHREYS  
LAND CONSULTANTS**  
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ABN 80 006 516 189

REF 8281

8281-00-SUB-0101.DWG  
18-10-2022

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SHEET 2

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# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

Attachments as annexed to the resolution:

7.10 Review of Instrument of Delegation Council to Council Staff



## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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## Instrument of Delegation

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Planning and Placemaking Department
<b>All Road and Path Maintenance Staff</b>	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
<b>All Traffic and Transport Staff</b>	means	All staff in the Traffic and Transport Department
<b>All Urban Planning Forestry Staff</b>	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
<b>AP&amp;P</b>	means	All staff in Asset Protection and Permits Team
<b>CCO</b>	means	Chief Customer Officer
<b>CEO</b>	means	Chief Executive Officer
<b>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>MFW&amp;I</b>	means	Manager Facilities, Waste and Infrastructure

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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 27 March 2023 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

A handwritten signature in dark ink, appearing to read "Steve".

Mayor

A handwritten signature in dark ink, appearing to read "Kathy Finfield".

Date 27-MAR-2023.



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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	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	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

42.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	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.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	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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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	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

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

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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	<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>

48.

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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	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

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

42.

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

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

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	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		

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

42.

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(2)(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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(5)	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46V(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		

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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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Column 1	Column 2	Column 3	Column 4	Column 5
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	DUL and Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	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>

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
				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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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	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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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 69(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> Compliance with the Boroondara Planning Scheme and adopted Council Policies.</p>
s 74	Duty to issue an amended permit to the applicant if there no objectors	DUL 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
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		
s 83	Function of being the respondent to an appeal	DUL 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
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		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DUL and Supervising Urban Planning Officers		

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



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

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DUL, MPP, Specific Urban Planning Officers, TLPP and PSO		

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

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

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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	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 under s 46GV(4)	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	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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, 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	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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, 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		
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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	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		
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178C(4)	Function of determining how to give notice under s 178C(2)	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		
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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178A(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 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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178B(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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(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		
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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(2)(c)	Power to refuse to amend or end the agreement	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(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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	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)(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		

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

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178(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		
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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 181 (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		
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		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 184F(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		
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	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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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

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:

- there are no objector parties;
- all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference;
- 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.

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:

- DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;
- 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.
- 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.

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	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.	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to give written authorisation in accordance with a provision of a planning scheme	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		

48.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	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	



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

**ROAD MANAGEMENT ACT 2004**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 15(2)	Duty to include details of an arrangement in the public roads register	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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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)	Duty to specify details of discontinuances in the public roads register	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	

48.

**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>

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	

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

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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	



**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	

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> <ol style="list-style-type: none"> <li><i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i></li> <li><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> </ol> <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>

**ROAD MANAGEMENT ACT 2004**

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

**ROAD MANAGEMENT ACT 2004**

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

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

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

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

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	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

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23(2)	Power to make submissions to the Tribunal	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 a 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



# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

Attachments as annexed to the resolution:

7.11 Revised Instruments of Appointment and Authorisation -  
Council to Council Staff

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## Boroondara City Council

### Instrument of Appointment and Authorisation

#### (Planning and Environment Act 1987)

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

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

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

In this instrument "officer" means -

Aileen Chin
Ali Turvey
Amaya De Silva
Brendan Rea
Calum Schwindt
Cassandra Rea
Cynthia Pizzati
Cheng Chea
Chiara Lorini
Christopher Spencer
Damian Bu
Daniel Murphy

Darshankumar (Darshan) Vachhani
Daniela Splitgerber
David Barclay
David Cowan
Edward Howe
Elizabeth Spanjer
Erin McCarthy
Gregory (Greg) Pocock
Gregory (Greg) Stewart
Ida LaRocca
Jack Richardson
Jessica Nedelkos

Jennifer Estrada
Jock Farrow
Joel Torresi
Jon Harper
Jonathan Welcome
Joshua Lewis
Jordan Schonberg
Karen Reid
Kathy Fletcher
Kelly Caporaso
Lachlan Waddell
Lebon Ferri
Lucy Johnson
Matt Aitken

Michael Burton
Mridula Krishna
Nick Hulston
Nikhil Shah
Scott Lipscombe
Simon Elliott
Scott Walker
Simon Quinn
Sofia Skliris
Stephanie Ng
Sylvia Georges
Timothy Luckin
Toni Johnson
Vanessa Kwaczynski
Zac Fisher

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

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

It is declared that -

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

This instrument is authorised by a resolution of the **Boroondara City Council** on 27 March 2023.

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

..... Chief Executive Officer

..... Councillor

..... Date

# MINUTES ATTACHMENTS



## Council

**Monday 27 March 2023**

Attachments as annexed to the resolution:

7.12 Instrument of Sub-Delegation & Instruments of  
Appointment and Authorisation - Environment Protection  
Act 2017

A handwritten signature in blue ink, located in the bottom right corner of the page.



**Boroondara City Council**

**Instrument of Sub-Delegation**

**to**

**Members of Council staff**



## Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

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

<b>AMO</b>	means	Animal Management Officer
<b>APO</b>	means	Asset Protection Officer
<b>CPLAC</b>	means	Coordinator Parking, Local Laws, Animal Management and Crossings
<b>CHPP</b>	means	Coordinator Health, Projects and Prosecutions
<b>CPAPA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>DUL</b>	means	Director Urban Living
<b>EHO</b>	means	Environmental Health Officer
<b>LL</b>	means	Local Laws Officer
<b>MCS</b>	means	Manager Civic Services
<b>PO</b>	means	Parking Officer
<b>PROS</b>	means	Prosecutor
<b>PSO</b>	means	Projects and Strategy Officer
<b>SAPCO</b>	means	Senior Asset Protection and Compliance Officer
<b>TLFS</b>	means	Team Leader Field Services
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPT</b>	means	Team Leader Parking Services

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 27 March 2023 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
  - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
  - 4.2 remains in force until varied or revoked;
  - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
  - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
  - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
    - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
    - 5.1.2 noise from the construction, demolition or removal of residential premises;

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

- 6.1 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;
- 6.2 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;
- 6.3 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
- 6.4 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.

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

..... Chief Executive Officer

..... Councillor

..... Date

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## **SCHEDULE**



ENVIRONMENT PROTECTION ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 271	Power to issue improvement notice	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	
s 272	Power to issue prohibition notice	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	
s 279	Power to amend a notice	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	

48.

s 358	Functions of the Environment Protection Authority	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	
s 359(2)	Power to give advice to persons with duties or obligations	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPCO, TLHS, TLFS, TLPT	

**Boroondara City Council**

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

Y.S.

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

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

Andre Peters	Team Leader Parking Services
Alex Ilievski	Parking Officer
Anastasia Matete	Parking Officer
Andrew Lloyd	Environmental Health Officer
Andrew Salisbury	Senior Parking Officer
Anthony Beck-Godoy	Asset Protection Enforcement Officer
Brad Mc Mahon	Senior Asset Protection Enforcement Officer
Cailin Johnston	Senior Permits and Appeals Officer
Can Doruk	Parking Officer
Charlotte Ayers	Permits and Appeals Officer
Chris McKee	Parking Officer Casual
David Lennox	Parking Officer
Eileen Clinch	Animal Management Officer
Ellen Hill	Environmental Health Officer
Florin Boiciuc	Parking Officer
Gabriel Dorning	Animal Management Officer
Holly Mills	Permits and Appeals Officer
James Sidonie	Animal Management Officer
Jamie Chinga	Parking Officer
Jessica Longstaff	Permits and Appeals Officer
Giuseppe (Joe) Luppino	Parking Officer





John Privitelli	Local Laws Officer
Jorge Contreras	Parking Officer
Joseph Elbaum	Asset Protection Enforcement Officer
Jubaidul Jakab	Local Laws Officer
Karanvir Singh	Parking Officer
Leanne Roberts	Asset Protection Enforcement Officer
Leonardo (Leo) Manca	Coordinator Health, Projects and Prosecutions
Lorenzo Gullone	Environmental Health Officer
Magnus Viljoen	Environmental Health Officer
Maryanne Dahaby	Team Leader Permits and Appeals
Matt Aitken	Prosecutions Officer
Matthew Juers	Environmental Health Officer
Meihua Li	Permits and Appeals Officer
Michael O'Connor	Asset Protection Enforcement Officer
Michelle Cant	Parking Officer (Night)
Michelle Spicer	Health Services Support
Mirella Manfre	Coordinator Permits Appeals and Protection of Assets
Nigel Wright	Parking Officer
Nileshkumar Jani	Parking Officer
Noppawoot Suravilas	Parking Officer
Paul Bryan Mitchelmore	Manager Civic Services
Penelope Anastasiadis	Environmental Health Officer
Rachael Oats	Local Laws Officer and Parking Officer

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Philippa Lee Treloar	Asset Protection Enforcement Officer
Robert Beattie	Emergency Management Project Officer
Robert Marshall	Parking Officer
Robert Weis	Team Leader Health Services
Roselyn Lawton	Animal Management Officer
Rosetta (Rose) Locke	Local Laws Officer
Sam Temov	Parking Officer
Scott Walker	Director Urban Living
Serena Horg	Coordinator Parking, Local Laws, Animal Management and School Crossings
Shariq Ali	Parking Officer
Shaun Whittle	Local Laws Officer
Simon Elliott	Local Laws Officer
Stefanie Daniliuk	Local Laws Officer
Steve Burgess	Team Leader Local Laws and Animal Management
Tim O'Reilly	Parking Officer
Tom Vandenbroek	Parking Officer
Tricia Coghlan	Permits and Appeals Officer
Virginie Geoffroy	Parking Officer (Night)
Visalini Srishan	Permits and Appeals Officer
Warren Norton	Local Laws Officer
Will Carroll	Environmental Health Officer

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

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

under –

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

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

**It is declared that this instrument -**

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

This instrument is authorised by a resolution of the Boroondara City Council on 27 March 2023

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

..... Chief Executive Officer

..... Councillor

..... Date

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