

COUNCIL MEETING

REVISED AGENDA



(Open to the public)

6.30pm, Monday 18 December 2023

Council Chamber, 8 Inglesby Road, Camberwell

Date of Issue: 15 December 2023

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

Order of Business

- 1 Adoption and confirmation of the minutes of the Council meetings held on 20 November 2023 and 27 November 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Deputations, presentations, petitions and public submissions**
- 4 Informal Meetings of Councillors**
- 5 Public question time**
- 6 Notices of motion**
- 7 Presentation of officer reports**

7.1 Adoption of the Boroondara Disability Access and Inclusion Plan 2024-28

7.2 36 Kooyongkoot Road, Hawthorn - Abandonment of Amendment C284Pt2boro

7.3 October 2023 Monthly Financial Report

Supplementary reports

7.4 St James Park Draft Master Plan

7.5 Contract No. 2023/116 - Painting Services

7.6 Contract No. 2023/163 - Canterbury Sports Ground Pavilion Renewal

7.7 Contract No. 2023/95 - Parking In-Ground Sensors

- 7.8 Recommendations of Audit and Risk Committee Meeting
- 7.9 Revised Instrument of Delegation - Council to Council Staff
- 7.10 Instrument of Sub-Delegation & Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017
- 7.11 CEO Employment and Remuneration Policy

8 General business

9 Urgent business

10 Confidential business

- 10.1 Personal Matters

Close of meeting

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7 Presentation of officer reports

7.4 St James Park Draft Master Plan

Executive Summary

Purpose

To seek endorsement to undertake public consultation on the draft St James Park Master Plan in February 2024.

Background

St James Park has been a vital green space for the Hawthorn community for more than 160 years. Despite its well-documented heritage significance, which includes significant trees as avenues and specimen trees, the park does not have a master plan or conservation management plan. This master plan and the Tree Management Project were initiated to fill these gaps.

The draft St James Park Master Plan (**Attachment 1**) and the draft St James Park Community Engagement Summary Report (**Attachment 2**) were developed following consultation undertaken from February to April 2022. The master plan was also developed in accordance with heritage advice prepared in December 2021 (**Attachment 3**).

Key Issues

The objectives of the draft master plan are to ensure that the management and any proposed developments:

- Conserve and celebrate the park's built and natural heritage character.
- Conserve the historic tree avenues and specimen trees.
- Continue to facilitate community's use and enjoyment of unstructured and structured recreational activities at the park.
- Provide amenities to facilitate visitors continued enjoyment of the park.
- Future use of the former pétanque green will not detract from the park's heritage character or fabric.

The vision as outlined in the draft master plan is:

'St James Park's nineteenth-century character and vegetation are conserved for current and future generations' enjoyment. It is a place of natural retreat within an urban setting, providing for the community's recreational needs, contributing to their health and wellbeing.'

The former pétanque green is currently vacant and presents an opportunity to explore future uses for the community to enjoy. Although the park has retained its nineteenth century tree-lined avenues and path layout, some of the trees are senescing and need replacing.

The majority of the works proposed in the master plan can be funded through existing renewal budgets. The highest cost works are the works to return the former pétanque green to open space. This project will be considered for funding through Council's budget process.

Next Steps

Pending Councillor consideration and endorsement of the draft master plan, the document will be released for public consultation in early 2024.

At the conclusion of the consultation period a further report will be presented to Council providing an overview of feedback, consideration of changes and seeking endorsement.

Officers' recommendation

That Council resolve to:

1. Endorse the draft St James Park master plan (**Attachment 1**) to be released for public consultation in February 2024.
2. Receive a further report providing an overview of feedback and consideration of changes to the master plan prior to its adoption.

Responsible director: Daniel Freer, Director Places and Spaces

1. Purpose

To seek endorsement to undertake public consultation on the draft St James Park Master Plan in February 2024.

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

Relevant actions from the Boroondara Community Plan (2021-2031) include:

- 1.1) Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.
- 1.4) Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.
- 1.6) Residents and visitors feel safe in public spaces through encouraging local activity and creating and maintaining civic areas.
- 2.1) Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.
- 2.2) Our sustainable urban forest is preserved and increased through managing and renewing our open space trees and understorey growth.
- 2.3) Parks and green spaces are accessible and appealing through maintaining, improving, and increasing amenities.
- 2.4) Green spaces are maintained and increased through management practices and investigating opportunities to acquire or modify existing land.
- 3.1) Community resilience and capacity to live sustainably is increased through advocacy, education and resources.
- 3.2) The environmental impact of Council facilities and assets is further reduced through implementing sustainable practices.
- 3.5) Our leafy streetscapes are maintained and improved through advocating for careful project planning by government regulatory and project authorities, supported by the increased planting of resilient species.
- 3.6) Our biodiversity is conserved and maintained through improving the way we manage our diverse plants, animals and natural spaces.
- 4.1) Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme.
- 4.2) The history of Boroondara's heritage places is respected and celebrated through community education.
- 5.3) Shared paths and footpaths are fit-for-purpose through continued improvements to surface condition and lighting.

The draft master plan also considers the following Boroondara strategies and plans:

- Boroondara Open Space Strategy, 2013
- Boroondara Reconciliation Strategy, 2022-2026
- Climate Action Plan, 2021
- Urban Biodiversity Strategy, 2013-2023
- Playground Development Strategy, 2005 (expired)
- Shade Policy, 2017 - 2027
- Boroondara Bicycle Strategy, 2022
- Boroondara Public Realm Asset Manual, 2023

3. Background

St James Park has been a vital green space for the Hawthorn community for more than 160 years. Despite its well-documented heritage significance, which includes significant trees as avenues and specimen trees, the park does not have a master plan or conservation management plan. This master plan and the Tree Management Project were initiated to fill these gaps.

The St James Park Master Plan is an action recommended in the Boroondara's Open Space Strategy 2013 to guide ongoing management of the open space. Increasing population and higher density housing will create pressure on the park. The former pétanque green is currently vacant and presents an opportunity to explore future uses for the community to enjoy. Although the park has retained its nineteenth century tree-lined avenues and path layout, some of the trees are senescing and need replacing. The deterioration of historic trees has been exacerbated by weather conditions and there is an urgent need to manage this vegetation to ensure its resilience so that it can be enjoyed by future generations.

The draft St James Park Master Plan (**Attachment 1**) and the draft St James Park Community Engagement Summary Report (**Attachment 2**) were developed in consideration of consultation undertaken from February to April 2022. The master plan was also developed in accordance with heritage advice prepared in December 2021 (**Attachment 3**).

4. Outline of key issues/options

The objectives of the draft St James Park Master Plan, which were developed following the initial community consultation, are to ensure that the management and any proposed developments:

- Conserve and celebrate the park's built and natural heritage character.
- Conserve the historic tree avenues and specimen trees.
- Continue to facilitate community's uses and enjoyment of unstructured and structured recreational activities at the park.
- Provide amenities to facilitate visitors' continued enjoyment of the park.
- Future use of the former pétanque green will not detract from the park's heritage character or fabric.

The vision as outlined in the draft master plan is:

'St James Park's nineteenth-century character and vegetation are conserved for current and future generations' enjoyment. It is a place of natural retreat within an urban setting, providing for the community's recreational needs, contributing to their health and wellbeing.'

The following themes form the framework for the master plan and underpin all recommendations for park management and future works:

Historical and cultural heritage: understand, conserve and celebrate the park's significant natural and cultural heritage and its historic character.

Recreation: provide amenities and facilities that meet the community's existing and future recreational needs for people of all ages and abilities to enjoy.

Resilience and sustainable design: manage the park's natural and built landscape to ensure they are well-maintained, resource-efficient and resilient.

Connections: strengthen physical and visual connections between the park and its surrounding neighbourhood, with improved access and wayfinding. Manage and develop the park to be welcoming for all members of the community, where they can connect with one another within a natural, historic setting.

Request from Hawthorn RSL

In February 2023, the CEO was approached by Senator Ralph Ciccone on behalf of Hawthorn RSL to add additional theatres of war/conflicts to the Hawthorn Cenotaph, make corrections to a date (Vietnam) and undertake some general maintenance and repairs. The additions requested are for conflicts in Cambodia, East Timor, Somalia, Rwanda, Afghanistan and Iraq.

A number of meetings have been held with the Hawthorn RSL, including onsite, and in addition to the works mentioned above, the RSL has requested power to the site to support temporary lighting and sound (for events such as Anzac Day and Remembrance Day).

An indicative estimate of the program of works to restore the war memorial and add other theatres of war and install power at the site is between \$350,000-\$400,000 for:

- cleaning of all granite, sandstone and brass
- mortar removal and replacement
- replacement or re-surfacing affected stone
- re-gilding gold leaf letters
- assessing sword and wreath fixings and repair as required
- assessing the hairline crack on head stone block
- water repellency treatment to the sandstone
- rebuilding Harcourt granite terrace dislodged slab edge/pavers
- adding theatres of war to main structure or plaque to base
- insurances
- forensic engineer, quantity surveyor and stone testing
- 10% project contingency.

5. Consultation/communication

The development of the draft St James Park Master Plan involved an initial engagement with the community to gather input and inform them about the project. Various methods were employed, including surveys, on-site sessions, tours, and meetings with key stakeholders.

Pre-consultation communication: 7 February 2022

- A letter to community and stakeholders informed them of the upcoming tree renewal and master plan work and how they could be involved in the near future. This was the first step in educating the community on why tree replacement is necessary, how avenue renewal will be managed.

Community consultation: March to April 2022

- Council sought feedback on what is important to the community about the park and what improvements could be made. Feedback on replacement tree species and methods of removal were also sought.

The following stakeholders have been engaged through the development of this master plan:

External stakeholders:

- Residents
- Hawthorn West Primary School
- Christ Church Hawthorn
- Barton Milk Bar café
- National Trust
- Heritage Victoria
- Boroondara Community Disability Advisory Committee
- Hawthorn RSL
- St James Park Clubs and Users:
 - Hawthorn Bowls Club
 - Swinburne University Amateur Football Club
 - Group Fitness Hawthorn
 - Hawthorn Cricket Club
 - Karate Club (operating from bowls club house)

Internal stakeholders:

- Internal Project Control Group (PCG) made up of Council officers from the following departments and teams:
- Environmental Sustainability and Open Spaces
 - Trees
 - Parks
 - Environmental Sustainability
 - Open Space Strategic Design
- Health and Wellbeing Services
 - Sports and Recreation
- Customer and Transformation
 - Strategic Communications

The engagement process revealed the following key considerations:

- Most respondents supported removing ageing trees and favoured activities such as exercising, sports, relaxation, picnics, and walking their dogs in the park.
- The park's history and age were appreciated by the community.
- Residents and nearby workers regarded the park as a natural retreat and valued it for relaxation and observing wildlife.
- The community's preferences for the future use of the pétanque green area were for a mix of informal active recreation and green spaces. The second most popular choice was for a passive recreational space with lawns, trees, and seating.

For a detailed summary of consultation findings refer to **Attachment 2**.

The next phase of consultation will seek feedback from the community on the draft St James Park Master Plan. Pending Council endorsement of the draft master plan, consultation will commence early in 2024 to avoid consultation over the holiday period.

6. Financial and resource implications

There was no adopted budget to undertake the development of this master plan. It has been completed by Council staff. Work by consultants such as the heritage advisor have been funded out of operational budgets.

Future Expenditure

No specific timing or scheduling is identified for this master plan however most works can be delivered over a ten-year timeframe through the utilisation of renewal budgets. The exceptions are the proposed works to the former pétanque green and Hawthorn Cenotaph, which would require budget bids, as outlined below.

Former pétanque green

The highest cost works are the works to return the former pétanque green to open space. The project is to be mostly a soft landscaping response with the provision of garden beds and lawn areas. The provision of furniture and a half basketball court are proposed in the draft.

Funding for a staged approach to these works will be considered as part of the annual budget process alongside other competing priorities. Stage 1 is estimated to cost \$160,196 and stage 2 is estimated to cost \$807,490.

Hawthorn Cenotaph

Council has the opportunity to apply for a Department of Veteran Affairs Saluting Their Service grant for up to \$150,000 for the restoration of the cenotaph. The next round closes in February 2024 and Council will submit an application. Given the total cost of the works exceeds the value of the grant and there is no guarantee an application will be successful, funding has been included in the renewal budget for the full scope of works. Any grant funding received will result in a saving for Council.

Art in the park

St James Park could host temporary art installations, including ephemeral ecological art or the repurposing of the Council's commemorative poppies from the 100th Armistice anniversary. A budget of \$40,000 to \$50,000 is estimated to cover various components such as community workshops, artist fees for designing and implementing the artwork, project supervision, and the provision of necessary temporary signage.

7. Governance issues

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

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

8. Social and environmental issues

The draft master plan seeks to make a significant positive contribution to both community/social wellbeing and the environment through a number of renewal, conservation and new project recommendations.

These recommendations will result in a park which allows for physical recreation, passive leisure opportunities and commemorative events, and a resilient landscape delivering positive outcomes for the community into the future.

9. Conclusion

Through the recommendations drawn up in this draft master plan, Council's management and planning of St James Park will conserve its significant heritage and ensure the community's recreational needs for current and future generations are met. Restoring and updating the Hawthorn Cenotaph to reflect more recent conflicts is respectful and will support Anzac Day and Remembrance Day commemorations, which are well attended. The master plan also explores future uses of the disused pétanque green and provides direction on how this space can best be used to meet community's needs, subject to a future budget allocation.

The over-arching guiding principles of this draft master plan are designed to enhance historical and cultural identity, enhance recreational opportunities and manage the park's natural and built landscape to ensure they are well-maintained, resource-efficient and resilient.

Pending Councillor consideration and endorsement of the draft master plan, the document will then be released for public consultation in February 2024.

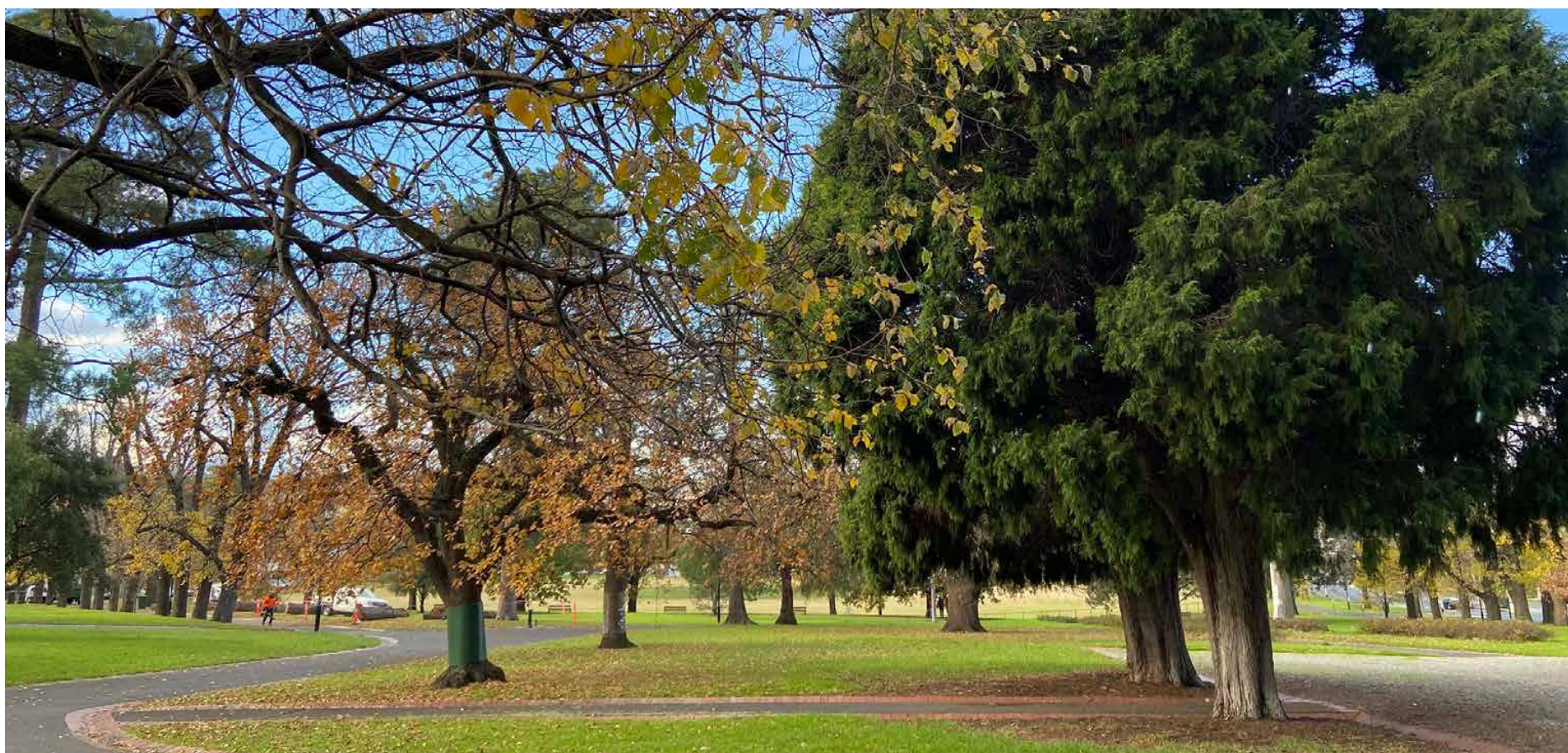
At the conclusion of the consultation period, a further report will be presented to Council providing an overview of feedback, consideration of changes and seeking endorsement.

Manager: David Shepard, Manager Environmental Sustainability & Open Spaces

Report officer: Brendon Burke, Senior Landscape Architect

St James Park Master Plan

Draft for community feedback, November 2023



Acknowledgement of Traditional Owners

The City of Boroondara acknowledge the Wurundjeri Woi wurrung people as the Traditional Owners and original Custodians of this land, and pay our respects to their Elders past and present.

Prepared for:

The City of Boroondara

Prepared by:

Environmental Sustainability and Open Spaces – Open Space Strategic Design team

In collaboration with Internal Project Control Group (PCG) made up of council officers from the following departments:

- Environmental Sustainability and Open Spaces
- Trees Team
- Parks Team
- Environmental Sustainability
- Open Space Strategic Design
- Health and Wellbeing Services
- Sports and Recreation
- Customer and Transformation
- Strategic Communications

Responsible directorate: Environmental Sustainability and Open Spaces, Places & Spaces

Authorised by: <Council or ELT>

Date of adoption: <Date>

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Appendix 1. Plans

Appendix 2. Project's strategic context

Appendix 3. History: chronology of key dates

Appendix 4. Heritage studies

Appendix 5. Proposed planting palettes

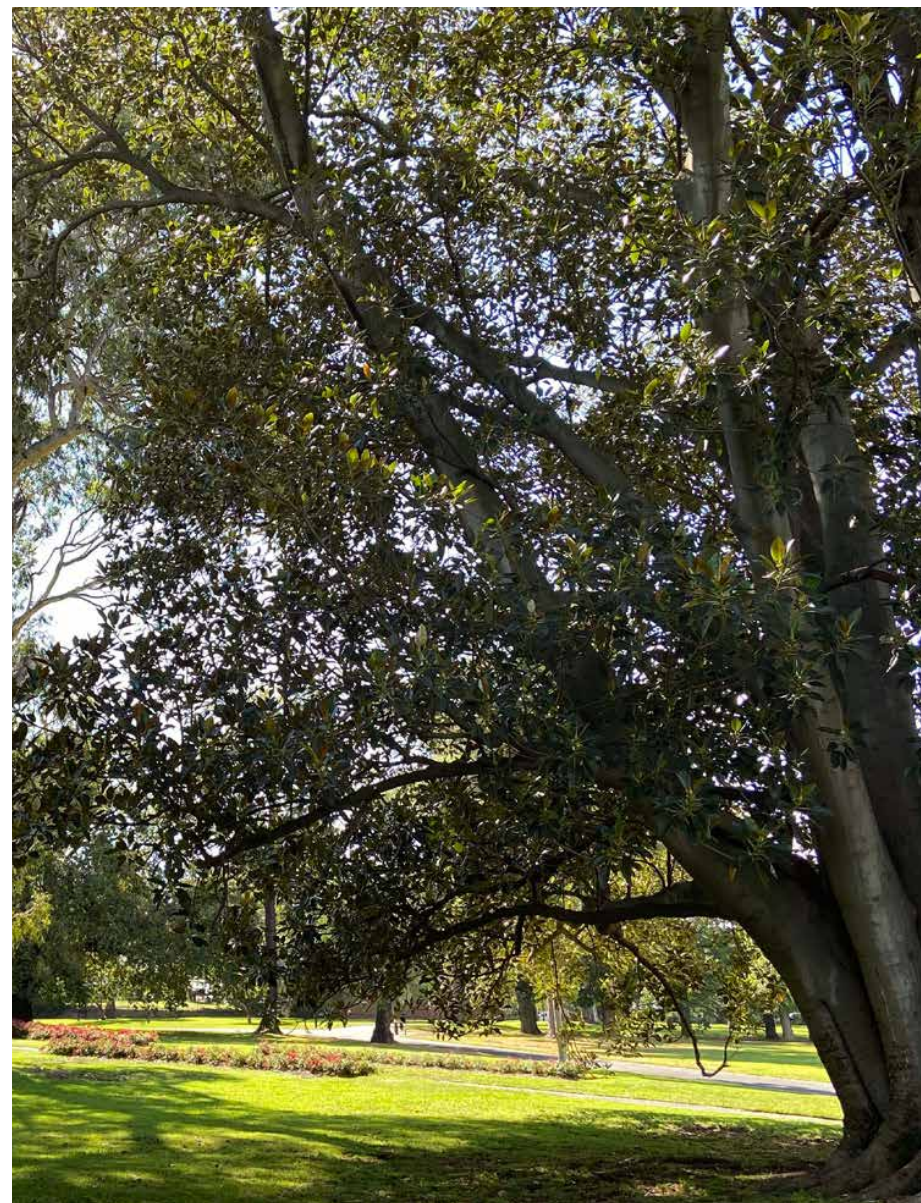


Figure 1. View north-west towards war memorial (carpet roses)

2. Executive summary

2.1. Background summary

Through the recommendations drawn up in this master plan (MP), council's management and planning of St James Park will conserve its significant heritage and ensure the community's recreational uses for current and future generations are met. The MP also explores future uses of the disused pétanque green and provides direction on how this space can best be used to meet the community's needs.

Background research, heritage advice, site analysis (to identify issues and opportunities), community engagement and review of council strategies and policies, underpin this MP.



Figure 2. View eastwards of St James Park, c. 1906

Source: State Library Victoria, Accession No: H2016.26/518

A number of key background observations have been identified:

- St James Park has significant heritage value and is one of Boroondara's oldest parks, being over 160 years old
- the park is a highly visited park in Hawthorn, and its treed open spaces are greatly treasured by the community
- recreational use of the park is both structured and informal: organised sports and informal passive recreation such as dog walking, exercising, walking, relaxing, picnicking and a place for children to play. The provision of space for passive and active activities is equally important to the community
- the historic elm avenues are deteriorating and need management and renewal
- to ensure successful renewal of the avenues, replacing 'like with like' is not always an option due to our changing climate, and an alternative resilient species is required for some avenues where they are more exposed to harsh weather
- the disused pétanque green is a rare opportunity to provide additional open space, which is particularly important with increasing housing density in the area
- the existing amenities in the park need improving, such as the outdated park furniture
- existing garden bed plantings do not complement the heritage character of the park.

2.2. Consultation summary

The first stage of community engagement was undertaken to understand how the community currently use the park, to identify any issues and to learn what the community value. The community were also invited to have their say on some tree renewal decisions, for example, choosing their preferred replacement tree from a shortlist of suitable elm replacements and the staging method of tree removals.

In summary, we heard that the community:

- treasured the park as a 'green oasis' in an urban environment
- supported the proposed tree removals and were keen to have the avenues and trees managed for future generations' enjoyment and for the health of the natural environment
- (the majority) preferred to have the former pétanque green used as an active space, e.g. a small basketball/netball court integrated with green spaces and small seating areas.

'My husband has memories of a rotunda that he used to play on, which was located further down on the grass [Burwood Road side] from the War memorial. It was taken down sometime in the 60s we think.'

'I watched sulfur-crested cockatoos raise chicks from the nesting hollow in the large eucalyptus tree over the last 2 years. It would be great if we could have more trees of the same species that would provide future hollows for native birds to use.'

2.3. Master plan recommendation summary

The MP recommends:

- maintaining the park's current structured and informal recreational uses
- a Tree Management Plan is undertaken by Council to ensure that future tree renewals are resilient to climate change and follow heritage advice.
- redeveloping the former pétanque green as public open space for everyone in the community, and not returning the lease to the Hawthorn Bowling Club where it would restrict access to members only
- designing this new area of open space to be complementary to the park's historic character and giving the community a new area for unstructured recreation
- restricting any new structures or buildings being built in the park
- improving visitor experience by updating park furniture, bins and drinking fountains to be more accessible and comfortable
- replanting existing garden beds to complement the history and character of the park, whilst being mindful of maintenance requirements
- planting trees to give more natural shade and provide habitats for wildlife
- investigating the feasibility of harvesting water from the Hawthorn Main Drain
- designing interpretive signage or artworks to communicate the park's pre- and post-settlement history.

3. Introduction

3.1. What is a master plan?

A master plan is a long-term guide for the future management and development of a place and ensures appropriate planning and allocation of resources.

3.2. Why do we need a master plan for St James Park?

St James Park has been a vital green space for the Hawthorn community for more than 160 years. Despite its well-documented heritage significance, which includes significant trees as avenues and specimen trees, the park does not have a master plan or conservation management plan. The St James Park Master Plan and Tree Management Project were initiated to fill these gaps.

The St James Park Master Plan (StJPMP) is an outstanding action recommended by Boroondara's Open Space Strategy 2013 to develop a conservation plan to guide ongoing management of the open space.

Increasing population and higher density housing will create pressure on the park. The former pétanque green is currently vacant and presents an opportunity to explore future uses for the community to enjoy.

Although the park has retained its nineteenth century tree-lined avenues and path layout, the trees are growing older (senescing) and some need replacing. The deterioration of historic trees has been exacerbated by climate change and there is the urgent need to manage this vegetation to ensure its resilience so it can be enjoyed by future generations.

The tree renewal management plan, establishing short-term and long-term goals for trees within the park will be developed alongside the StJPMP as a separate internal operational document.

3.3. Strategic context

City of Boroondara strategies and policy framework

The master plan aligns with the following council policies and strategies. Refer to [Appendix 2](#) (page 41) for more detail on relevant themes and recommendations that have underpinned this MP.

- Boroondara Community Plan 2021–31
- Boroondara Open Space Strategy 2013
- Boroondara Reconciliation Strategy 2022–2026
- Climate Action Plan 2021
- Urban Biodiversity Strategy 2013–2023
- Playgrounds Development Strategy 2005 (expired)
- Shade Policy 2017–2027
- Boroondara Bicycle Strategy 2022

3.4. State Government framework

Yarra Strategic Plan 2020

St James Park is within 500m of the Yarra River and as such is considered Yarra River land (Part 1 Working Together to Deliver the Community Vision encompasses approximately one kilometre either side to the river).

3.5. Master plan objectives

The **objectives** of the St James Park Master Plan are to ensure that the management of and any proposed development:

- conserve and celebrate its built and natural heritage character
- conserve the historic tree avenues and specimen trees
- continue to facilitate the community's uses and enjoyment of unstructured and structured recreational activities at the park
- provide amenities to facilitate visitors continued enjoyment of the park
- recommend future use of the former pétanque green that will contribute to the park's heritage character.

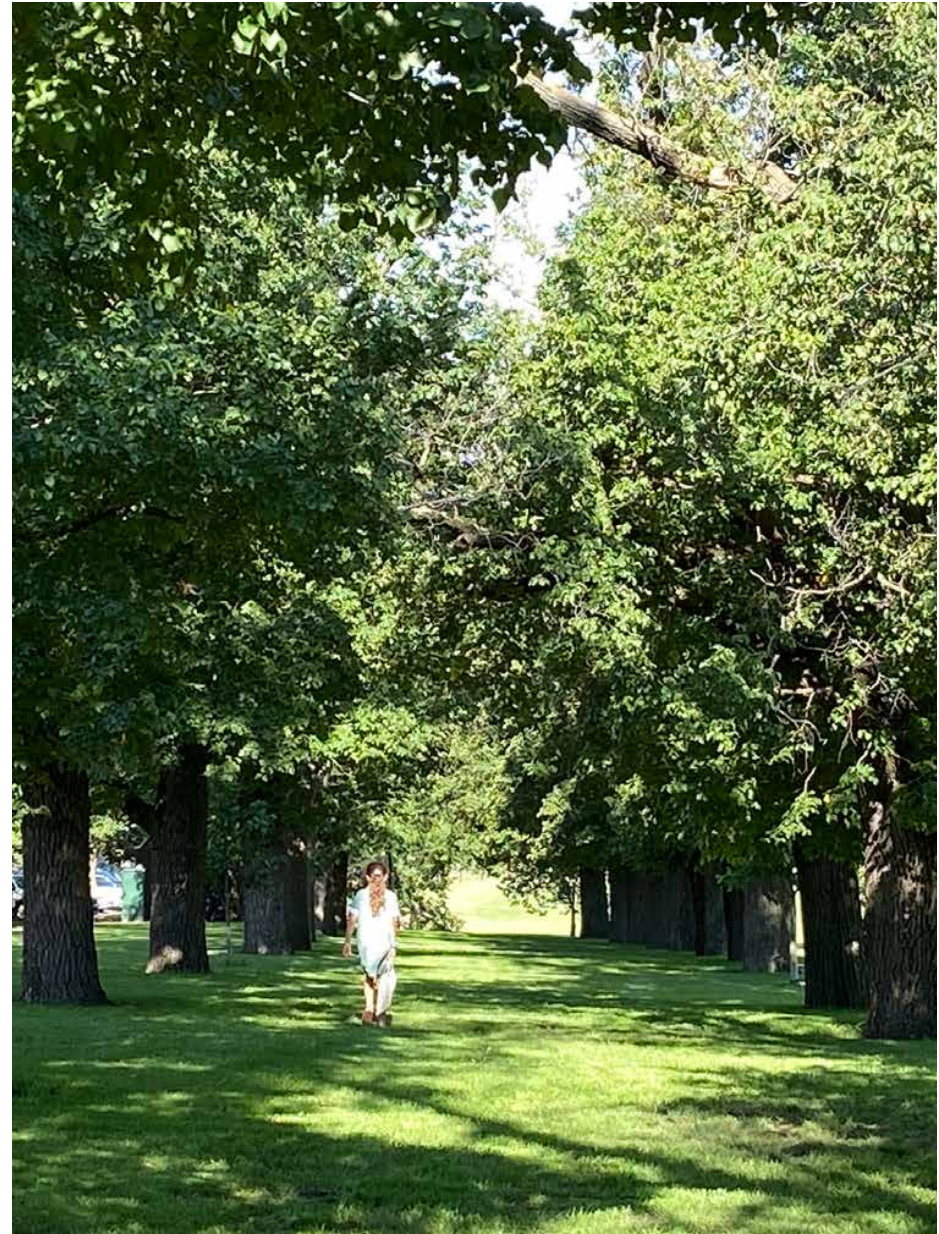


Figure 3. View east from within the northern elm avenue

Vision

'St James Park's nineteenth-century character and vegetation are conserved for current and future generations' enjoyment.

It is a place of natural retreat within an urban setting, providing for the community's recreational needs, contributing to their health and wellbeing.'

4. Background

4.1. St James Park's history

The Wurundjeri Woi wurrung people are the Traditional Owners of the land and waterways of Boroondara, where St James Park now lies. The Yarra River/ Birrarung and its surrounds were an important food source for the Wurundjeri. St James Park sits on its upper slope less than 500m away from the river, with remnant river red gums giving us a reminder of this original landscape and relationship with the Wurundjeri people.

Post-European settlement, Robert Hoddle reserved 4 and a half hectares in 1852 as part of the original Village of Hawthorn(e) Reserve. It was gazetted as a public reserve in February 1861, making it one of the oldest reserves in Hawthorn, along with Yarra Bank and Creswick Street reserves. The reserve was initially used as a town common where cows grazed and locals collected sand and timber.¹

In the 1860s, Baron Von Mueller (Director Royal Botanic Gardens, Melbourne) provided plants to the gardens including his favourites: *Eucalyptus globulus* (Blue Gum) and *Corymbia ficifolia* (WA Flowering Gum). The Blue Gums were not successful or popular and were removed in the 1880s. In the 1870s, 50 pines, 60 elms and 27 oaks were planted with newly supplied water from Yan Yean Reservoir, helping to establish and keep the new plantings alive and thriving.²

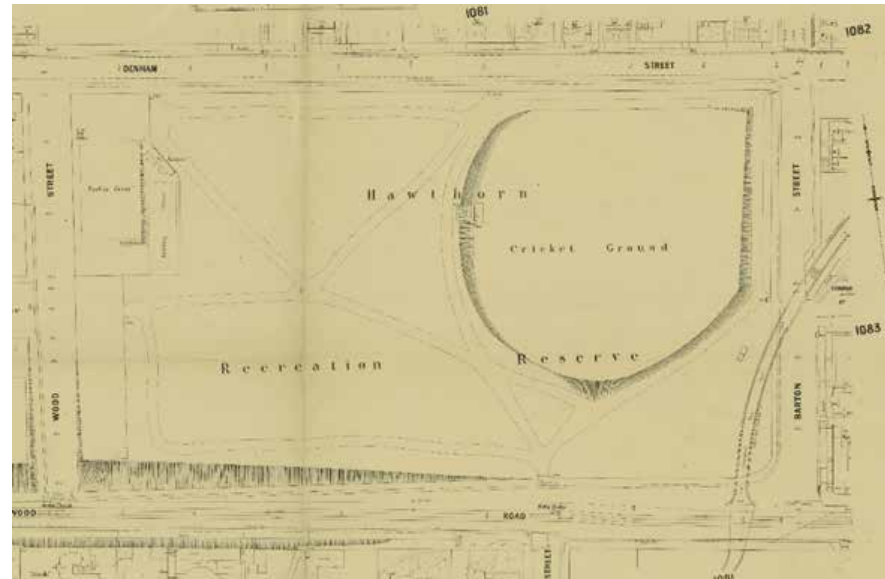


Figure 4. Hawthorn Recreation Reserve (now St James Park), Hawthorn; detail from MMBW plan No. 1084 dated 1900

Source: State Library Victoria



Figure 5. Detail from 'Hawthorn Bridge at Bridge Road showing construction work';

Source: Airspy photograph by Charles Daniel Pratt (1892–1968) dated 'ca1925–ca1940'

Endnote

¹ A History of Hawthorn, Victoria Peel, Deborah Zion, Jane Yule, 1993, Melbourne University Press.

² Hawthorn Heritage Study, Meredith Gould, 1992.

Along the designated Lennox Street road reserve between Hawthorn West Primary School and the church, an avenue of honour was planted in the 1930s as a memorial to former students killed in World War I. The road reserve was renamed Honour Avenue in the 1940s in recognition of this avenue of trees. The axis between Lennox Street to the east and Honour Avenue to the west remains an important visual and historic link in the park.

Boroondara Creek ran through the lower-lying area in the eastern part of St James Park until it was redirected underground with the construction of the Hawthorn Main Drain (the creek alignment can be seen in Figure 6). In the late 1800s, peppercorn trees were planted along the creek for their drought tolerance³ and those currently located at the north-eastern area of the park are a reminder of these early plantings and the original path of Boroondara Creek.

Most of the original nineteenth-century path layout has been retained. The War Memorial was constructed after World War I and opened in 1929. New paths and tree plantings were associated with the memorial and can be seen in Figure 5. The memorial replaced a bandstand/rotunda, which can be seen in the background of Figure 7 (the cannon shown in this image has since been removed).

For more information, refer [Appendix 3. Chronology of key dates](#) (page 45).

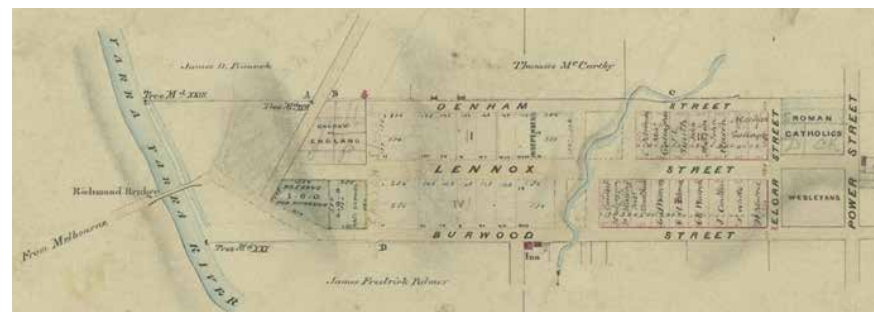


Figure 6. 1852 detail of Subdivision Plan; registered 2 May, 1856

Source: Public Record Office Victoria



Figure 7. Photograph prior to 1929 with bandstand (rotunda) shown in the background

Source: Accession No: H91.160/1718, State Library Victoria

Endnote

³ *Seeing Hawthorn I*, Gwen McWilliam, 1977, Hawthorn Library.

5. Methodology

1 Analysis, issues and opportunities phase	<ul style="list-style-type: none"> • Develop a scoping document to guide community engagement, tree management and master plans • Site inspection and analysis • Review background information and other relevant council plans and strategies • Council internal project control group (PCG) consultation
2 Community engagement (information gathering)	<ul style="list-style-type: none"> • Prepare a community engagement plan • Council internal PCG consultation and input • Seek community feedback on issues and current use of St James Park • Seek community feedback on tree management options • Key stakeholders consultation • Review feedback and summarise outcomes of consultation
3 Preparation of draft St James Master Plan	<ul style="list-style-type: none"> • Amend the draft St James Master Plan following councillor, stakeholder and community feedback • Prepare preliminary costings and implementation plan • Seek council endorsement of final St James Master Plan
4 Community engagement (feedback on draft MP)	<ul style="list-style-type: none"> • Incorporate findings from community engagement into draft MP • Develop draft St James Master Plan vision, guiding principles, recommendations and actions • Council internal PCG consultation and input • Councillor feedback and approval on draft St James Master Plan
5 Finalise St James Master Plan	<ul style="list-style-type: none"> • Seek feedback from community on draft St James Master Plan • Council internal PCG consultation and input • Key stakeholder consultation • Councillor feedback and approval to finalise St James Master Plan

6. Profile of Boroondara

6.1. Boroondara

The City of Boroondara's name is derived from the Woi wurrung language meaning 'where the ground is thickly shaded'. It is made up of suburbs including Ashburton, Balwyn, Balwyn North, Camberwell, Canterbury, Deepdene, Hawthorn, Hawthorn East, Kew and Kew East, and parts of Glen Iris, Mont Albert and Surrey Hills.

6.2. Demographic profile of Hawthorn

- The census data (2021) states that the most common ancestries in Hawthorn were English 34.3%, Australian 26.7%, Irish 14.4%, Scottish 12.5% and Chinese 9.2%.
- The median age of people in Hawthorn was 34 years. Children aged 0 to 14 years made up 12.4% of the population and people aged 65 years and over made up 14.3% of the population. 21.6% of the population were aged between 20 and 29 years, compared with 13.6% in Victoria's population.
- 27.1% of households speak a language other than English at home: Mandarin, 4.2%; Greek, 1.6%; Cantonese, 1.4%; Vietnamese, 1.3%; Spanish, 1.0.

This data suggests that the suburb is mostly family oriented, the statistics also suggest that it is an aging population.

Refer to this [link](#) for further data from the Australian Bureau of Statistics.



Figure 8. Diagram of the Boroondara municipality
(St James Park location is noted by a red circle)

7. Stakeholders

The following stakeholders have been engaged through the development of this Master Plan:

- residents
- Hawthorn West Primary School
- Christ Church Hawthorn
- Barton Milk Bar café
- National Trust
- Heritage Victoria
- Hawthorn RSL
- Boroondara Community Disability Advisory Committee
- St James Park clubs and users
 - Hawthorn Bowls Club
 - Swinburne University Amateur Football Club
 - Group Fitness Hawthorn
 - Hawthorn Cricket Club
 - karate club (operating from bowls club house).

8. Community engagement summary

The St James Park Master Plan involved an initial engagement with the community to gather input and inform them about the project. Various methods were employed, including surveys, on-site sessions, tours and meetings with key stakeholders.

Pre-consultation communication: 7 February 2022

A letter to community and stakeholders informed them of the upcoming tree renewal and MP work and how they could be involved in the near future. This was the first step in educating the community on why tree replacement is necessary and how avenue renewal will be managed.

Community consultation: March to April 2022

Council sought feedback on what is important to the community about the park and what improvements could be made. Feedback on replacement tree species and methods of removal were also sought.

The engagement process revealed the following key considerations:

- Most respondents supported removing aging trees and favoured activities such as exercising, sports, relaxation, picnics, and walking their dogs in the park.
- The park's history and age were appreciated by the community, and the input of local school children was particularly valuable. Residents and nearby workers regarded the park as a natural retreat and valued it for relaxation and observing wildlife.
- The community's preference for the future use of the pétanque green area were for a mix of informal recreation and green spaces. The second most popular choice was for a passive recreational space with lawns, trees, and seating.

For a detailed summary, refer the Community Engagement Summary (separate document).



Figure 9. Photograph taken during on-site information session (March to June 2022)



Figure 10. Aerial photograph used at on-site information session showing people's feedback on sticky notes that replicated the online interactive social mapping activity on the Engage Boroondara page

9. Design investigations

9.1. Site context

- St James Park is located in Hawthorn at Wood Street, Hawthorn. At 4.6 hectares, St James Park is the largest park in Hawthorn and is a significant area of green open space for the neighbourhood.
- Burwood Road runs along the southern boundary – with significant separation at the western end due to level differences.
- Residential houses are located to the north, south and east of park.

9.2. Planning context

- The planning zone for the park is Public Park and Recreation Zone (PPRZ).
- Heritage overlay clause 43.01-1 outlines that a permit is required to demolish or remove a building. This does not apply to park furniture as they are not considered 'buildings'.
- There are a number of existing trees listed on Council's Significant Tree Register, refer to [Sheet 2a. Landscape Character Plan](#) (page 36).

9.3. Land ownership

St James Park has two parcels of land ownership. Council owns the western side of the park (refer to Figure 12). The remainder of St James Park is Crown land, owned by the Victorian Government with council as Committee of Management.

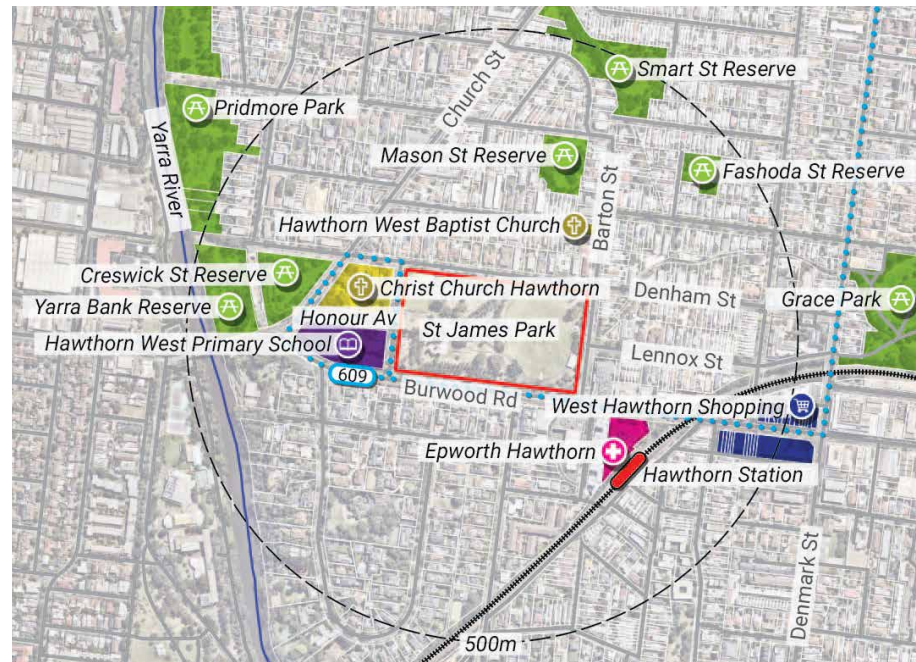


Figure 11. Plan showing geographical context of St James Park in relation to public transport, schools, shops, parks and churches



Figure 12. Aerial of St James Park with red rectangle indicating the parcel of land owned by City of Boroondara

Source: Nearmaps

9.4. Existing conditions

Refer to [Sheet 1, Site Analysis Plan](#) (page 35).

9.5. Landscape character

- The mature deciduous tree avenues, oval and open lawn areas form the principal character of the park. There is a significant level difference of approximately 15 metres level from the north-west to south-east corners, and this has been modified to create 3 distinctive 'plateaus', each with slightly different characters. The various landscape types within these levels offer visitors a range of recreational opportunities within different landscape settings to interact, socialise, relax or exercise.
- Also refer to [Sheet 2a. Landscape Character Plan](#) (page 36) and [Sheet 2b. Landscape Character Photographs](#) (page 37).

9.6. Recreation

St James Park is one of the most popular parks in the Hawthorn area for both informal and structured recreation. It attracts a broad range of users including local residents, workers and those coming from further afield to participate in organised sports.

Current uses include:

- structured recreation in the form of sporting clubs – bowling, cricket, AFL football, fitness classes
- informal, unstructured recreation such as walking, dog walking (off-leash), exercising, picnics, children's play and informal gatherings
- events such as Anzac Day memorial service and Council's Summer in the Parks on the upper triangular lawn
- Hawthorn West Primary School families walk through the park before and after school and hold their annual cross-country event and lunchtimes on oval.

Community engagement in April 2022 indicated that those participating in organised sports tend to live further away than those visiting for informal recreation.

The entire park allows dogs to be exercised off-leash and it is a very popular pastime in the park.

Key issues include:

- balancing needs and providing for informal, passive recreation and organised sports
- providing for a diverse community with a range of interests and abilities
- occasional conflict between those using the playground and dog owners allowing their dogs within the playground or roaming free in its vicinity, despite local laws' regulation for dogs to be on a leash within 10 metres of a playground.

9.7. Heritage

Hawthorn Heritage Study, 1992

The 1992 [Hawthorn Heritage Study](#) classified St James Park with metropolitan heritage significance.

The following is the report's statement of significance for the park:

'St James Park, reserved in 1861 as a Crown Land Reserve, and continuously maintained since then as a public park. The park is significant for its remnant native vegetation, its mature native and exotic trees (particularly the elm and oak avenues), for the retention of a significant portion of its nineteenth century path layout and for its war memorial of cultural significance.'

For more details on elements contributing to the park's heritage significance, refer to [Appendix 3](#) (page 45).

Heritage Study, consultant report, 2022

St James Park Heritage Advice, GML Heritage Consultants, 2022

Available at document library on [Engage Boroondara St James Park project page](#).

Prior to engaging with the community in April 2022, council sought heritage advice from GML Heritage Consultants (GML) to inform both the master plan and tree renewal of historic avenues. The consultants also provided direction in relation to any heritage constraints and opportunities associated with the future use of the former pétanque green.

Building on the 1992 Hawthorn Heritage Study, GML investigated which individual elements contribute to the heritage significance of St James Park.

This included:

- the park boundaries and early park layout
- the landscape character of the park, defined by mature large trees, avenues planted with exotic deciduous trees, open lawn areas planted with a diverse collection of trees with strong evergreen forms
- the remnant River Red Gums
- mature native and exotic trees, particularly the elm and oak avenues
- the provision of passive and active recreation opportunities to the citizens of Hawthorn and neighbouring areas
- the footprint of the oval
- the footprint of the bowling greens
- the Hawthorn War Memorial and its symmetrical landscaped setting.

Elements that are not significant are:

- self-sown trees
- modern bricks used in spoon drains and steps
- children's playground (fabric not significant)
- lamps (fabric not significant)
- seats (fabric not significant).

For more detail on significant elements identified in this report, refer to [Appendix 3](#) (page 45).

Tree management

The St James Park Heritage Study (2022) notes the following advice on tree management:

‘As avenues and some specimen trees are significant heritage elements at St James Park, it is not feasible to preserve trees in their current state. Due to trees senescing, they need to be replaced. The heritage advice is not always to replace “like with like” species as it is unlikely that elms planted in today’s and our future climate will thrive or even survive.’

The report provided a list of suitably climate-resilient tree selections to replace the elms, incorporating heritage criteria. Three species were short-listed by council’s Trees team and the community voted for their preferred species (refer to separate community engagement summary).

Pétanque green heritage recommendations

The following excerpt states the report’s advice on the future use of the former pétanque green:

‘Because of changes to the footprint and layout of the bowling greens, in particular at the south end in the location of the former pétanque green, there is some tolerance for change in this part of the park without compromising significance, providing the following specific criteria are met:

- Maintain use of the former pétanque green as a public park.
- Maintain use for active or passive recreation.
- Retain the footprint of the former pétanque green so its historic use and association with bowls and then pétanque can be interpreted.

- Retain the bluestone retaining walls (south and east). Some change/ interventions into the bluestone retaining walls and rockery to create access between the former pétanque green and the park would be appropriate as long as the footprint of the green is retained and remains legible.
- If fencing is required for a future use, ensure it is transparent to maintain views across and between the former green, other bowling greens, the club house and the park on all sides.
- Ensure vegetation planted around the edges maintains the visual relationship between the greens and the park.
- Ensure new development of the former green does not adversely impact the St James Park setting (overall landscape character, trees, public use for passive recreation).

‘Conservation and enhancement of the rockery and garden beds adjacent to the east end of the former pétanque green in the style of an inter-war rockery or garden bed would be appropriate, re-using the extant bluestone.

‘The garden bed on the south side ... does not contribute strongly to the landscape character or heritage significance of St James Park. Landscape works and planting that enhance the contribution of this garden bed to the significance of the park would therefore be desirable and appropriate.

The cantilevered decking on the south side of the former pétanque green is not significant and could be removed.’⁴

Endnote

4 GML Heritage Advice Report, section 6.1.2

10. The master plan

The major objectives of the master plan are to retain St James Park's heritage value and character, and ensure the park remains a much-treasured place for the community's diverse recreational needs.

The Master Plan incorporates findings from:

- site investigations and conditions
- current recreational uses
- community and stakeholder engagement
- heritage reports and advice
- council strategies and policies.

Master plan guiding principles

The following themes form the framework for the master plan and underpin its recommendations for the park's management and future works.

Historical and cultural heritage: understand, conserve and celebrate the park's significant natural and cultural heritage and its historic character.

Recreation: provide amenities and facilities that meet the community's existing and future recreational needs for people of all ages and abilities to enjoy.

Resilience and sustainable design: manage the park's natural and built landscapes to ensure they are well-maintained, resource-efficient and resilient.

Connections: strengthen physical and visual connections between the park and its surrounding neighbourhood, with improved access and wayfinding. Manage and develop the park to be welcoming for all members of the community, where they can connect with one another in a natural, historic setting.

10.1. Recreation and community use recommendations

The Recreation and Community Use section of this master plan identifies a number of recommendations aimed at revitalising St James Park as a vibrant and welcoming hub for our community.

It focusses on elements such as pathways, entrances, park furniture, playgrounds, sports infrastructure, wayfinding/signage, and the incorporation of opportunities for art throughout the park. These recommendations collectively aim to enrich the park's role as an essential community asset by fostering a sense of belonging, promoting physical activity, offering cultural enrichment, and ensuring ease of access for all.

The following table indicates a list of general recommendations that do not pertain to any of the previously mentioned elements and are regarded as holistic in nature.

Table 1. Recreation and community use – general recommendations

Ref.	Description	Priority
1.1	Maintain current structured and unstructured uses of park such as sporting activities, walking, dog walking, exercising, and picnicking.	Ongoing
1.2	Apply CPTED principles through park's design, management and maintenance of vegetation.	Ongoing
1.3	Undertake an accessibility audit that identifies how to improve universal access wherever feasible.	High
1.4	Continue to provide areas to exercise dogs off-leash but ensure these areas are well-defined and identifiable.	Ongoing
1.5	Specify any new materials to ensure minimal impact on the environment, embodied energy and fit for purpose to promote longevity of the materials.	Ongoing
1.6	Conserve landscape and built elements that contribute to the heritage value of the park.	Ongoing
1.7	Do not construct any new permanent structures within the park unless proposed in this master plan.	Ongoing
1.8	Preserve and enhance views of Hawthorn valley to the east and vistas within the park.	Ongoing
1.9	Review frequency bins are emptied in peak times to ensure rubbish bins do not overflow with rubbish (Council's policy is not to provide dog waste bins in parks, except for specialised dog parks such as Gordon Barnard Reserve in Balwyn).	Ongoing
1.10	Investigate power supply opportunities at the war memorial to support dawn service.	Ongoing
1.11	Renew the war memorial cenotaph to address impacts from weathering. Update the cenotaph to reflect more recent theatres of war and conflict (in collaboration with Hawthorn RSL).	Ongoing

Paths

Generally, the paths within the park have retained their nineteenth century layout and contribute to the heritage value of the park (refer to section 9.7).

The original east–west orientated path towards Hawthorn West Primary in Wood Street once aligned with the Honour Avenue axis, dissecting the space where the pétanque green was later located. It's likely this path was shifted south when the pétanque green was constructed in the early 1900s.

Some of the existing brick edging has been constructed with contemporary red bricks and is unsympathetic to the historic character. Original path edging may have been bluestone, however, brick was also used in this period (from Heritage Advice Report, GMH Heritage Consultants).

Due to the sloping topography of the site, universal access cannot be achieved throughout the park, especially when moving between the western and eastern ends. However, accessible links to the surrounding neighbourhood and within the park are possible on the lower level near the oval, from Denham, Barton and Wood streets to the park (refer to [Sheet 4. Proposed Amenities Plan](#), page 39).

The following table outlines the relevant recommendations related to paths.

Table 2. Path recommendations

Ref.	Description	Priority
2.1	Preserve the surviving nineteenth and early twentieth centuries path layout.	Ongoing
2.2	Retain asphalt paving on all paths.	Ongoing
2.3	Phase out and replace unsympathetic modern brick edging with recycled bricks complementary to park's older-style brick edging treatment as part of council's ongoing path renewal project.	Low
2.4	Undertake a lighting audit to determine if the park's current path lighting meets Australian Standards for pedestrian paths and is sufficient for current recreational uses such as jogging and walking.	High
2.5	Construct new accessible asphalt or granitic gravel paths to link main paths to picnic settings wherever feasible (width of linking asphalt paths to be between 1200mm to 1500mm with no brick edging).	Ongoing

Park entrances

Many pedestrian entrances to the park and links to the surrounding neighbourhood remain unchanged from the original nineteenth century park layout.

These entrances can be seen on Sheet 1. [Site Analysis Plan](#) (page 35) and Sheet 4. [Proposed Amenities Plan](#) (page 39).

It is probable that the design detail, materials and orientation of these entrances have been altered over time. The central entrance from Burwood Road was constructed at the time of the war memorial.

The following table outlines the relevant recommendations related to park entrances.

Table 3. Park entrance recommendations

Ref.	Description	Priority
3.1	Retain locations of all park entrances.	Ongoing
3.2	Highlight primary and secondary park entrances to make all entrances identifiable with consistent landscape treatments, amenities and signage. Primary entrances Refer reference 4.5 for furniture Refer reference 7.7 for wayfinding and signage Refer reference 10.8 for tree planting Secondary entrances Refer reference 7.7 for wayfinding and signage	Low
3.3	Reconstruct Burwood Road's central entrance stairs with more sympathetic materials and enhance the connection with the war memorial.	Low
3.4	Restore the bluestone rockery at the south-west entrance at the corner of Burwood Road and Wood Street. Refer reference 11.5 for garden bed planting	Low
3.5	Create a new accessible entrance from Wood Street into the new open space area (former pétanque green), opposite the school and church – refer to Sheet 5. 'The Green' Concept Plan (page 42).	Ongoing



Figure 13. Existing Burwood Road entrance stairs are an important axis to the war memorial path network

Park furniture

St James Park's furniture includes:

- bench seats
- picnic settings
- lights
- rubbish bins
- drinking fountains
- bollards
- signage (also refer to section Wayfinding).

The majority of the current furniture is unsuitable with seats too low to meet current universal access requirements.

Community feedback requested more comfortable seats and more picnic settings, especially near the playground and opposite the café on the corner of Benton and Denham streets.

More seats were requested near the oval to view sport and at the western end of the park to enjoy views of the valley and sunrises.

Some respondents complained that rubbish bins smell and requested dog waste bins be provided.

The following table outlines the relevant recommendations related to park furniture.

Table 4. Park furniture recommendations

Ref.	Description	Priority
4.1	Upgrade and/or supply park seats, picnic settings, bins and drinking fountains in accordance with City of Boroondara's Public Realm Asset Manual 2023 (to improve accessibility and to update styles).	High
4.2	Upgrade or supply new park seats, picnic settings, bins and drinking fountains in accordance with Sheet 4. Proposed Amenities Plan (page 41) .	Low
4.3	Audit existing signs and other park furniture – remove redundant signs, bollards or other furniture to declutter the park.	Medium
4.4	Any existing or proposed plaques on park furniture will comply with council's current Plaque Policy.	Ongoing
4.5	Install bins and bicycle parking hoops at primary entrances wherever feasible (refer to Sheet 4. Proposed Amenities Plan, page 41).	Medium
4.6	Investigate new locations for bench seats and picnic settings in the oval's vicinity.	Low

Playground

The playground was upgraded in 2013–14 and included accessible equipment as the playground strategy recommended.

One of the Boroondara Open Space Strategy's recommendations was to consider relocating the playground further east to the main area of the park. However, the playground is well-located close to the school, and frequently used by the community before and after school. In addition, with the potential for the pétanque green to be redeveloped as parkland, there will be opportunities to extend play experiences into this space.

The playground's surrounding facilities and amenities could be improved with additional natural shade, seating, and informal and formal gathering spaces. Some of these elements can be located within the former pétanque green when it is developed.

The following table outlines the relevant recommendations related to park furniture.

Table 5. Playground recommendations

Ref.	Description	Priority
5.1	Provide informal seats which may be repurposed timber from the some of the older, deteriorated elms.	Ongoing
5.2	Investigate whether particular zones within the park should be reclassified as on-leash e.g., upper level at playground, war memorial and pétanque green areas.	Ongoing
5.3	Do not install any new fences and gates where they create a cumbersome barrier for those in a wheelchair.	Ongoing



Figure 14. St James playground, view from Wood Street

Oval and sports pavilion

There are no proposed changes to the use of the oval and sports pavilion.

Community feedback requested more seating to watch sport played on the oval and picnic settings on the corner of Denham and Barton streets.

Children reported poor drainage and slipperiness a problem on the oval. They also told us that they liked to roll down the hill near the oval and somersault on the horizontal bars of the perimeter fence.

The following table outlines the relevant recommendations related to the oval and sports pavilion.

Table 6. Oval and sports pavilion recommendations

Ref.	Description	Priority
6.1	Retain existing formal and informal recreational uses of the oval.	Ongoing
6.2	Investigate improvements to the oval's poor soil profile and ageing irrigation system.	Ongoing
6.3	Investigate feasibility of water harvesting from Hawthorn main drain and surrounding streets' runoff.	Ongoing
6.4	Retain gentle grassed slope down to the oval.	Ongoing
6.5	<u>Refer reference 4.6 for furniture.</u>	

Wayfinding and interpretive signage

There are no wayfinding or interpretive signs within the park.

Wayfinding signage would improve legibility for visitors to navigate both within the park and to the surrounding neighbourhood. Signage would include distances to encourage people to walk or cycle to the park. Interpretive signage could be incorporated into these signs.

The following table outlines the relevant recommendations related to wayfinding and interpretive signage.

Table 7. Wayfinding and interpretive signage recommendations

Ref.	Description	Priority
7.1	Engage a wayfinding specialist to design a wayfinding signage package displaying pedestrian and cycling links between St James Park and its surrounding community facilities including West Hawthorn shopping strip, Yarra River, schools and public transport nodes.	Low
7.2	Wayfinding signage to display a map of the park, showing facilities and their locations in the park to help visitors navigate within and around the park.	Low
7.3	Engage a consultant to design interpretive signage in the form of artworks or digital technologies to communicate the park's history.	Low
7.4	Investigate using local Aboriginal languages on new signage, in consultation with representatives of Wurundjeri Woi wurrung community.	Low
7.5	Develop stories to interpret the history of the park, involving local children and capturing their favourite things (the trees and playing in the park).	Low
7.6	Develop a self-guided cultural and natural history walk of the park and the surrounding area, linking it to Creswick and Yarra Bank reserves and the Yarra River.	Low
7.7	Design new park entrance signs incorporating information from existing signs to reduce the need for multiple sign types. Provide the following at entrances: Primary entrances • Main sign with park facilities, sporting clubs, wayfinding, interpretive information, local laws regulations and QR code to council website. Secondary entrances • Park entrance sign with local laws regulations and QR code to council website.	Low

'Art in the park' opportunities

Art can heighten people's interest and connection to a place by providing a 'bridge' between them and their surroundings, enhancing a 'sense of place'. It can help form connections within a community, and between people and the natural environment. This boosts people's wellbeing and their appreciation of and engagement with the park.

Art can tell stories of a place, stimulate the imagination, engage the senses or evoke an emotional response. It can 'wake up' people: make them laugh, muse on the meaning of a work, discuss it with a friend or interact with it.

Installing artworks at St James Park would add a valuable dimension in the planning for the park. Temporary, not permanent, art installations are the most suitable form. This ensures the art cannot affect the park's heritage, and keeps the art new, interesting and relevant to the community.

The following table outlines the relevant recommendations related to public art in the park.

Table 8. 'Art in the park' recommendations

Ref.	Description	Priority
8.1	Investigate the ability to host a biennial art exhibition in the park.	Low
8.2	Investigate a large-scale ephemeral or ecological art, potentially on the southern boundary's grassy embankment, to catch travellers' attention when viewing from Burwood Road: improving awareness of the park; encouraging people to visit the park and brightening people's days (Refer to Figures 15 and 16 for examples).	Low
8.3	Host a trial installation, reusing the (council-owned) poppies originally created for the 100th Armistice Project, Greythorn Community Centre in 2018. The poppies' artist could be engaged to refresh the artwork and collaborate with the community (including the local RSL) to make it site-specific for St James Park, connecting with the historic war memorial and its associated memorial, in consultation with the RSL (refer to Figure 17).	Low



Figure 15. *Dandelion Circle on Bluebells, Brough, Cumbria, Wood Line*, Andy Goldsworthy, 1985



Figure 16. *Girona's Shores, Spain, 2020*, Landscape Architects EMF, Estudi Marti Franch



Figure 17. Poppies at Greythorn Community Centre for 100th Armistice Project, 2018

10.2. Trees, garden beds and lawn recommendations

In this section, we will discuss recommendations related to trees, garden beds and lawn. These suggestions aim to maintain and enhance the natural beauty of St James Park, ensuring that it remains an inviting and vibrant space for the community. We will provide specific details on each recommendation and how they contribute to the park's overall maintenance and aesthetics.

The following table indicates a list of general recommendations and are regarded as holistic in nature.

Table 9. Trees, garden beds and lawn – general recommendations

Ref.	Description	Priority
9.1	Council will use the St James Park Heritage Study (2022) and the City of Boroondara Significant Tree Study to develop an operational tree management plan for St James Park. This will document current trees, current and future renewal programs, and plan succession plantings of significant specimen trees. Tree planning for the park must incorporate heritage considerations and identify opportunities for new plantings that are appropriate to the park's character, build species/genus/family diversity, and provide habitat to encourage wildlife.	High
9.2	All trees to incorporate considerations of heritage, climate resilience and maintenance. Seek external advice on soil management if required to promote successful planting outcomes.	Ongoing
9.3	Retain large, healthy trees as long as possible, and where this is not feasible, any tree renewal is undertaken in a way that maintains the park's character, shade and habitat values (i.e. staged removal of trees).	Ongoing
9.4	Investigate the efficiency of the current irrigation system and upgrade or adjust as required. Manage and maintain lawn areas to retain their green, healthy appearance by irrigating with pop-ups (refer to water management plan – separate document).	Ongoing
9.5	Generate agreed practices for event organisers to avoid damaging trees during events (e.g., avoiding compaction, vehicles driving into park, parking, etc).	Ongoing

Tree management – significant avenues

In regard to the management of significant tree avenues, the following actions were determined based on the St James Park Heritage Study (2022) and assessment undertaken by council's trees team:

- Existing avenue trees are generally suitable for short to medium-term retention. Some mature tree removals are necessary in the southern and diagonal avenues, with pruning of all other elms to remove deadwood and reduce risk.
- Elms are considered suitable for future plantings in the southern avenue, due to some protection provided by scattered large trees in the open areas of the park, and the downslope of land toward Burwood Road from the high point at the Hawthorn Bowling Club/pétanque green. The use of the drip irrigation system installed in the park in 2020–21 to improve turf quality will also benefit tree growth and health.
- The diagonal avenue of elms running north-east to south-west (Denham Street side) to the centre of the park is in poorest condition overall. Replacement with elms is considered inappropriate given the higher elevation and exposure of this north-central side of the park.
- The northern elm avenue (along the Denham Street side of the park) is in reasonable condition overall, though new plantings during the Millenium Drought showed very limited growth. This is likely due to the more elevated and exposed location and root competition from mature trees. The northern avenue is considered suitable for retention in the medium term (5 to 10 years).

For a detailed summary on the consultation undertaken for tree management of the existing avenue trees, refer the Community Engagement Summary (separate document).

The following table outlines the relevant recommendations related to tree management for the significant avenues.

Table 10A. Tree management – avenues recommendations

Ref.	Description	Priority
10.1	Renewal of the northern avenue is a medium to long-term project, as most trees continue to offer valuable canopy. Trees will be managed in the medium-term through pruning, with further community consultation on the approach to renewal and species options to occur.	Ongoing
10.2	Replace central avenue with <i>Quercus castaneifolia</i> . Replace elms with elms at southern avenue due to sheltered microclimate.	In-progress
10.3	Continue to manage all retained elm trees within the park through annual inspections of their health, structure and overall condition. Ongoing pruning and tree removal (with new plantings) to occur as required.	Ongoing
10.4	Continue to review approach to tree renewal in light of success and failure. Modifications to this approach to occur if necessary to support the best chance for tree establishment and success.	Ongoing

Tree management – significant specimen trees

The City of Boroondara's Significant Tree Register recognises significant specimen trees in St James Park

- *Pinus canariensis* x 2 specimens
 - 88, centre to northeast corner of park
- *Eucalyptus camaldulensis* x 4 specimens
 - 248, remnant, north-east corner of the park
 - 249, remnant, north-east corner of the park
 - 251, remnant, south of the war memorial lawns, near the south avenue
 - 252, in the west of the park
- *Quercus robur* x 1 specimen
 - 250, centre of the park.

Significant specimen trees may require additional care to promote their health and longevity in the landscape.

We will strive to retain significant specimen trees by balancing risk of tree retention against practicable and reasonable efforts required to manage them in a high-use park setting. For instance, management options for a significant tree with structural defects could involve tree retention with exclusion fencing and more frequent scheduled inspections, to reduce risk to park users. Except in the case where a significant tree poses an immediate major hazard that cannot be managed otherwise, council will notify the community about major works or removal of a significant tree through installation of signage in the park. If removal is necessary, like for like replacement of significant trees will be sought wherever possible.

Opportunities to plant significant trees for the future should be investigated, including tree plantings associated with the war memorial. Options here include sourcing a specimen Lone Pine (*Pinus halepensis*, Aleppo Pine) through the Australian War Memorial and Yarralumla Nursery, and replacing conifers around the southern, western and northern faces of the memorial as required, to be undertaken in consultation with the RSL and Legacy Victoria.

Within the St James Park Hawthorn – Heritage Advice Report,⁵ an opportunity was identified to plant a new evergreen specimen tree in the central lawn area, between the northern and diagonal avenues. A new specimen tree in an open site has the potential to become a future significant tree and will increase shade and interest for park users.

Table 10B. Tree management – specimen recommendations

Ref.	Description	Priority
10.5	Investigate feasibility of sourcing a true to type Lone Pine in association with war memorial and consultation with Hawthorn RSL and Legacy Victoria.	Ongoing
10.6	Refer reference 12.2 for lawn areas.	
10.7	Investigate opportunity to plant a new evergreen specimen tree in the central lawn area between the northern and diagonal avenues.	High

Endnote

5 Note B, St James Park Hawthorn - Heritage Advice Report (p.14, Fig 2.10)

Tree management – other park trees

Trees in St James Park are subject to council's standard annual inspection regime for a high use park. Reactive inspections may be triggered by requests from council officers, contractors or the public at any time. Tree works and/or removals are undertaken reactively in response to inspection outcomes. Hazardous trees continue to be pruned to reduce risk, or removed if the risk cannot be managed through pruning. No resident or council management notification is required prior to the removal of non-significant trees in St James Park.

Within the St James Park Hawthorn – Heritage Advice Report,⁶ an opportunity was identified to increase canopy through tree planting along the north side of the central path as trees were evident in this location in the 1945 aerial image of the park. Council staff identified opportunities for additional tree planting, including the southern embankment along the Burwood Road frontage, and along the northern path near the Hawthorn Bowling Club.

Gateway tree planting at the entrance at the Barton and Denham Street corner can also be investigated, taking into account mature tree size relative to available ground space and required clearances from overhead electric distribution and supply lines along Denham Street. The heritage significance of the landscape features at this end of the park is less obvious, with changed land form due to removal of flood embankments at the eastern and southern ends of the oval,⁷ and replacement of mature peppercorn trees along the Barton Street frontage of the park.⁸ More recent changes include construction of sports facilities (pavilion and storage areas). Tree selections in this area could therefore consider non-heritage (modern cultivar) options.

Endnote

6 Note A, St James Park Hawthorn – Heritage Advice Report (p.14, Fig 2.10)

7 1900 MMBW map, St James Park Hawthorn – Heritage Advice Report (p.11, Fig 2.6)

8 St James Park Hawthorn – Heritage Advice Report (p. 11)

Table 10C. Tree management – park tree recommendations

Ref.	Description	Priority
10.8	Infill tree plantings along the north side of the central path as well as the park's southern boundary (Burwood Road frontage).	High
10.9	Highlight park entrance at Barton and Denham Street with distinctive gateway tree plantings.	High

Garden bed plantings

St James Park has few garden beds – its mature trees and lawns form the principal character of the park.

The current garden style and species mix are not in keeping with the historic character of the park – all garden beds are in need of renewal.

Council's Parks team visits the park 13 hours per month to maintain the garden beds.

Community feedback indicates a preference for a mix of Australian and exotic plants (46%) or Australian plants only (45%) in the gardens along the ceremonial path.

Existing garden beds include:

- those adjacent to the ceremonial path leading up to the war memorial, lining the heritage significant vista to the cenotaph
- burwood Road gateway rockery planting
- plantings along the retaining walls to the south and west of the pétanque green.

Refer to [Appendix 5. Proposed Planting Palettes](#) (page 49) and Sheet 3. [Avenue Renewal and New Planting Opportunities Plan](#) (page 38).

The following table outlines the relevant recommendations related to garden bed plantings.

Table 11. Garden bed recommendations

Ref.	Description	Priority
11.1	All garden bed locations within the park will remain unchanged but their layouts and planting styles modified.	Ongoing
11.2	Widen 'ceremonial walk' garden beds as shown in Figure 18 and plant with a mixture of native and exotic plants, as the community prefers.	Ongoing
11.3	Replant garden beds with robust species that are resilient to climate change and complement the original form and character of the horticultural styles of the nineteenth century (as displayed in figures 19 to 21).	Ongoing
11.4	Plant a variety of exotic, native and indigenous plants, suited to the specific site conditions of the garden bed.	Ongoing
11.5	Replant the south-west Burwood Road corner entrance garden beds with eye-catching plants to highlight this pedestrian gateway to the park.	Ongoing



Figure 18. War memorial showing wider garden beds along the ceremonial path.

Source: Boroondara Library, photographer Stuart Tomkins, date unknown, however size of Bhutan Cypress indicates c.1920s to 30s



Figure 19. Park England, 1864.

Source: Penelope Hobhouse, *Plants in Garden History*, 1992, p.252



Figure 20. Illustration of rockery planting, 1884, Chiswick, England



Figure 21. Photograph of Kings Park, Perth WA, 1908 rockery planting, showing the English trend using subtropical sculptural plants dotted within the planting.

Source: Georgina Whitehead, *Planting the Nation*, 2001, p.48

Lawn areas

The lawn areas are important contributors to the landscape character and heritage fabric of the park and are typical of the nineteenth century gardenesque style, popular when St James Park was first laid out. The lawns' open green spaces contrast with the enclosed shaded avenues, and their predominantly evergreen tree species planted within these spaces are distinct from the deciduous oaks and elm avenues.

Some of council's significant trees are found within these lawn areas: English Oak, *Quercus robur*; remnant River Red Gum, *Eucalyptus camaldulensis*; and Canary Island Pine, *Pinus canariensis*.

These open areas are important in providing for passive recreation, where visitors relax, picnic or meet friends. The park's lawns also provide large permeable areas to reduce runoff and help with urban cooling.

(Refer to [Proposed Amenities Plan, Sheet 4](#), page 39).

The following table outlines the relevant recommendations related to lawn areas.

Table 12. Lawn area recommendations

Ref.	Description	Priority
12.1	Conserve open lawn areas by limiting trees planted in these areas, retaining its open lawn and scattered trees character.	Ongoing
12.2	Any new trees planted in lawn areas should provide a contrast to the deciduous species along the avenues. Examples of suitable contrasting trees are evergreen trees with striking architectural forms and habits such as Araucaria or conifers (refer to Appendix 5. Proposed Planting Palettes).	Ongoing
12.3	Manage and maintain lawn areas to retain their green, healthy appearance including irrigating.	Ongoing

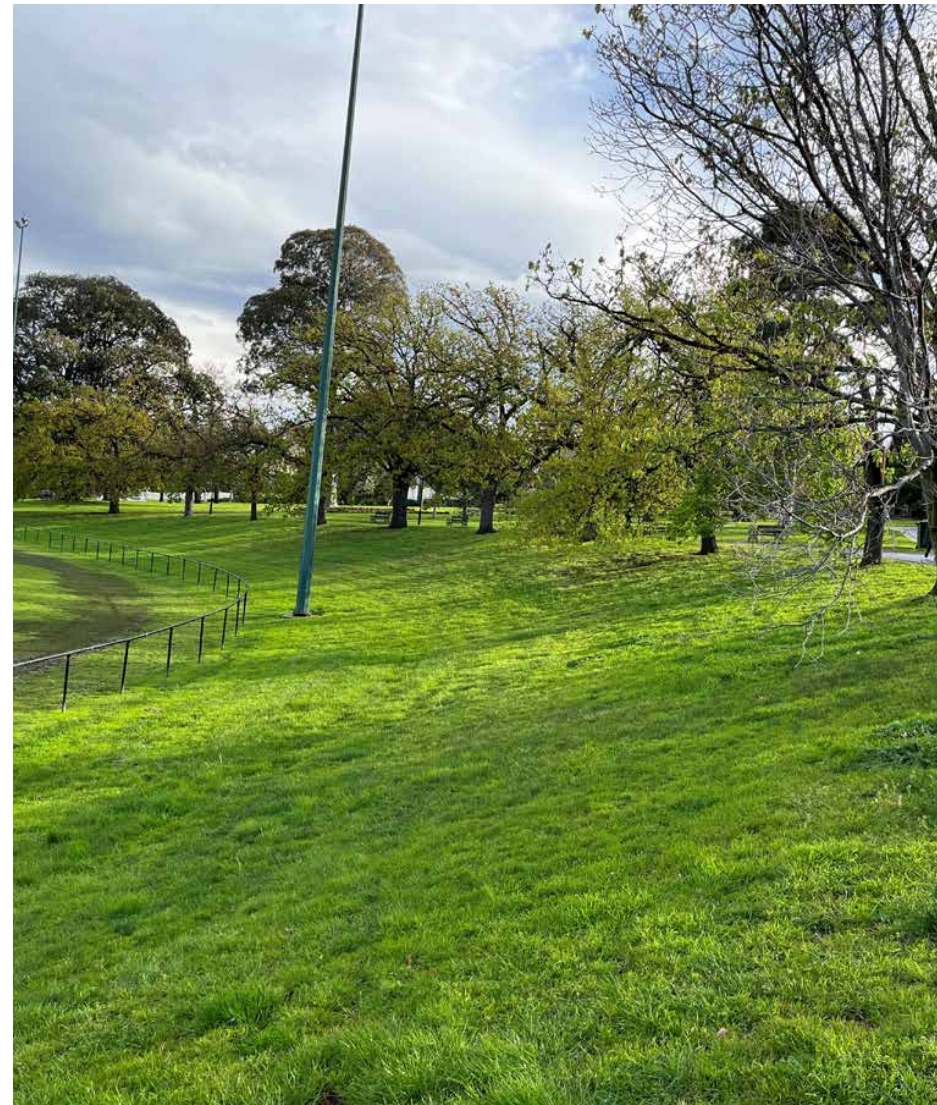


Figure 22. View south-west towards war memorial and central avenue (adjacent to oval)

10.3. Former pétanque green recommendations

Former pétanque green

The former pétanque green has not been used since Camberwell Pétanque Club relocated in 2011 and offers the opportunity to be redeveloped as a recreational space. Preferences on its future use were sought from the community and stakeholders as part of community engagement in April 2022 (refer to Community Engagement Summary – separate document).

Due to the significant heritage value of the park, heritage advice was sought to ensure that any future use of the pétanque green does not detract from the park's heritage character (refer to Section 9.7 for the consultant's recommendations regarding the pétanque green).

With its Wood Street frontage, and close proximity to the school, playground and bowls club, the space has potentially good passive surveillance during the daytime, particularly if the screening vegetation and fences are removed.

Community feedback indicated that an active space such as a basketball/netball small court within a park setting is the most popular option for the pétanque green, with over a third of respondents preferring this. A treed, grassy space to unwind and relax was the second most popular choice.

A return to the Hawthorn Bowling Club lease was supported by fewer respondents (21%). The club would like to install a new synthetic grass surface bowling green to increase their capacity to play club bowls and in addition, to rent the green for private social events, helping to raise the club's revenue. However, this use would restrict access to those with club membership or those hiring the space, subsequently preventing public access for all members of the community in a prime part of the park.

With increased housing densities and populations in the neighbourhood, there is more stress on our existing open space areas. The disused pétanque green gives the neighbourhood a rare opportunity to increase its public open space. Refer to [Sheet 5. 'The Green' Open Space Concept Plan](#) (page 40).

The following table outlines the relevant recommendations related to the former pétanque green.

Table 13. Former pétanque green recommendations

Ref.	Description	Priority
13.1	Return pétanque green to public open space to be shared and accessed by all members of the community.	High
13.2	Undertake a soil analysis to determine the green's contamination risk.	High
13.3	Recondition existing soil and restore the green with lawn for short-term use.	High
13.4	Improve visual connections to the parkland and Wood Street by removing existing fences and self-seeded trees.	Medium
13.5	Remove cantilevered decking on southern boundary to reveal and restore the original bluestone wall.	Medium
13.6	Design the former pétanque green area to provide for a half basketball court with associated green spaces and seating areas.	Medium
13.7	Create a visual connection to Honour Avenue through the layout and design of new open space. Consider planting trees along the east–west original axis within the pétanque green to symbolise original path layout and strengthen visual link to Honour Avenue. (Refer to Sheet 5. 'The Green' Concept Plan , page 42).	Medium
13.8	Integrate the pétanque green space into the park by creating new pedestrian connections, especially to Wood Street, the playground and the park to the east.	Medium
13.9	Create a new rockery garden to the east of the former pétanque green, linking this space to the rest of the park. Replant with rockery species in a planting style typical of nineteenth century rockeries. Replant garden bed to the south of the pétanque green with species that have interesting sensory qualities as part of a natural play area.	Medium
13.10	Install a mixture of formal and informal furniture at the new pétanque open space area to: <ul style="list-style-type: none"> • facilitate interactions within the community. • provide for informal outdoor learning. • link uses between the playground and park. (Refer to Sheet 5. 'The Green' Concept Plan , page 42).	Medium
13.11	Investigate installing a barbecue in the new open space area at the former pétanque green, seeking community and stakeholder feedback on its need and preferred location.	Medium

11. Next steps

Community engagement and feedback from internal and external stakeholders will be sought. This will be analysed and incorporated into a revised final master plan.

An implementation plan and staging plan, with associated cost plan, will be developed after feedback from the community and stakeholders has been received. Once this feedback is incorporated into the master plan, the master plan will be submitted for approval and endorsement by council.

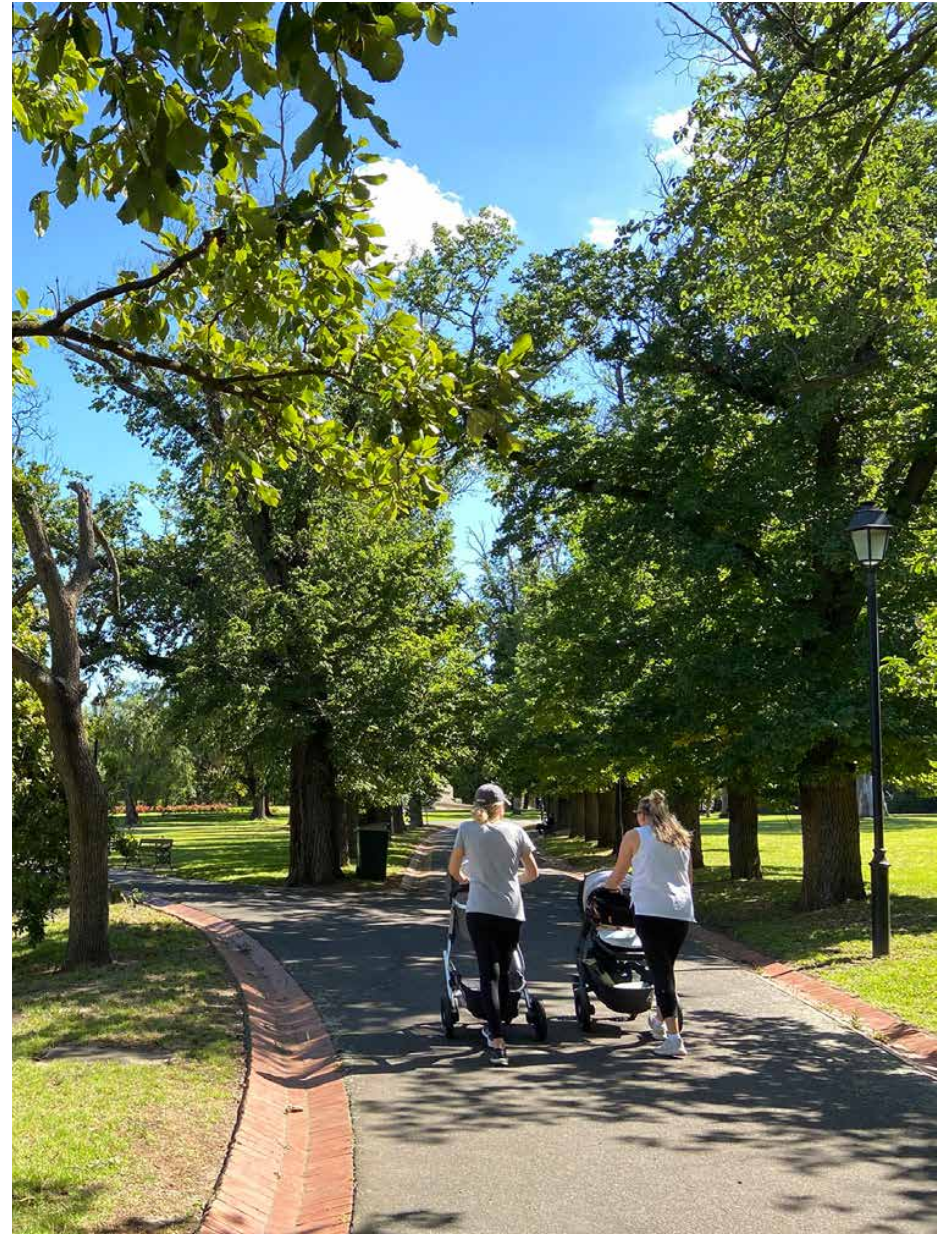


Figure 23. View of central avenue (facing south-west)

Appendix 1. Plans

SHEET INDEX

Sheet 1. Site Analysis Plan

Sheet 2a. Existing Landscape Character Plan

Sheet 2b. Existing Landscape Character Photographs

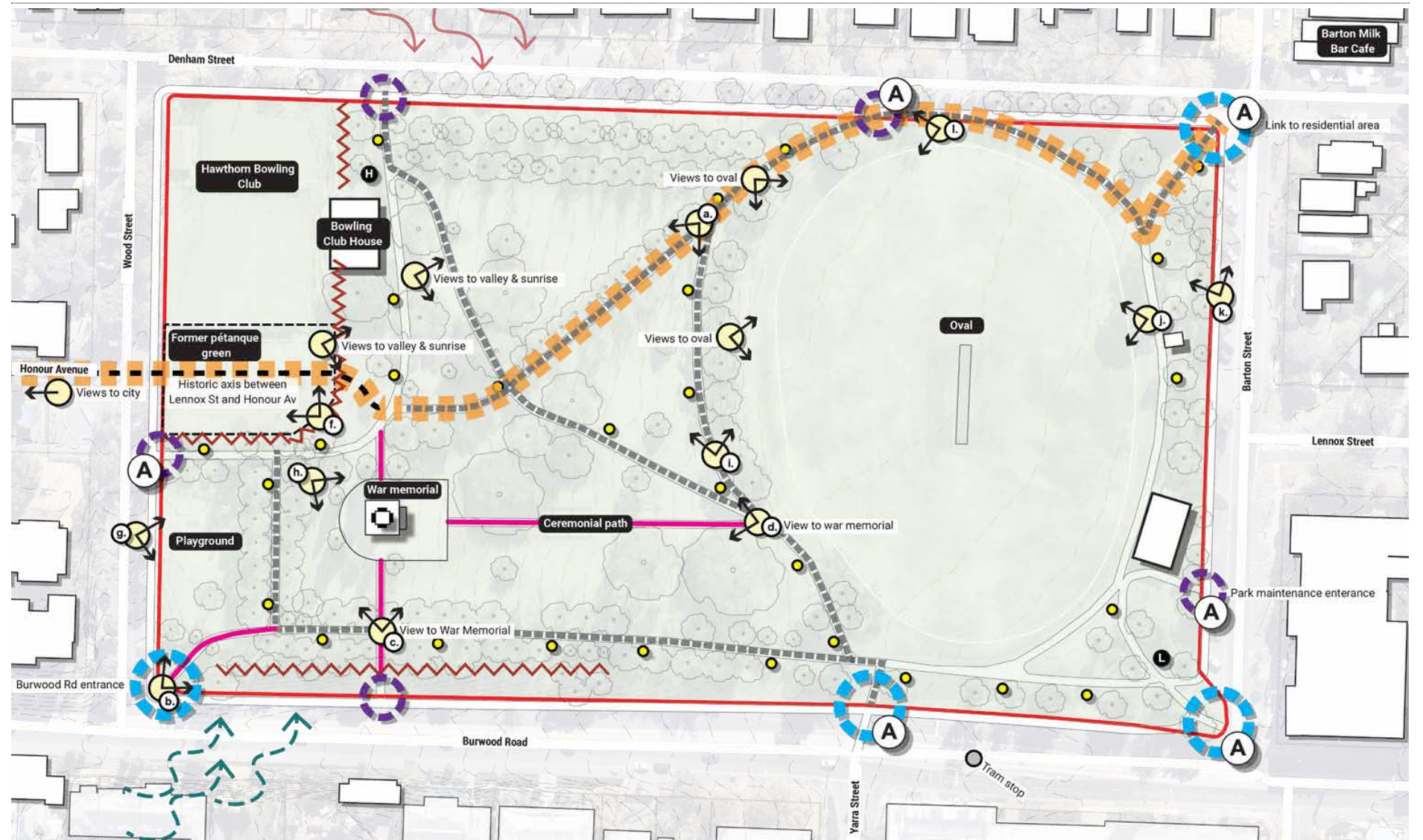
Sheet 3. Avenue Renewal and New Planting Opportunities Plan

Sheet 4. Proposed Amenities Plan

Sheet 5. 'The Green' Concept Plan (former pétanque green)

Sheet 1. Site Analysis Plan

DRAFT - St James Master Plan



Legend

- | | | | | |
|--|---|---|---------------|-----------------------|
| Primary main entrance | Views | Significant path linkage | Buildings | High/low point |
| Secondary entrance | Accessible entrances | 19th century path layout | Tram stop | Contour lines |
| Physical or visual separation to access or views | Photograph viewing location (refer to Sheet 2b) | Historic axis path alignment | Boundary Line | North prevailing wind |
| | | Paths associated with war memorial construction in 1929 | Light pole | South prevailing wind |

Scale: 1:1000 @A3

0 20 10 30m

BOROONDARA

Sheet 2a. Existing Landscape Character Plan

DRAFT - St James Master Plan



Upper Level
Consists of the playground, Bowling Club and disused petanque green. The petanque green forms a visual and physical barrier between the Bowling Club and the playground.

Middle Level
Enclosed, shaded avenues contrast with the open lawn areas. The majority of the park's significant trees are at this level within the lawn areas. The evergreen River Red Gums and Canary Island Pine have distinctive, striking, architectural forms, contrasting with the deciduous avenues. The war memorial with its associated paths creates a formal symmetrical layout, different in character to the original nineteenth century paths.

Lowest Level
The most open of the three levels, with its oval and trees planted around its periphery. The path encircling the oval is a popular walking and exercise route. This level is at the same grade as the surrounding streets, consequently all its entrances are accessible with good connections to the neighbourhood. The gentle grassy embankment between the oval and the middle level is a popular place to sit and watch sport matches.

Existing Trees Legend

Existing trees (marked with a 'o')

- Significant tree (overlay)
- Deciduous tree avenues
- Evergreen trees
- Palm trees

Significant tree species list

- River Red Gum *Eucalyptus camaldulensis*
- Canary Island Pine *Pinus canariensis*
- English Oak *Quercus robur*
- English Elm *Ulmus procera*

Existing Understory Legend

Trees removed

Lawn

Mature peppercorn plantings

War memorial ceremonial walk planting

Rockery

Buildings

Grassy embankment

Lowest, Middle and Upper Level boundaries

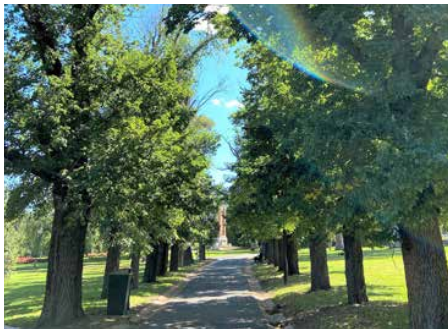


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Sheet 2b. Existing Landscape Character Photographs

DRAFT - St James Master Plan



a.



b.



c.



d.



e.



f.



g.



h.



i.



j.



k.



l.

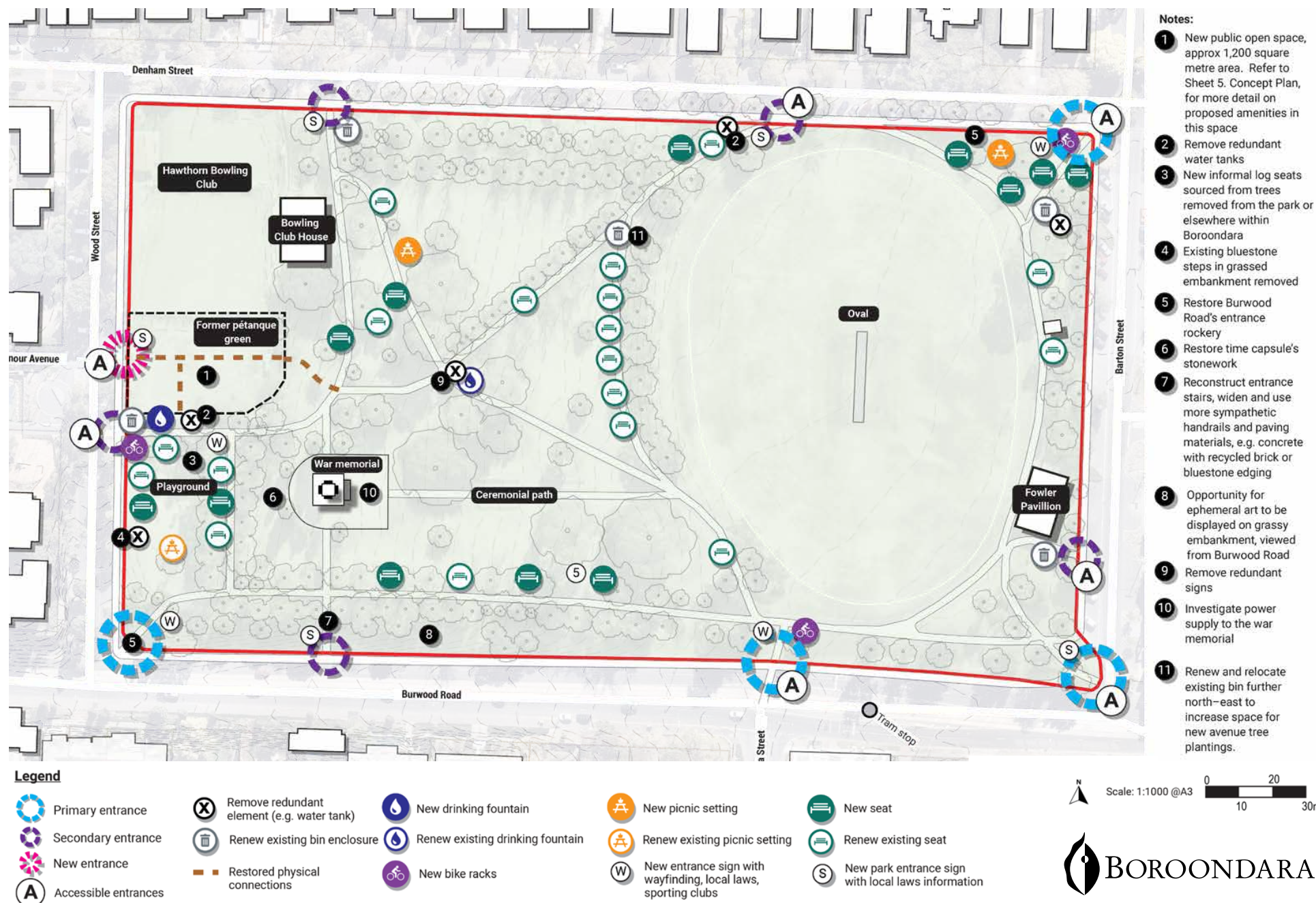
Sheet 3. Avenue Renewal and New Planting Opportunities Plan

DRAFT - St James Master Plan



Sheet 4. Proposed amenities Plan

DRAFT - St James Master Plan

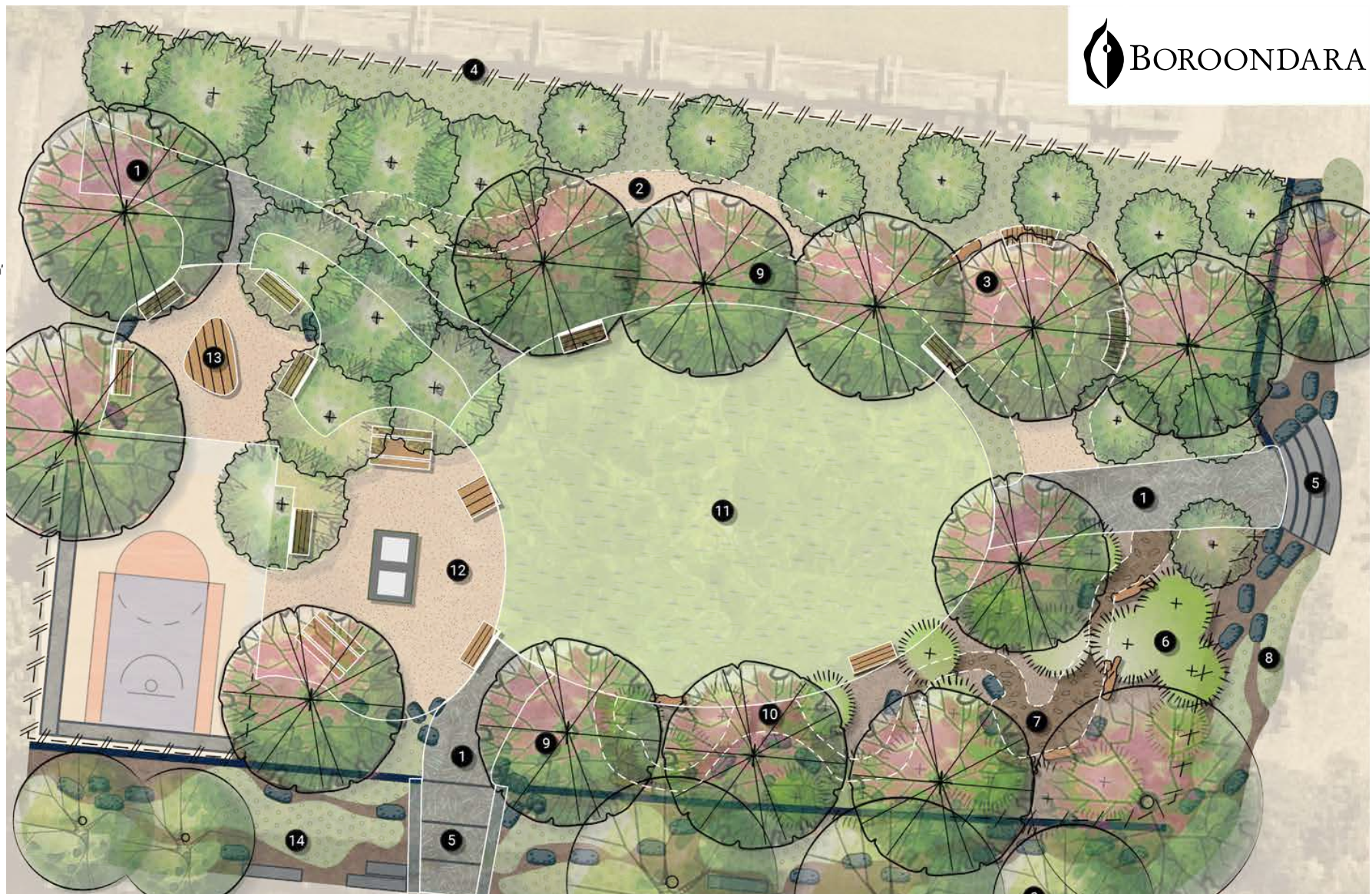


Sheet 5. 'The Green' Concept Plan (former pétanque green)

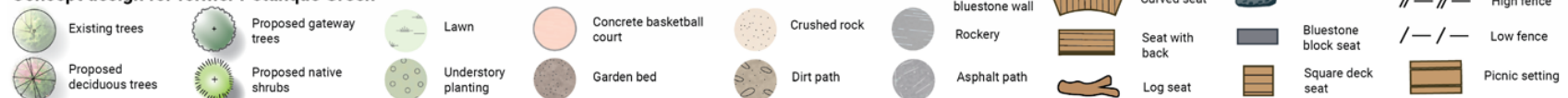
DRAFT - St James Master Plan



- 1 Entrance paving
- 2 Sensory walk through native garden
- 3 Retreat garden with views to city
- 4 Fence between Bowling Club and new park
- 5 Entrance steps
- 6 Small native tree grove
- 7 Children's 'hidden' nook seating area with informal logs and large boulder seats along the path
- 8 New rockery planting
- 9 New rows of trees to reflect axis between Honour Av & Lennox St
- 10 Secret leaf litter dirt path for children to explore
- 11 Open lawn
- 12 Barbecue and seating area with views to city
- 13 Gathering space with central deck
- 14 Sensory planting adjacent to playground



Concept design for former Pétanque Green



Appendix 2. Project's strategic context

The following corporate documents relevant to this project are detailed below.

Boroondara Community Plan 2021–2031 (BCP)

The project responds to the following BCP's priority themes.

Theme 1. Community, services and facilities, in particular strategies:

- 1.1 Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.
- 1.4 Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.
- 1.6 Residents and visitors feel safe in public spaces through encouraging local activity and creating and maintaining civic areas.

Theme 2. Parks and green spaces, in particular strategies:

- 2.1 Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.
- 2.2 Our sustainable urban forest is preserved and increased through managing and renewing our open space trees and understorey growth.
- 2.3 Parks and green spaces are accessible and appealing through maintaining, improving and increasing amenities.
- 2.4 Green spaces are maintained and increased through management practices and investigating opportunities to acquire or modify existing land.

Theme 3. The environment, in particular strategies:

- 3.1 Community resilience and capacity to live sustainably is increased through advocacy, education and resources.
- 3.2 The environmental impact of council facilities and assets is further reduced through implementing sustainable practices.
- 3.5 Our leafy streetscapes are maintained and improved through advocating for careful project planning by government regulatory and project authorities, supported by the increased planting of resilient species.
- 3.6 Our biodiversity is conserved and maintained through improving the way we manage our diverse plants, animals and natural spaces.

Theme 4. Neighbourhood character and heritage, in particular strategies:

- 4.1 Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme.
- 4.2 The history of Boroondara's heritage places is respected and celebrated through community education.

Theme 5. Moving around, in particular strategies:

- 5.3 Shared paths and footpaths are fit for purpose through continued improvements to surface condition and lighting.

Theme 7. Leadership and governance, in particular strategies:

- 7.1 Decision-making is transparent and accountable through open governance processes with timely communication and reporting.
- 7.4 The voices of our community are heard through engagement strategies to allow effective representation on current and long-term community needs.
- 7.8 Celebrate and recognise Aboriginal and Torres Strait Islander cultures, knowledge and heritage through implementing initiatives in partnership with our community and stakeholders.

Health priorities:

- Improving mental wellbeing and social connection.
- Tackling climate change and impacts on health.
- Increasing active living.

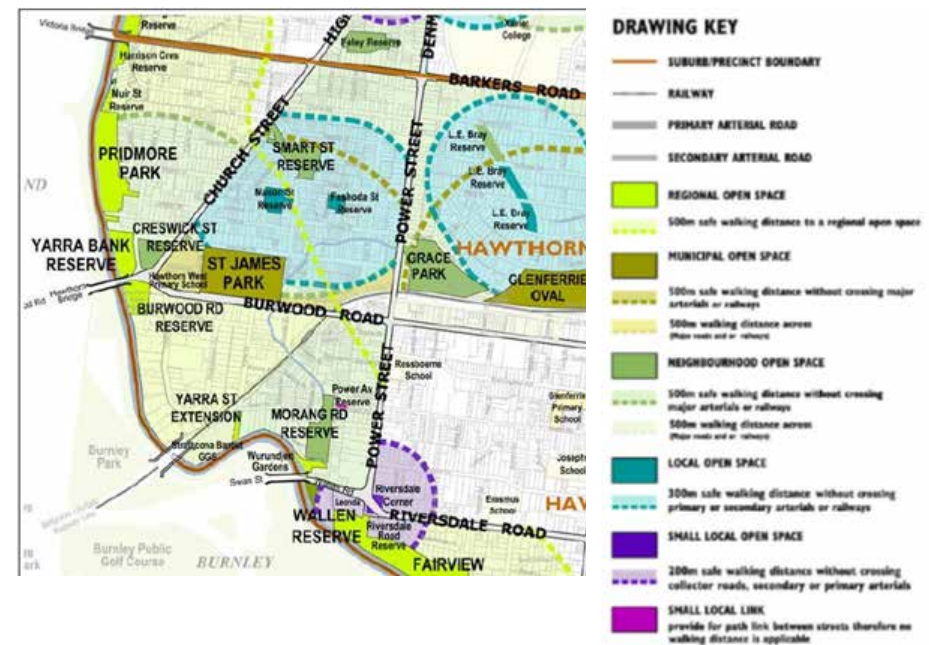
Boroondara Open Space Strategy (BOSS) 2013

St James Park is classified in BOSS's hierarchy as municipal and is the second most visited park in the Hawthorn precinct after Central Gardens.

The following is an excerpt from BOSS on St James Park:

'St James Park offers a diversity of character and use with a formal public garden layout that integrates sports facilities with unstructured informal recreational use. The community identified St James Park as the second most visited open space for a diversity of reasons, including walking, trees, exercising, relaxation, dog walking and ambiance.'

Summary distribution of open space in Hawthorn



BOSS recommended action:

79D-5 Prepare and implement a conservation management plan for this park to guide ongoing management of the open space. Once completed, investigate provision of additional informal recreational facilities consistent with the conservation management intent. In the longer term, consider relocating the playground further east into the main area of the park so that it is more accessible from other park facilities, including access to the open grassed areas.

Responsibility: Council

Indicative priority: Higher

Shade policy 2017 – 2027

Policy statement: 'The City of Boroondara is committed to improving the safety, comfort and appearance of the city's public spaces and ensuring the level of service is appropriate to the place. This includes the provision of shade measures along with other sun protection strategies to encourage healthy active lifestyles in comfortable, cool, shaded spaces.'

We will achieve this by:

- *prioritising the use of natural shade in open space (above that of built shade) as a long-term shade solution*
- *prioritising the use of shade at selected key assets and places including:*
 - *playgrounds*
 - *along key walking and cycling routes.*

Excerpts of the Shade Policy relevant to this project include:

- Prioritise the use of natural shade in open space.
- Plant additional trees when upgrading open space to increase shade where needed.
- Plan ahead and plant additional trees on routes into and around key park destinations, and around the periphery of sports grounds (ensuring any tree planting does not impact on existing or future.
- Prioritise the use of natural shade along key walking and cycling routes.
- Utilise natural shade to encourage physical activity and sustainable transport by making key walking and cycling routes more inviting and shaded.
- Prioritise the use of shade at facilities and places where a particular need has been identified.
- Provide shade where possible to BBQs and picnic tables, making use of shade from existing trees and incorporate new tree planting.
- Provide shade at sites where a particular need for built and/or natural shade has been identified during the development of a master plan or landscape concept plan.
- Incorporate tree planting where possible when upgrading carparks, shopping centre streetscapes and civic spaces to provide shade as well as other amenity, environmental and health and well-being benefits.

Playground Development Strategy 2005

Recommendations regarding St James Park's playground are out of date as the playground was replaced in 2013 as part of Council's Playground Replacement project.

However, some of the findings of the strategy are worth noting including:

- 'The park is large, formal and open. Its character is derived largely from its historic layout, the cenotaph war memorial and the framework of large, mature, exotic trees.
- Informal surveillance is good.
- There are no barbecue facilities or shelter but there are seats located in shade.
- Public toilets are located in the sports pavilion but these are not located in close proximity to the playground.
- Some shade from existing trees is provided from morning sun. New trees on Wood Street will provide afternoon shade in the future.'

Site recommendations

- *It may be worth considering the installation of a barbecue facility and drinking fountain in the lawn area next to the playground.*

Yarra Strategic Plan 2020

This project responds to the following YSP's vision:

The river corridor ...

'is a valued place of connection to Wurundjeri culture and community, with a network of hubs of learning, play and celebration. It benefits from a united and integrated approach to governance and land management, guided by the wisdom and practices of Traditional Owners, keeping culture not just in the past but alive into the future.'

And relates to the YSP's priorities and values:

- 'Expand the river's local parklands and trails to improve continuous access, increase biodiversity and enhance river health.
- Celebrate our spiritual connection to the river and its surrounds.
- Establish new habitat for endangered birds, fish and wildlife.
- Employ collaborative planning processes for development to ensure changes are for the benefit of the river and the advantage of all in the community, not just the few.
- Collaborate to provide innovative immersive experiences with nature by expanding natural river tracks and creating environmental playgrounds along the corridor.
- Explore opportunities for community education and connection to Wurundjeri knowledge and cultural practice and significant sites.'

Urban Biodiversity Strategy 2013 – 2023

This strategy is a comprehensive plan designed to enhance and protect biodiversity within urban environments. It recognises the importance of maintaining diverse biological communities in cityscapes and seeks to integrate natural ecosystems into urban planning and development. The strategy outlines actions and policies aimed at conserving native species, habitats, and ecological processes, while also promoting community engagement and awareness of biodiversity issues.

Stepping stone corridors are a crucial component of urban ecological networks. These corridors consist of smaller, often isolated natural areas that function as 'stepping stones' for wildlife movement across urban landscapes. They provide essential habitats and resources for native species, facilitating their movement and dispersal between larger natural reserves or green spaces. This connectivity is vital for the survival and health of various species in urban areas, aiding in genetic exchange and reducing the risks of local extinctions.

Located at position 48 (Figure 24) within a stepping stone corridor, St James Park plays a significant role in this urban ecological network. It is recognised for having significant trees, which contribute to the biodiversity and ecological value of the area. These trees not only enhance the aesthetic appeal of the park but also serve as critical habitats and resources for local wildlife, supporting the overall goals of the Urban Biodiversity Strategy by maintaining and enhancing natural elements within the urban setting.



Figure 24. Boroondara's biodiversity corridors, biogeographical zones and biologically significant sites (St James Park is noted as a site with significant trees reference 48, circled red)

Source: Urban Biodiversity Strategy 2013 – 2023

Appendix 3. History: chronology of key dates

Source: Heritage Advice Report by GMH Heritage Consultants, 2021.

'The following chronology is summarised from the 1992 Hawthorn Heritage Study by Meredith Gould, other accessible secondary sources and targeted primary research.'

St James Park, Hawthorn: chronology

Year	Event
1852	The land for St James Park Hawthorn was part of the Crown land reserve for the Village of Hawthorn, laid out by Robert Hoddle in 1852. Unsold blocks became known as common land.
1861	The Reserve (historically known by various names, currently St James Park) was laid out by English-born James Scott (1819–1879), florist and nursery proprietor, using trees distributed by Melbourne Botanic Gardens director Ferdinand von Mueller (1825–1896). Scott had established a nursery in Burwood Road, Hawthorn (known as the Royal Nursery after receiving patronage during the 1867 visit of the Duke of Edinburgh) on land purchased in 1854
1860s–70s	Plants supplied by von Mueller, including Blue Gums, WA Red Flowering Gums
1870	50 pines, 60 elms, 27 oaks planted
1870s	Oval used from this time for cricket
1880	Bowling club established
1887	Some trees replaced. The 1992 citation suggests Moreton Bay Figs and Monterey (Radiata) Pines in the park in 1992 may date from this time. Other trees introduced were Peppercorn Tree (<i>Schinus molle</i>), Monterey Pine (then <i>Pinus insignis</i> , now <i>P. radiata</i>) and Sweet Pittosporum (<i>Pittosporum undulatum</i>)
c.1887	Football was also played at the oval
1900	By 1900, the Hawthorn Recreation Reserve was fenced, with 6 entry gates. There was a fountain at the centre of the park ⁹
1901–45	Layout of bowling greens changed (extended to south)
1929	Freestone and granite Hawthorn War Memorial constructed, comprising the cenotaph and lawn and a symmetrical grove of Bhutan Cypress (<i>Cupressus torulosa</i>), dedicated Sunday 10 March 1929. Designed by M Finlayson. ¹⁰
c.1929	Depression era works to paths, edging, and associated plantings including Bhutan Cypress
1930s	Extant bowling club building built
c.1945–70	Bowling green extended to south
1998–2011	Camberwell Pétanque Club commenced use of southern green, moving to Lynden Park in 2011
2020	Weatherboard pavilion in the northwest corner of the park (replaced c.1960s with a brick building)

Endnote

⁹ Melbourne and Metropolitan Board of Works, Detail Plan No. 1804, dated August 1900.

¹⁰ Age, 11 March 1929, p.10.

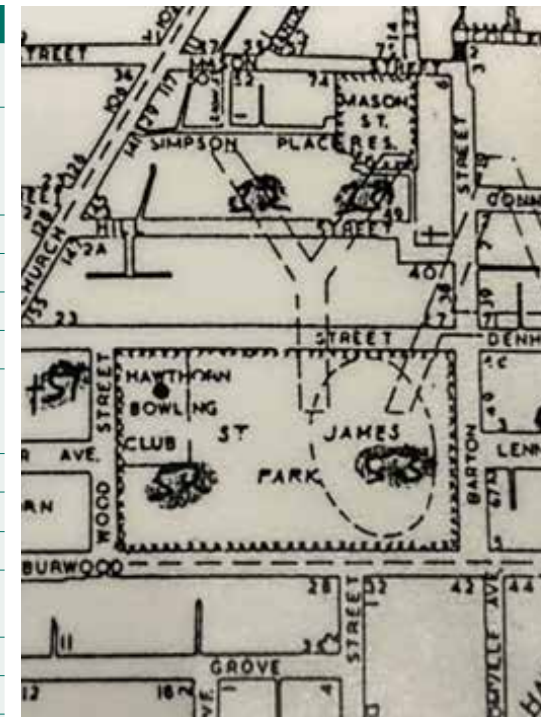


Figure 25. 1917 MMBW plan showing St James Park's oval and Bowling Club

Source: Hawthorn Library Historical Collections



Figure 26. Detail of 'Residential area of Richmond with Richmond Pony Track and parks' Airspy photograph by Charles Daniel Pratt (1892–1968), dated 'ca1925–ca1940', this image was taken in winter, after 1929 when the Hawthorn War Memorial monument and lawn were constructed at St James Park

Source: Accession No. H91.160/1604, State Library Victoria

Appendix 4. Heritage studies

1992 Hawthorn Heritage Study by Meredith Gould.

The report states that the park is significant due to:

- *St. James Park, reserved in 1861 as a Crown Land Reserve, and continuously maintained since then as a public park is of metropolitan significance:*
- *For its association with the original village of Hawthorn Reserve.*
- *For the retention of remnant native vegetation.*
- *For its mature native and exotic trees, particularly the elm and oak avenues.*
- *For the retention of a significant portion of its nineteenth century path layout.*
- *For its role in providing passive and active recreation opportunities to the citizens of Hawthorn and neighbouring areas.*
- *For its war memorial of cultural significance.*

St James Park Heritage Advice, GML Heritage Consultants, 2022

Available at document library on [Engage Boroondara St James Park project page](#).

Building on the 1992 Hawthorn Heritage Study, GML investigated which individual elements contribute to the heritage significance of St James Park. They identified the following:

- The park boundaries, early park layout established by 1900, and improvements into the inter-war period (pathways, oval, area for lawn bowls expanded in the inter-war period, the war memorial).
- The landscape character of the park, defined by mature large trees, avenues planted with exotic deciduous trees, open lawn areas planted with a diverse collection of trees with strong evergreen forms.

- The remnant river red gums.
- Mature native and exotic trees, particularly the elm and oak avenues, but also other trees that provide evidence of early planting phases into the inter-war period and which contribute to the park's landscape character.
- The provision of passive and active recreation opportunities to the citizens of Hawthorn and neighbouring areas.
- The footprint of the oval.
- The footprints of the bowling greens.
- The Hawthorn War Memorial, including the war memorial, formally arranged Bhutan Cypress trees, symmetrical landscaped setting, forecourt and paths, the east–west view corridor terminating in the monument.
- Hard-landscaping introduced in the inter-war period, including steps and rock edging and landscaping associated with the war memorial.
- The pathway layout.
- The brick spoon drains that edge the paths are consistent with the historic character of the park. Some pathways have spoon drains made of early bricks that, if not early fabric, are sympathetic to the park's historic layout and contribute to understanding the significance of the park.

Elements that are not significant are:

- self-sown trees
- modern bricks used in spoon drains and steps
- children's playground (fabric not significant)
- lamps (fabric not significant)
- seats (fabric not significant).

Intrusive elements are:

- Two large water tanks.

Lost elements are:

- some density of tree canopy in the central triangle of lawn
- fountain, extant in 1900
- bandstand (replaced by the war memorial)
- cannon, visible in early photographs.¹¹

Endnote

- 11 GML Heritage Advice Report, section 6.1.2.

Appendix 5. Proposed planting palettes

General

- Garden bed locations within the park will remain unchanged, but their layouts and planting styles will be modified.
- Replant garden beds with robust species that are resilient to climate change and complement the original form and character of the nineteenth-century horticultural styles.
- New plantings will be mindful of maintenance requirements.

War memorial – ceremonial path palette

- These garden beds currently experience a variety of extreme site conditions from full sun to near complete shade, species selection and siting will be sympathetic to these conditions.
- Widen 'ceremonial walk' garden beds and plant with a mixture of native and exotic plants (as the community preferred). Species origin to be a combination of native and indigenous planting as well as exotic species with influence from locations where Australians have participated.
- Plant forms to include shrubs, grasses, and groundcovers for a diverse garden bed with year-round interest.
- Create a linkage between colour and form across all ceremonial path garden beds.
- Manage planting heights to avoid obstructing views to the war memorial (and broader park).
- Consider 'plunge planting' for seasonal interest such as for Anzac Day or Remembrance Day.
- Plant selection will not impact passive surveillance.

Burwood Road gateway – rockery planting palette

- Replant the south-west Burwood Road corner entrance garden beds with rockery species in a planting style typical of nineteenth century rockeries
- Proposed species to be eye-catching plants to highlight this key pedestrian gateway to the park.
- Plant forms to include a mixture of shrubs and groundcovers that are formal in character. Encourage sprawling groundcovers over rockery areas.
- Plant selection will not impact passive surveillance.

Pétanque – interface palette

- Garden beds adjacent to the pétanque area currently experience significant dry shade due to mature elms planted in these beds. Species selection and siting will be sympathetic to these conditions.
- Create a new rockery garden to the east and south of the former pétanque green, linking this space to the rest of the park.
- Replant the garden bed to the south of the pétanque green with species that possess interesting sensory qualities to encourage nature play. This may include plants with vibrant colours, pleasant fragrances, and/or textured foliage.
- Plant forms will consist of a mixture of formal shrubs and groundcovers.
- Plant selection will not hinder passive surveillance, and sight lines through to the new open space (pétanque) will be encouraged.

Pétanque – internal palette

- The pétanque site is flat, open, and lacks trees or existing garden beds. Any proposed plantings will be exposed to full sun, and species selection and siting will consider this condition.
- Given the former use of the site, further assessment of the soil profile is essential.
- Plant forms will include a mixture of formal shrubs, grasses, and groundcovers. For garden beds closer to the playground, select species that offer interesting sensory qualities to promote nature play.
- Plant selection will not hinder passive surveillance, and sight lines across the site will be promoted.
- Emphasise a flat and open lawn area in the middle of the site.
- Proposed tree species will be in harmony with the existing character of St James Park and complement the original form and character of nineteenth-century horticultural styles.

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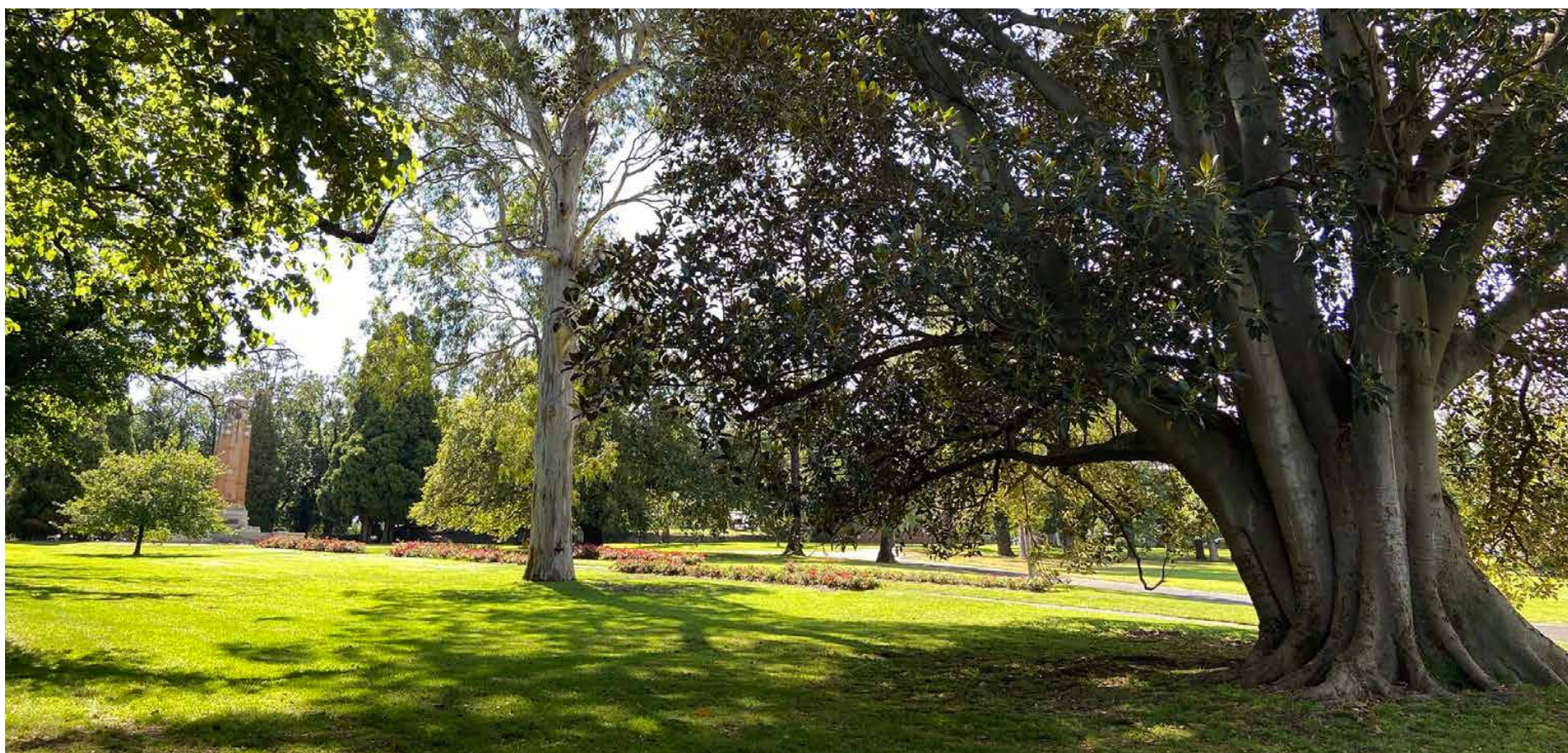
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St James Park Master Plan

Community Engagement Summary

Draft for community feedback, November 2023



Acknowledgement of Traditional Owners

The City of Boroondara acknowledge the Wurundjeri Woi wurrung people as the Traditional Owners and original Custodians of this land, and pay our respects to their Elders past and present.

Prepared for:

The City of Boroondara

Prepared by:

Environmental Sustainability and Open Spaces – Open Space Strategic Design team

In collaboration with Internal Project Control Group (PCG) made up of council officers from the following departments:

- Environmental Sustainability and Open Spaces
- Trees Team
- Parks Team
- Environmental Sustainability
- Open Space Strategic Design
- Health and Wellbeing Services
- Sports and Recreation
- Customer and Transformation
- Strategic Communications

Responsible directorate: Environmental Sustainability and Open Spaces, Places & Spaces

Authorised by: <Council or ELT>

Date of adoption: <Date>

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Appendix 1: Summary of responses to survey on Engage Boroondara website

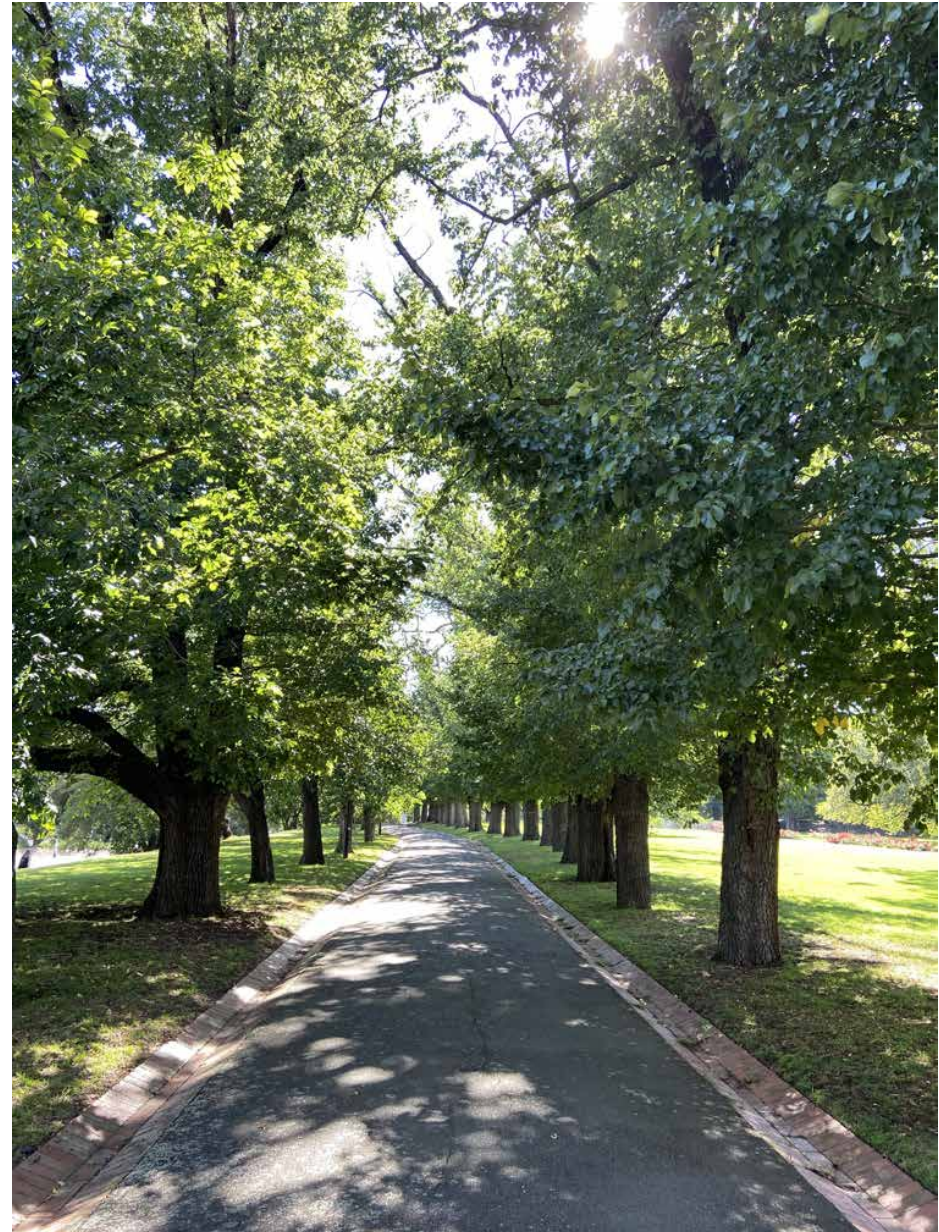


Figure 1. Photograph of historical elm avenue, facing south adjacent to Burwood Road

3. Methodology

A variety of engagement methods were used to obtain valuable responses from the community including:

- an online survey
- two on-site information and listening sessions
- on-site tour of trees with a Council arborist
- a map of a self-guided walk for residents to explore the neighbourhood to view examples of replacement tree options
- an interactive social mapping activity
- meetings with stakeholders
- on-site tours with small groups of children from the local primary school
- meetings with internal stakeholders and staff.

3.1. Engagement Activities

Online community survey

An online community survey was hosted on the Engage Boroondara engagement website at engage.boroondara.vic.gov.au/st-james-park-master-plan over the 31 March – 26 April 2022 period.

The online survey consisted of predominantly quantitative questions:

- user/visitor characteristics – reasons for visiting, home address, age group, gender
- options for removing and replacing the trees along the park's central diagonal avenue
- options for tree species to be planted
- options for removing and replacing the trees along the park's southern avenue
- options for planting in the garden beds along the path to the war memorial
- options for the southern former petanque bowling area.

Refer to [Appendix 1](#) for more details on survey responses and breakdown of demographics.

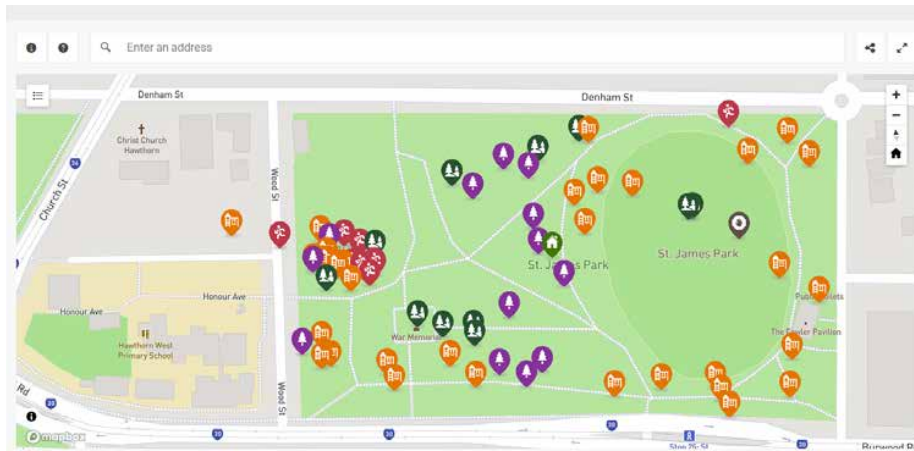


Figure 4. Image of Social Map from St James Master Plan Boroondara Engage website

Mapping activity

The second engagement activity involved a mapping activity where participants could suggest specific areas for facilities, activities, trees and signs - in total 36 people provided 67 responses to the social mapping activity. Comments were recorded in the following themes (in order of frequency) below:

- facilities for the park
- trees
- open spaces
- activities.

Comments from the mapping activity

Locational Element	Summarised comments (in order of frequency)
Facilities – seating, lighting and bins	<ul style="list-style-type: none"> • Picnic tables and seating/terraced seating (24%) • Better lighting for safe exercise (16%) • Other – lookout tower, vintage tram, new public toilets, remove water tank (15%) • Paving and paths (12%) • Informal recreation area – running and walking, fitness area (12%) • Fencing along Burwood Road, around playground (12%) • Return land to Bowling Club (6%) • Bins for dog poo (3%).
Trees	<ul style="list-style-type: none"> • Remove elms (inappropriate climate) (20%) • Improve health of area – too dry, no mulching (20%) • Plant extra specimen trees (20%) • Trees for bird habitat (hollows) (10%) • Plantings of more height near cenotaph war memorial (10%) • Propagate indigenous trees from mature specimens (10%) • Playground shade by trees, community garden (10%).
Open space – what would make you spend more time here?	<ul style="list-style-type: none"> • Low maintenance plants (19%) • Incorporate indigenous history and heritage (18%) • Alternative water sources for use in the park (18%) • Ideas for the petanque green: secret garden; labyrinth; indigenous food garden (9%) • Quiet space to view the sunrise, for contemplation and meditation (9%) • Oval to be fully fenced to ensure safety of children and dogs (9%) • Improve health of earth throughout grassed areas (9%) • Introduce informal recreation, seating (9%).
Activities – what would make you spend more time here?	<ul style="list-style-type: none"> • Return land to Hawthorn Bowling Club (45%) • Community garden/food forest (9%) • Indigenous insect attracting plants with interactive educational signs (9%) • Fulfill needs not currently met - a basketball hoop, picnic area, reading/meditation garden, circuit walking path (9%) • Strengthen pedestrian and cycle connections from the west side of the park (Wood Street) (9%).

4. What we heard, what we learnt

Overall, 101 people completed the hard copy and online community surveys and 67 responses were provided to the social mapping activity.

Responses indicated overall support for removing the senescing trees.

Respondents' most popular activities were informal exercising, playing organised sports, a place to relax, enjoying picnics, going to events, and walking, exercising and socialising their dog/s.

We learnt that the history and age of the park added to the community's appreciation of the park. We heard memories and stories passed through the generations that added richness to local families' appreciation of the park.

We learnt that the school uses the park for Physical Education classes, an annual cross-country competition, social get togethers and it's a popular place for the school's community to gather and play after-school.

Hearing the perspective of the local school children through the tours was invaluable. They told us about their favourite things in the park, including:

- the trees
- places to play including the playground, on and around trees, on the oval and in the "messy" overgrown gardens near the pétanque green
- the grassy embankment next to the oval where they liked to roll down
- the oval's fence to swing and somersault.

They requested more challenging play equipment and rubbish bins that don't smell.

We learnt that local residents and nearby workers like to visit the park to relax and it is an important natural retreat. Some spoke of it being a wonderful place to watch the sunrise or observe wildlife.

Hearing community preferences for the future use of the former pétanque green, an important guide for the future development of this space and has informed the recommendations in this MP. The survey asked community members to indicate their preference for:

- a grassy space with trees and seating – similar to the rest of the park
- a half basketball court alongside a grassy space with trees and seating – similar to the rest of the park
- another idea.

People's ideas revolved around active recreation, passive recreation or leasing the space to the Bowling Club again.

Refer [appendix 1](#) for more details on survey responses and demographics.

5. Key themes

A number of key themes emerged from community engagement (with general consistency amongst all age groups, genders and active and passive users of the park).

5.1. Trees

- General acceptance of the reasons to remove the deteriorating trees and renewal of trees (no negative feedback disputing the need to remove senescing trees).
- Support for replacing central avenue with a new species from the shortlist of trees suitable. *Quercus castaneifolia* was the most popular choice.
- Requests for more native trees wherever possible to provide wildlife habitats.
- Requests to plant more trees to give natural shade at the playground.
- Need to care for trees for future generations.
- Appreciation of park's history and desire for it to be conserved.
- Requests for more interpretive information about the park's history.

5.2. Amenities/Park furniture

- Request for more picnic tables, at the playground and at corner of Denham and Barton Streets (opposite café).
- Provide more accessible bench seating and picnic settings, especially at eastern end of park near the oval and near the playground.
- Bins are smelly and need a different design.
- Provide seating so they can enjoy views from the upper part of park.
- Provide more reliable drinking fountains.
- Remove redundant water tanks.
- Requests for more and better seating was the most common feedback heard in the social mapping exercise.

5.3. Green Space to relax and unwind

- The park's trees and green spaces are important place to relax and retreat from urban life, including those who live in Richmond, City of Yarra (many school families).
- Pleasure in watching and listening to birdlife with habitats in mature trees.
- A lovely spot to view sunrise from the western end of park, looking towards the valley.
- Restoring the pétanque green to passive open space is the second most popular option. The most popular option is to use the space for active recreation with grassy space.

5.4. Environment

- The need for climate resilience of all new plantings, potential for water harvesting and the importance in protecting parks, trees, green spaces and nature were commonly included within the social mapping and the comments suggesting future uses of the pétanque green.
- Green spaces are important for health of our planet (as well as people).
- Providing native vegetation for a healthy biodiversity and for wildlife habitats.
- Explore sustainable water and irrigation management systems.

5.5. Safety

- Requests for lighting along southern path (parallel to Burwood Rd) and throughout park to improve safety when exercising.
- Request to fence playground - traffic safety.
- Request to fence oval to improve safety for children and dogs.
- Concern about alcohol consumption at the Bowling Club, especially if it's expanded into former pétanque green.
- Making supervision of children easier by providing nearby seating to play areas and improving view lines to keep children within line of sight.
- In the social mapping exercise¹, safety was the only theme where there were significantly more women than men who mentioned issues and suggested how safety could be improved.

5.6. Recreation

- Organised sport and informal recreation important use of the park (football, cricket, bowling).
- Running, walking, dog walking are popular activities.
- Some community needs are not currently fulfilled in the neighbourhood, such as a basketball hoop, picnic area, reading/meditation garden, circuit walking path.
- Need more facilities for active but not organised sport. Nearby facilities such as basketball half courts tend to be dominated by older children and younger children don't get a chance to play (feedback from Hawthorn West Primary school).
- At the former pétanque green, an active space integrated with seating, trees and lawn areas was the most popular response. Ideas included a small basketball area, outdoor learning or fitness activities.
- More nature play near playground.
- Epworth Rehabilitation hospital use park for rehabilitation exercises and need accessible paths and seating.

Endnote

1 9% of all comments in the social mapping exercise relating to safety were made by women; 2% by men.

Appendix 1: Summary of responses to survey on Engage Boroondara website

An online community survey and social mapping activity were hosted on the Engage Boroondara engagement portal over the 31 March – 26 April 2022 period.

The key engagement questions were:

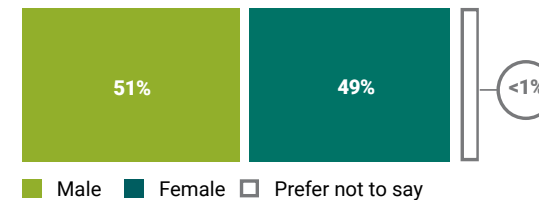
- How do you use the park?
- Your preferred approach for replacing the elm trees in the central diagonal avenue and in the southern avenue.
- Which new tree species you would prefer to see planted in the central diagonal avenue.
- Your preferred option for replanting the garden beds near the war memorial.
- Your preferences for the future use of the southern former pétanque bowling area.

Preferred approach to replacing the deteriorated trees along the park's central diagonal avenue

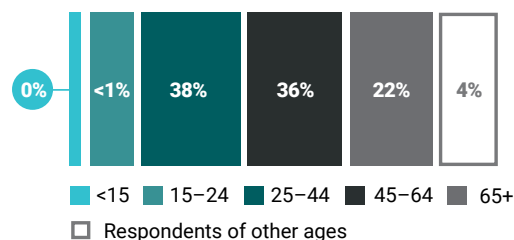
Just under half of all survey respondents preferred the trees along the park's central diagonal avenue to be removed and replaced, one side at a time. *Quercus castaneifolia* was the most popular replacement species, followed by *Zelkova serrata* and *Celtis australis*.

Who participated

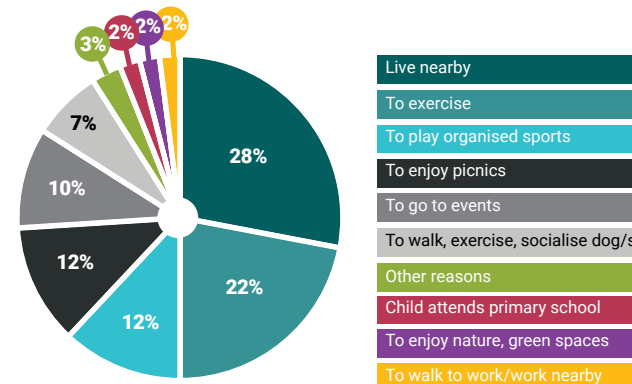
Gender



Age



Reason for visit



Preferred approach for removing and replacing the trees along the park's southern avenue

There were mixed views about the park's southern avenue with 31% of all survey respondents having no preference, 29% preferring the removal and replacement of all the trees this year, 22% preferring the removal and replacement of the trees on each end of the row and, the remaining 18% preferring pruning of deadwood on all trees this year. Note that no option was given for replacement species as trees will be replaced with elms due to its protected microclimate of this avenue compared with the central diagonal avenue.

Options for planting in the garden beds along the path to the war memorial

Planting preferences were similar between a mix of Australian and other plants (46%) and Australian plants only (45%). A small percentage of respondents preferred plants from other parts of the world only (9%) .

A mix of Australian and other plants – stronger preference by those who lived within 500 metres of the park, by males, by those aged 45-64 years and by those who walked their dog/s or exercised at the park.

Australian plants only – stronger preference by those who lived more than 500 metres away from the park, by females, by those aged 15-44 years and by those who visited the park to play organised sports or to attend events.

Options for the southern former pétanque bowling area

This question asked people to select their preferred way to use the space formerly used as a pétanque bowling area from three options:

- a half basketball court and grassy space
- a grassy space with trees and seating
- another suggestion (with an open field inviting people to write their idea).

A total of 100 people responded to this question.

Options for the southern former pétanque bowling area

Preferred way to use the space formerly used as a pétanque bowling area	Respondents who selected this option	Respondents who selected the "another idea" option and suggested similar ideas	Total
A half basketball court and grassy space	34%	12% put forward ideas for active recreation including outdoor learning, fitness activities or an exercise area.	46% prefer space for active recreation open to all.
A grassy space with trees and seating	23%	15% put forward ideas for passive recreation including a garden setting, biodiversity planting, indigenous plants or a retreat space.	38% prefer space for passive recreation with lawns, trees and seating open to all.
Another suggestion: (with an open field inviting people to write their idea)	n/a	21% suggested leasing the space to the Bowling Club for a synthetic green.	21% prefer leasing the space to the Bowling Club.

The totals add to more than 105% because a small number of people who chose to suggest their own idea suggested a mix of active recreation and passive recreation uses for the space.

| 1. Contact page

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St James Park, Hawthorn

Heritage Advice

Prepared for
City of Boroondara
December 2021



Acknowledgement of Country

We respect and acknowledge the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, their people, their lands and waterways, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with First Peoples to support the protection of their culture and heritage. We strongly advocate social and cultural justice and support the Uluru Statement from the Heart.

Quality assurance

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

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1 Background

GML Heritage Victoria Pty Ltd (formerly trading as Context) was engaged by the City of Boroondara in September 2021 to provide heritage advice in relation to St James Park, Hawthorn. The heritage advice was requested to inform the proposed renewal of the three avenue plantings of elm trees in St James Park and potential re-use options for the southern-most bowling green, which is not currently in use.

The City of Boroondara is developing a tree renewal program for senescing elm trees in St James Park and contemplating the future use of the currently disused bowling green. The tree renewal program and future use of the bowling/pétanque green are to be incorporated into a master plan being prepared concurrently for St James Park, Hawthorn, by the City of Boroondara.

1.1 Objectives and scope

This heritage advice is provided to inform the planned tree renewal process in a way that best ensures change associated with landscape succession is managed without compromising the heritage values, landscape character and community enjoyment of the place, while also recognising the imperatives associated with a changing climate.

Similarly, the heritage advice is intended to provide direction to Council in relation to heritage constraints and opportunities associated with the southern-most bowling/former pétanque green.

The outcomes of this heritage advice will be used in forthcoming community engagement about the development of the St James Park master plan.

1.2 The study area

First laid out in 1861, St James Park forms an important part of the heritage of Hawthorn and the City of Boroondara. Like other nineteenth century public parks and gardens in metropolitan Melbourne, St James Park retains evidence of its original Victorian-era layout and early planting phases, as well as other layers of change accrued over time, including interwar improvements, a war memorial and a recent children's playground. The park provides valuable space for passive and active recreation for the community.

This heritage advice is primarily concerned with the three elm avenues and the disused former pétanque green shown in Figure 1.1.



Figure 1.1 Study area map. (Source: Nearmap with GML overlay)

1.3 Approach and methodology

The approach and methodology for this project were informed by the principles, guidelines and methodologies in the following documents:

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013
- *Australia ICOMOS Practice Note on Heritage and Sustainability 1: Built Heritage*, Version 01, August 2019
- *ICOMOS Heritage and Climate Change Outline Report: The Future of Our Pasts*, 1 July 2019.
- *Conservation Management Plans: Managing Heritage Places—A Guide*, Heritage Council of Victoria, 2010
- *Landscapes of Cultural Heritage Significance: Assessment Guidelines*, Heritage Council of Victoria, February 2015
- *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, by James Semple Kerr on behalf of the National Trust of Australia (NSW), Fourth Edition, December 1996



The methodology followed the Burra Charter process (see Figure 1.2).

Key tasks carried out in the development of this heritage advice report were:

- An inception meeting with the Council project team to understand the project background, constraints, issues, aspirations and opportunities.
- Confirmation of the history and evolution of St James Park, Hawthorn.
- Targeted desktop research into the history and evolution of the bowling club and its layout, to supplement the bowling club history in the 1992 heritage study citation.
- Site inspections and site meetings on 12 October 2021 (remotely, guided by the Boroondara project team) and 9 November 2021 (in person).
- A review of relevant background materials provided by Council.
- A review of current heritage practice: this included a review of high-level frameworks for integrating cultural heritage management and climate science, and local approaches to and practical examples of tree renewal programs for comparable parks of cultural heritage significance carried out within such frameworks.
- A review of the draft selection criteria for tree replacement by the City of Boroondara, and development of companion criteria for conservation of the park's heritage values.
- The development of a tree replacement criteria and decision-making process, bringing cultural heritage considerations alongside scientific modelling for selected replacement species, utilising background research prepared by Susan Murphy.
- Establishment of principles to guide selection of a compatible use for the dis-used green.
- Presentation of the preliminary findings to Council's project team for discussion.
- Preparation of the heritage advice report.

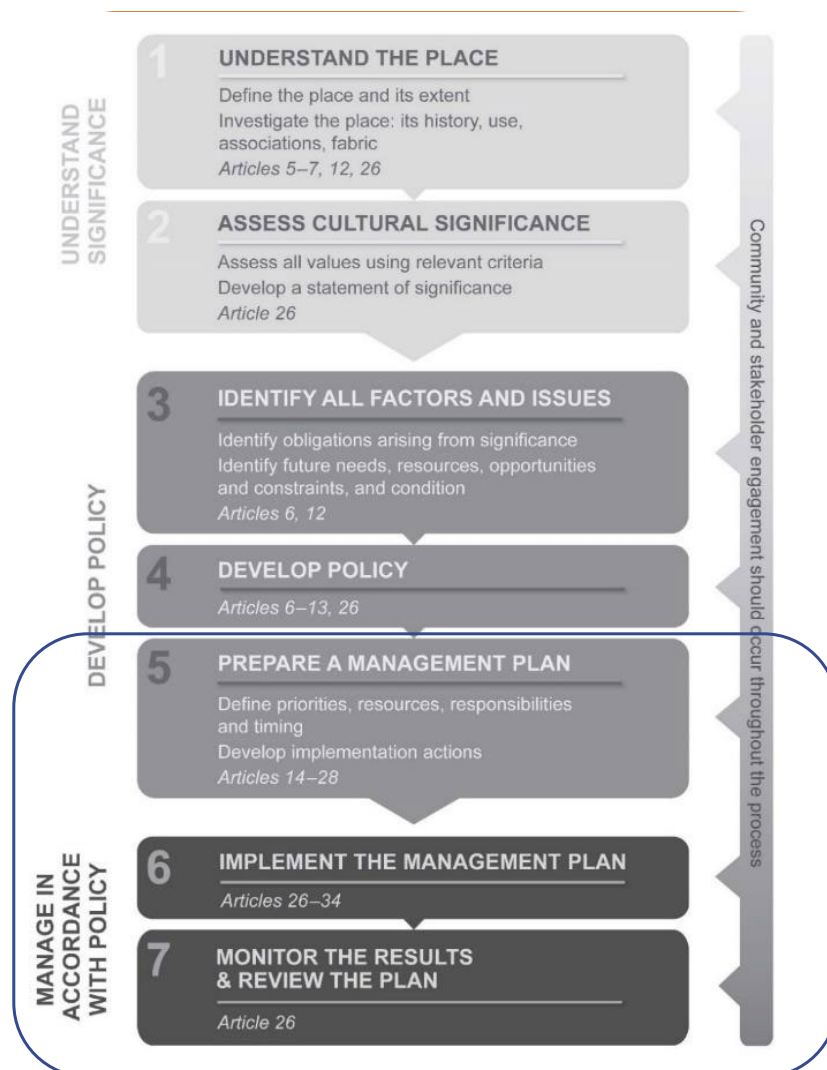


Figure 1.2 The Burra Charter process flow chart, from the Australia ICOMOS Burra Charter, 2013, p. 10 (summarised in Article 6 of the Burra Charter). Steps 1 to 4 were carried out in this project. The master plan will address steps 5 to 7.

1.4 Limitations

Due to restrictions associated with the Covid-19 pandemic during the first months of the project, it was not possible to view undigitised historical records in the Hawthorn Library's local history collection. It was also not possible to view the St James Park Reserve file, or records at the Public Record Office of Victoria. As a result, the project was limited to desktop research.



The initial site inspection and meetings were carried out online.

Historic images of St James Park held in the City of Boroondara library collection and accessible online were viewed in the preparation of this heritage advice.

1.5 Authorship

This report was prepared by Christina Dyson and Juliet Berry. Images are by GML Heritage unless otherwise acknowledged.

1.6 Acknowledgments

We acknowledge the assistance of the City of Boroondara project team: Sue Godfrey, Susan Murphy, Michael Tanner, and Brendon Burke.



2 Understanding the place

2.1 History

The historical understanding of the place and summary chronology below has been drawn from the Meredith Gould Heritage Study, and from desktop research using accessible online primary and secondary sources.

2.1.1 Chronology of key dates

The following chronology is summarised from the 1992 Hawthorn Heritage Study by Meredith Gould, other accessible secondary sources and targeted primary research.

Table 2.1 St James Park, Hawthorn; chronology.

Date	Action
1852	The land for St James Park Hawthorn was part of the Crown Land reserve for the Village of Hawthorn, laid out by Robert Hoddle in 1852. Unsold blocks became known as common land.
1861	The Reserve (historically known by various names, currently St James Park) was laid out by English-born James Scott (1819–1879), florist and nursery proprietor, using trees distributed by Melbourne Botanic Gardens director Ferdinand von Mueller (1825–1896). Scott had established a nursery in Burwood Road, Hawthorn (known as the Royal Nursery after receiving patronage during the 1867 visit of the Duke of Edinburgh) on land purchased in 1854.
1860s–70s	Plants supplied by von Mueller, including Blue Gums, WA Red Flowering Gums
1870	50 pines, 60 elms, 27 oaks planted.
1870s	Oval used from this time for cricket.
1880	Bowling club established.
1887	Some trees replaced. The 1992 citation suggests Moreton Bay Figs and Monterey (Radiata) Pines in the park in 1992 may date from this time. Other trees introduced were Peppercorn Tree (<i>Schinus molle</i>), Monterey Pine (then <i>Pinus insignis</i> , now <i>P. radiata</i>) and Sweet Pittosporum (<i>Pittosporum undulatum</i>).
c.1887	Football was also played at the oval.
1900	By 1900, the Hawthorn Recreation Reserve was fenced, with six entry gates. There was a fountain at the centre of the park. ¹

¹ Melbourne and Metropolitan Board of Works, Detail Plan No. 1804, dated August 1900.



Date	Action
1901–45	Layout of bowling greens changed (extended to south).
1929	Freestone and granite Hawthorn War Memorial constructed, comprising the cenotaph and lawn and a symmetrical grove of Bhutan Cypress (<i>Cupressus torulosa</i>), dedicated Sunday 10 March 1929. Designed by M Finlayson. ²
c1929	Depression era works to paths, edging, and associated plantings including Bhutan Cypress.
1930s	Extant bowling club building built.
c.1945–70	Bowling green extended to south
1998–2011	Camberwell Petanque Club commenced use of southern green, moving to Lynden Park in 2011. ³
2020	Weatherboard pavilion in the northwest corner of the park (replaced c1960s with a brick building).

² *Age*, 11 March 1929, p. 10.

³ Sweeney Sports, 2006. *Building Participation in Lawn Bowls*. Report prepared for Bowls Australia. Online: www.bowls.com.au/wp-content/uploads/2018/09/Sweeney-Report.pdf

2.1.2 Historic maps and aerials of St James Park

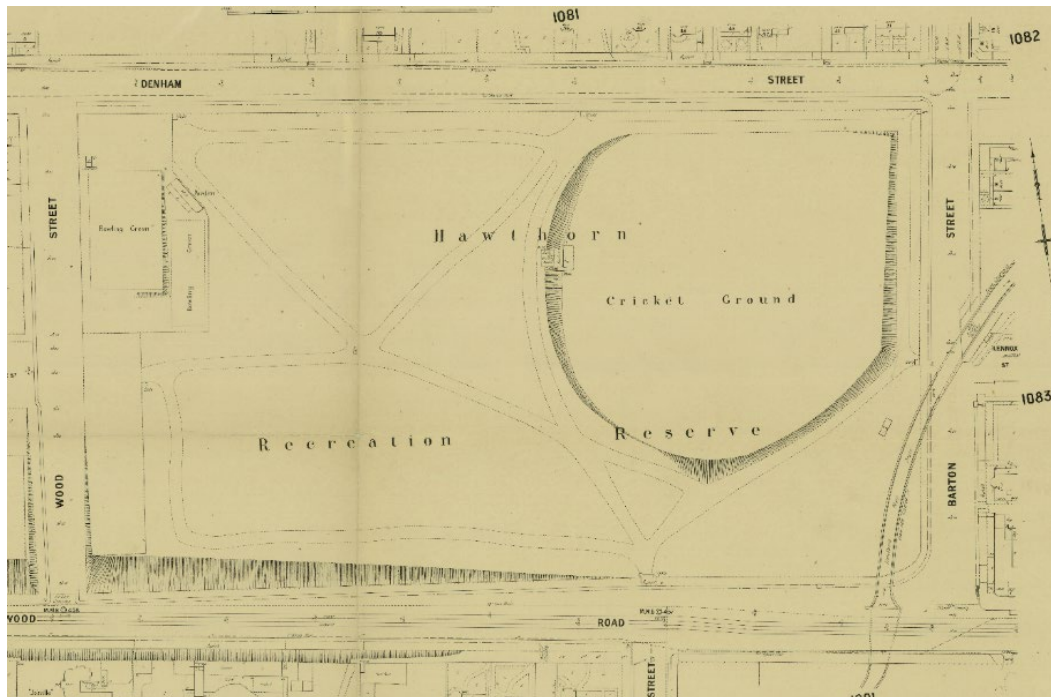


Figure 2.1 Hawthorn Recreation Reserve (now St James Park), Hawthorn; detail from MMBW plan No. 1084 dated 1900. (Source: State Library Victoria)



Figure 2.2 St James Park, Hawthorn, detail from 1945 aerial. (Source: <https://1945.melbourne/>)



Figure 2.3 St James Park, Hawthorn, detail from 1970 aerial. (Source: Landata)



Figure 2.4 St James Park, Hawthorn, detail from 1985 aerial. (Source: Landata)



Figure 2.5 St James Park, Hawthorn, 27 October 2021 aerial. (Source: Nearmap)



Figure 2.6 St James Park, Hawthorn, with 1900 MMBW detail plan of the Hawthorn Recreation Reserve overlaid onto the 2021 aerial photograph, showing how the layout of the park remains largely intact. (Source: Nearmap and State Library Victoria, with GML overlay)

Notes associated with Figure 2.6:

- A Location of fountain in 1900, no longer extant.
- B New entries into the park (steps) created by 1929.
- C Oval extended, resulting in the removal of paths in this location.
- D Bowling greens extended to the south to the extent of the former pétanque green.
- E Extension of bowling greens resulted in the realignment of a path in this location.
- F The Reserve was fully fenced in 1900, with six entry gates.



Figure 2.7 Detail from 'Hawthorn Bridge at Bridge Road showing construction work' Airspy photograph by Charles Daniel Pratt (1892–1968) dated 'ca1925–ca1940'. The image must have been taken after 1929, when the Hawthorn War Memorial monument and lawn were constructed at St James Park. (Source: Accession No: H91.160/1718, State Library Victoria)



Figure 2.8 Detail of 'Residential area of Richmond with Richmond Pony Track and parks' Airspy photograph by Charles Daniel Pratt (1892–1968), dated 'ca1925–ca1940'. This image was taken in winter, after 1929 when the Hawthorn War Memorial monument and lawn were constructed at St James Park. (Source: Accession No. H91.160/1604, State Library Victoria)



Figure 2.9 St James Park and general view of Hawthorn, postcard c.1906 (photomechanical print). By this time the park appears extensively planted, including specimen trees in lawn. The cannon is no longer in the park. (Source: State Library Victoria, Accession No: H2016.26/518)

2.1.3 Planting phases and planting patterns



Figure 2.10 Analysis of aerial photographs between 1945 and 2021 demonstrates how the main structural plantings and planting patterns at St James Park that remain evident in the present, were well established by 1945. (Source: Nearmap, with GML overlay)

Note A: Analysis of the planting patterns from historic aerial photographs shows that between 2009 and 2014 canopy cover in this area was reduced. This is understood to have been a result of tree decline (and removal) associated with a sustained period of drought at this time. Additional tree planting along the north side of this pathway could be contemplated as part of the Master Plan for St James Park.

Note B: From observations on-site of this lawn area, an additional specimen tree to increase shade and amenity in this part of the park could be accommodated in this area without compromising significance. The opportunity to test how a historically appropriate species that is new to the St James Park setting performs aesthetically, functionally, and biologically could be considered in the central triangle.

2.1.4 Bowling greens



Figure 2.12 Detail from the 1900 MMBW Detail Plan No. 1084. (Source: State Library Victoria)



Figure 2.13 The MMBW plan detail overlaid on a 2021 Nearmap aerial image to illustrate changes to the bowling green area since 1900. (Source: State Library Victoria and Nearmap)



Figure 2.14 Current green footprints overlaid on the 1945 aerial. (Source: Landata with GML overlay)



Figure 2.15 Current green footprints outlined on 2021 aerial. (Source: Nearmap with GML overlay)



The illustrations above show how the bowling greens and bowling club area in the northeast corner of St James Park have evolved over time. A new clubhouse was built after 1929, replacing the angled pavilion with verandah visible in the 1900 MMBW plan. The layout of the greens was altered between 1901 and 1945, and the overall footprint of the area was extended to the south in that period, and possibly again to the south to a much smaller degree between 1945 and 1975.

Figure 2.12 suggests that the southern-most green (the former bowling/pétanque green) may also have been extended a small distance to the south after 1945.

The extant bluestone retaining wall on the south side of the former pétanque green therefore would date from after 1945. The rockery garden may also date from c1945.

2.2 Description of St James Park

St James Park is described in the 1992 Heritage Study as follows:

St James Park occupies a 4.5ha and consists of sweeping lawns, several radiating paths, avenues of mature exotic trees (*Ulmus procera*, *Quercus robur*, *Cupressus torulosa*, *Schinus molle* var. *areira*), scattered specimen trees* and remnant River Red Gums (*Eucalyptus camaldulensis*).

From the oval at the eastern end of the Park, the land rises up fairly steeply to a ridge, topped by Wood Street, Christ Church and West Hawthorn Primary School. (The other side of the ridge drops down to the Yarra River Valley.) Hawthorn Creek originally would its way along the eastern boundary of St James Park. The creek was covered over in [sic. by 1900] and the oval developed on the creek flats. The former creek banks encircle above, providing a dramatic setting for the park and the approach to the War Memorial.

*Including *Pinus canariensis*, *Ficus macrophylla*, *Koeluteraria paniculatum*, *Pittosporum undulatum*.

The mature collection of large trees—comprising strong evergreen forms of specimen trees in lawn and shaded walks of mature deciduous trees—and open lawns dotted with specimen trees are key characteristics of St James Park. They provide important evidence of the park's nineteenth century establishment and Victorian, Edwardian and interwar planting phases, alongside the largely intact pathway layout and division of the park into areas for passive and active recreation.

Defining attributes of the planting at St James Park are:

- mature large trees, extensively planted, with a rich collection of trees across the linear, avenue and specimen tree population



- exotic species generally, with exceptions: two remnant River Red Gums (*Eucalyptus camaldulensis*) and introduced Australian native trees, Silky Oak (*Grevillea robusta*) and Moreton Bay Fig (*Ficus macrophylla*)
- two main planting patterns:
 - avenue and linear plantings (single species, uniform, deciduous) along pathways and oval edge, some species diversity (avenues of elms, row of oaks, rows of Peppercorn Trees, short linear groupings of Silky Oak)
 - lawn with specimen trees – high species diversity, informal arrangement, mostly specimen trees, strong evergreen forms
- other planting patterns include paired trees at entries and plantings associated with the war memorial, of Bhutan Cypress (*Cupressus torulosa*)
- strong contrast between avenue plantings (deciduous, uniform species) and specimen tree plantings (evergreen, rich species diversity), shaded walks and open areas of lawn
- War Memorial, strong formality and symbolism to design and planting, axial view terminating in monument, backdrop of evergreen Bhutan Cypress, long, broad, open lawn setting, low formal bedding
- the east end's more open in character, largely because of the large expanse of the sports ground, and less densely shaded because of the canopy foliage of the Peppercorn Trees along the east boundary and Silky Oaks in the southeast corner, and fewer trees (other than street trees) at the east end of the north boundary.



Figure 2.16 View west along the north elm avenue. The avenue is more open where replacement trees are located (recent and c1990s), right-hand side.



Figure 2.17 North elm avenue, north row of trees (at left) and relationship to elm street trees (at right).



Figure 2.18 Open lawn between the north and central diagonal avenues, with specimen trees at the west end.



Figure 2.19 Central diagonal avenue, southeast side, showing canopy dieback



Figure 2.20 East-west section of southern avenue, looking east (Burwood Road at right). Note smaller, newer elms on right side.



Figure 2.21 South avenue showing dieback in canopy along north row.

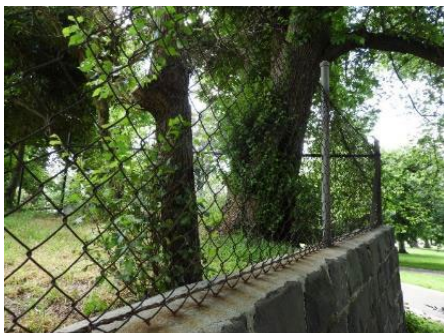


Figure 2.22 Southeast corner of former pétanque green, with self-sown elms at edge.



Figure 2.2 Bluestone retaining wall at south edge of former pétanque green, with cantilevered deck over part

3 Significance

3.1 Existing heritage significance

St James Park, Hawthorn is included in the Heritage Overlay of the Boroondara Planning Scheme within the boundary of the West Hawthorn Precinct (HO220).

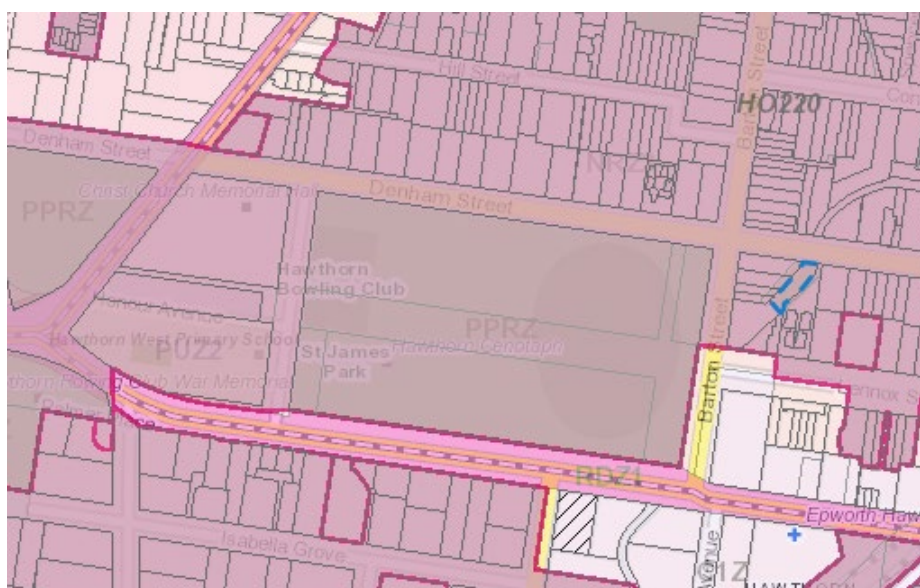


Figure 3.1 St James Park (centre of image) included within the boundary of the West Hawthorn Precinct (HO220). (Source: VicPlan version 2.3.2, generated 29 October 2021).

Within HO220, the majority of St James Park is graded Significant. The balance of the site which includes most of the bowling greens, the bowling club clubhouse and setting, is graded Contributory. (See Figure 3.2 below.)

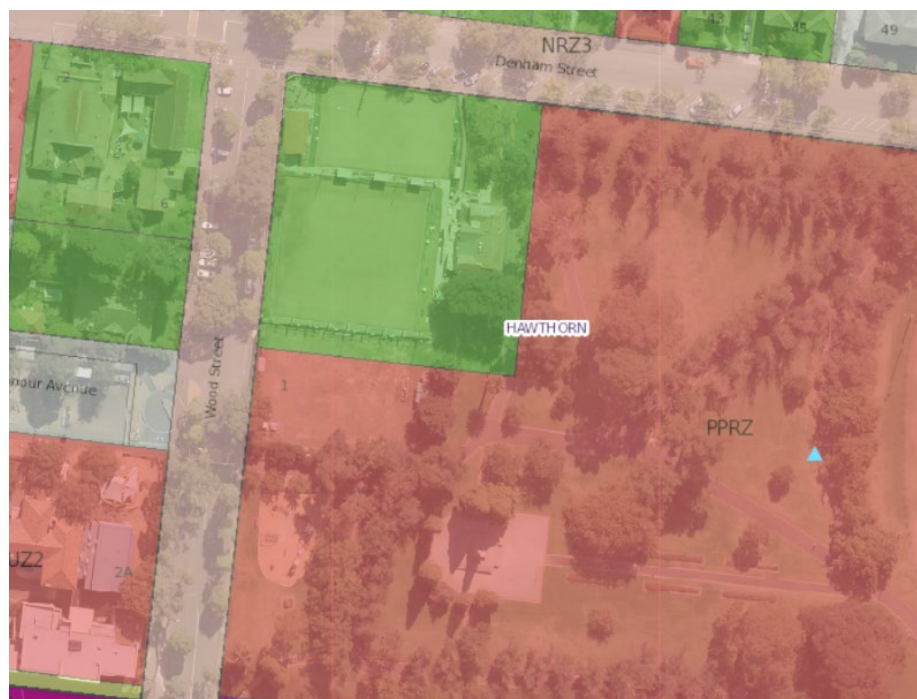


Figure 3.2 Detail of the Boroondara Planning Scheme map showing Significant (red) and Contributory (green) elements of HO220 for St James Park, Hawthorn. (Source: courtesy City of Boroondara)

The significance of the park is articulated in the 1992 Hawthorn Heritage Study as follows:

St James Park, reserved in 1861 as a Crown Land Reserve, and continuously maintained since then as a public park is of metropolitan significance:

- For its association with the original Village of Hawthorn Reserve.
- For the remnant vegetation.
- For its mature native and exotic trees, particularly the elm and oak avenues.
- For its role in providing passive and active recreation opportunities to the citizens of Hawthorn and neighbouring areas.
- For its War Memorial of cultural significance.⁴

⁴ Meredith Gould Conservation Architects 1992. Hawthorn Heritage Study, Appendices Volume 1B Part 2.



Four River Red Gums in St James Park are included in Council's Significant Tree Register. The tree identification numbers are:

- 248, remnant, northeast corner of the park
- 249, remnant, northeast corner of the park
- 251, remnant, south of the War Memorial lawns, near the south avenue
- 252, in the west of the park.

One mature English Oak (*Quercus robur*) in St James Park is included in Council's Significant Tree Register. The tree identification number is:

- 250, centre of the park.

3.2 Analysis of significance

3.2.1 Planting phases

The collection of mature native and exotic trees within St James Park are noted as contributing to the significance of the park. The mature trees date from different planting phases, including the mature elms, oaks and pines from the 1870 planting, other early trees such as the Moreton Bay Figs and exotic evergreen specimen trees, the Peppercorn Trees, and plantings introduced by and in association with the 1929 war memorial. Particular mention is made in the Statement of Significance of the contribution of the remnant vegetation (River Red Gums), elms and oaks to significance. Aerial images between 1945 and 2021 were analysed and indicate that the main structural plantings and planting patterns that are evident in the park today were well established by 1945.

In 2021, in spite of the senescence or decline of some elms and the replacement of some individual trees over time, the elm avenues remain an important feature of the park's historic fabric and landscape character.

The other mature native and exotic trees in the park from c1870 into the interwar period also contribute to the park's significance and define its landscape character.

Peppercorn Trees were introduced into Victoria by Scott & Son's nursery of Hawthorn. St James Park (The Reserve) was laid out in 1861 by Scott of Scott & Son's nursery. Scott & Son may have contributed Peppercorn Trees which were recorded in St James Park in 1887. The trees in the avenue of Peppercorn Trees along the Barton Street boundary of the park, while old, do not appear to have been planted in the 1880s.¹ Evidence provided by the 1945 Melbourne aerial is inconclusive about whether the extant Peppercorns Trees are those that were planted in the nineteenth century, but many are mature trees. The long history of Peppercorn Trees in the park and the association of the species with Scott contributes to their significance.



3.2.2 Bowling greens

The bowling greens and bowling club are not expressly mentioned in the statement of significance. However, they contribute to the significance of the place as an early component of the continuously maintained public park (established in 1880) and through their role in providing 'active recreation opportunities to the citizens of Hawthorn and neighbouring areas'. As shown in the analysis in section 2.1.4 above, the bowling green area in the northeast corner of St James Park has evolved over time—reconfigured and expanded, a new clubhouse built after 1929, alteration of the green layout between 1901 and 1945, extension of the overall footprint to the south by 1945, and again to the south to a small degree between 1945 and 1975. These changes foreshadowed a wider trend in the 1950s and 1960s that saw a huge increase in the popularity of lawn bowls in Australia.⁵ However, by the end of the twentieth century the sport of lawn bowls was in decline. The footprint of the bowling greens at their fullest extent provides evidence of the postwar period of popularity in lawn bowls.

The retaining walls to the south and east sides of the former pétanque green and the rockery garden along the east boundary of the green appear are most likely to have been constructed in association with expansion that correlated with a period of increased demand for these recreation facilities.

The elms at the south end of the bowling greens, contribute to the overall tree canopy and hence to the character of the park but appear to have originated from self-sown specimens. The self-sown elms are not of heritage significance.

3.3 Significance of individual elements

A synthesis of the existing understanding of the park's significance and the analysis above, confirms the following elements contribute to the significance of St James Park:

- the park boundaries, early park layout established by 1900, and improvements into the interwar period (pathways, oval, area for lawn bowls expanded in the interwar period, the war memorial)
- the landscape character of the park, defined by mature large trees, avenues planted with exotic deciduous trees, open lawn areas planted with a diverse collection of trees with strong evergreen forms
- the remnant River Red Gums

⁵ Hess, Rob, 2008. 'Lawn Bowls' in *Encyclopedia of Melbourne*. Produced and published by the School of Historical & Philosophical Studies, The University of Melbourne, July 2008. Online: eMelbourne.net.au



- mature native and exotic trees, particularly the elm and oak avenues, but also other trees that provide evidence of early planting phases into the interwar period and which contribute to the park's landscape character
- the provision of passive and active recreation opportunities to the citizens of Hawthorn and neighbouring areas
- the footprint of the oval
- the footprints of the bowling greens
- the Hawthorn War Memorial, including the war memorial, formally arranged Bhutan Cypress trees, symmetrical landscaped setting, forecourt and paths, the east-west view corridor terminating in the monument
- hard-landscaping introduced in the interwar period, including steps and rock edging and landscaping associated with the war memorial
- the tradition of pathways lined with brick spoon drains. Some pathways have spoon drains made of early bricks which, if not early fabric, are sympathetic to the park's historic layout and contribute to understanding the significance of the park.⁶

Elements that are not significant are:

- self-sown trees
- modern bricks used in spoon drains and steps
- children's playground (fabric not significant)
- lamps (fabric not significant)
- seats (fabric not significant).

Intrusive elements are:

- two large water tanks.

Lost elements are:

- some density of tree canopy in the central triangle of lawn
- fountain, extant in 1900
- bandstand (replaced by the War Memorial)
- cannon, visible in early photographs.

The potential significance of the bowling club house was not investigated in the report. It is graded Contributory in HO220.

⁶ Although outside the scope of this study, the analysis confirmed that the pathway layout, as noted in the 1992 Heritage Study, remains largely intact. It is therefore significant, although it is not specifically noted in the Statement of Significance. The pathway layout should be retained. The brick spoon drains that edge the paths are consistent with the historic character of the park.



4 Managing change

The Heritage Victoria guidelines for managing heritage places state how it is recognised that changes to all heritage places are almost always needed if the place is to be retained and used into the future.

Managing change in the context of cultural landscapes and significant historic public parks such as St James Park, Hawthorn, is complex. However, work by leading landscape heritage practitioners acknowledges how, unlike the case with historic buildings, 'change is not merely tolerated; it is often an inherent and desired characteristic'.⁷ Heritage landscapes are 'things'/places that have been developed or designed, but they are also the result of dynamic natural processes and they require ongoing management and renewal.⁸

The traditional, orthodox approach to significant tree replacement has been to replace like for like. Provision has typically also been made for replacement with a species that has similar values to the original. Generally, however, this approach has been applied where supported by relative degrees of significance, as contemplated in Article 5.2 of the Burra Charter:

Relative degrees of cultural significance may lead to different conservation actions at a place.

As a result of projected changes to climate and environmental conditions, the imperative to go beyond the orthodox approach to ensure culturally significant landscapes have a future has been recognised. In the local context, approaches to the conservation of significant parks and gardens, street trees and cultural landscapes in metropolitan Melbourne and elsewhere in terms of landscape succession are being re-thought and re-envisioned. As stated in the RBG Landscape Succession Strategy (2016),

Long-lived assets such as trees...take many years to reach maturity. New specimens need to be selected against the criteria of future climate change and planted now to help deliver a healthy, mature future landscape that is adapted to the conditions of the future climate.

⁷ Melnick, Robert 2015. 'Change over time and landscape preservation' in *Change Over Time* 5 (2), Fall 2015, pp. 174–179.

⁸ Melnick, Robert 2015.



Such approaches are drawing on scientific research on urban trees and urban forests, climate change models and tools and species-specific data on climate suitability.⁹

In most settings, ensuring cultural significance is not compromised in the longer term now requires approaches that will sustain heritage values and a resilient landscape into the future.¹⁰

The like-for-like approach to replacing significant trees should still be considered; for example, if a species is favourably rated in future climate change scenarios or if the microclimate of a specific location and available water resources and soil health would adequately reduce the vulnerability of a species.

A combination of approaches to tree renewal and replacement is appropriate in the context of St James Park in Hawthorn.

Using the evidence-based studies by Kendal and Baumann (2016) and Fenner (2019), which both assessed the climate readiness of a wide range of individual species based on future climate scenarios, the City of Boroondara has assembled a list of potentially suitable climate-ready species to consider for use in the St James Park avenues. Species were also rated against relevant aesthetic criteria.

This heritage advice for St James Park has developed heritage significance-based tree replacement criteria. The findings are to be integrated with the tree selection matrix prepared by Council that synthesises data for individual species about future climate suitability and other factors.

⁹ See Kendal and Baumann 2016; Royal Botanic Gardens Victoria 2016; Fenner 2019; City of Melbourne 2021.

¹⁰ For example, see Royal Botanic Gardens Victoria 2016. Landscape Succession Strategy Melbourne Gardens 2016–2036, p. 9.



5 Elm tree replacement selection criteria

5.1 Developing the criteria

The development of the selection criteria was informed by:

- the significance of the park as a whole
- the contribution of the avenues to the significance of the park and its landscape character
- aesthetic qualities of the trees and the experience of the avenues (including seasonal)
- historical appropriateness relative to the establishment of the park and early planting phases
- consideration of impacts of tree renewal, in response to different scenarios, on the significance of the avenues and on the landscape character and significance of St James Park as a whole
- resources available for maintaining the avenue trees
- climate considerations for the projected lifespan of the replacement tree options.

The approach is based on the following assumptions:

- the avenue trees will be irrigated
- the micro-climate of the southern avenue combined with proposed irrigation will support like for like replacement of the elms

Selection criteria

The selection criteria are grouped according to historic/aesthetic, functional and biological considerations (after Hitchmough 1994). The criteria within each grouping are listed according to importance.

5.1.1 Historic characteristics

Primary historic characteristics

- Available at the time of the park's establishment in 1861 or subsequent early planting phases to c1929. Sources for cross-reference:
 - Margaret Brookes and Richard Barley, *Plants Listed in Nursery Catalogues in Victoria 1855–1889*, for the Garden Plant Conservation Association of Australia, second edition 2009
 - National Trust, *Planting c.1850–1900: A Guide to the Restoration, Conservation and Rehabilitation of Early Style Australian Gardens and Man-Made Landscapes*, Australian Council of National Trusts Technical Bulletin 4.1, 1982



- Roger Spencer, *Horticultural Flora of South-eastern Australia* (c1997), cultural notes about specimens
- Other research that confirms the introduction into horticultural use in Melbourne between the 1860s and 1930s (online databases APNI, IPNI, BHL).

Secondary historic characteristics

- Used in historic public parks and gardens of a comparable era in Melbourne or Victoria, including as replacement planting where the replacement is based on truthful and credible sources:¹¹
 - Victorian Heritage Database (targeted search of known comparable gardens with significant plantings or tree collections)
 - National Trust of Australia's Significant Tree Register
 - Victoria's Avenue of Honour database prepared for Veterans Branch by Context, 2021 (not yet publicly accessible).

Exclusion criteria

- Modern variety or cultivar.

Aesthetic characteristics

Primary aesthetic characteristics

- Mature large trees. The existing elms at maturity are: 25–30 metres (h) x 10–20 metres (w).
- Deciduous.
- Tree form.
- Autumn colour: yellow preferred.
- Foliage texture: similar leaf size/shape and density in terms of shade provision preferred. The existing tree canopies provide lightly dappled shade.

Secondary aesthetic characteristics

- Maintains the contrast between deciduous avenue plantings and bold evergreen forms of specimen plantings.
- Maintains some mix of species in linear and avenue plantings. For example, avoid overpopulating the park with linear and avenue plantings of oaks.
- For the northern avenue, consider the aesthetic relationship of replacement avenue trees to adjacent elm street trees (unified as existing, or different). The elm street

¹¹ Operational Guidelines for the Implementation of the World Heritage Convention, UNESCO 2019, paragraph 82.



trees in Denham Street were planted later than the northern elm tree avenue in St James Park. While sympathetic to the landscape character of St James Park, they do not provide evidence of the park's important planting phases from the late nineteenth century and into the interwar period. From a heritage perspective, it is therefore not essential for the northern avenue species to be the same as the adjacent street trees.

Functional characteristics

- Evidence in comparable historic settings that the species performs well as an avenue planting in parkland settings.
- Uniformity, so that the avenue planting reads as an avenue.

Biological characteristics

- A: Climate appropriate and rating against other required tolerances, to be integrated with the City of Boroondara's matrix by Council.
- B: Micro-climate appropriate, per City of Boroondara's advice.

5.2 Recommendations

5.2.1 Summary of recommendations

The following table provides a summary of trees assessed in this heritage advice following detailed assessment against the criteria. The full assessment is included as Appendix A. As noted in Appendix A, the final selection of replacement trees will need to balance heritage considerations with other factors included in the City of Boroondara's tree selection matrix, such as projected climate tolerances, public safety and amenity, etc.

Table 5.1 Summary of trees recommended on heritage grounds as options for consideration for replacement of the elm avenues in St James Park, Hawthorn (listed according to strength in terms of satisfying the heritage criteria).

Species	Recommendation	Comments
<i>Tilia cordata</i>	Strongly recommended on heritage grounds	This tree rates well against almost all the heritage criteria, and on heritage grounds is strongly recommended as an option for consideration.
<i>Tilia x europaea</i>	Strongly recommended on heritage grounds	This tree rates well against almost all the heritage criteria and on heritage grounds is strongly recommended as an option for consideration. Not readily available so provision of stock would



Species	Recommendation	Comments
		require engagement of contract growers.
<i>Celtis australis</i>	Recommended on heritage grounds	This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.
<i>Zelkova serrata</i>	Recommended on heritage grounds	This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.
<i>Quercus castaneifolia</i>	Recommended on heritage grounds	This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.
<i>Quercus canariensis</i>	Recommended on heritage grounds	This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration. Note that this species is already present in St James Park
<i>Quercus rubra</i>	Recommended on heritage grounds	This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.
<i>Liriodendron tulipifera</i>	Recommended on heritage grounds	Recommended as an option for one replacement avenue, either the northern avenue or central diagonal avenue.
<i>Ginkgo biloba</i>	Recommended on heritage grounds	Recommended as an option for one replacement avenue, either the northern avenue or central diagonal avenue. Not recommended if this tree is selected for use as a specimen tree in either of the lawn areas adjoining the northern avenue or central diagonal avenue.
<i>Melia azedarach</i> var. <i>australasica</i>	Not recommended on heritage grounds.	While Melia rated strongly against most of the heritage criteria, the tree's small size counts strongly against its use as a replacement tree for the St James Park elm avenues.
<i>Carpinus betulus</i>	Not recommended on heritage grounds	This tree at maturity would be a lot smaller than the existing elms. It therefore performs poorly in terms of



Species	Recommendation	Comments
		the large tree criteria, which is an important one in the context of St James Park.
<i>Ulmus parvifolia</i>	Not recommended on heritage grounds	This tree does not rate as well as other examples against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Table 5.2 Species not recommended on heritage grounds following preliminary assessment

Species	Recommendation	Comments
<i>Gleditsia</i> spp.	Not recommended on heritage grounds	This tree does not rate as well as other examples against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.
<i>Jacaranda mimosifolia</i>	Not recommended on heritage grounds	This tree does not rate as well as other examples against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.
<i>Acer</i> spp.	Not recommended on heritage grounds	Maples do not rate as well as other examples against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.
<i>Platanus</i> spp.	Not recommended on heritage grounds	This tree does not rate as well as other examples against the heritage criteria and would result in a different look and feel aesthetically, relative to the existing elms.
<i>Fraxinus</i> spp.	Not recommended on heritage grounds	Ash trees do not rate as well as other examples against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

5.2.2 Specifications

- Ensure planting schedules for tree renewal will support uniform growth and form of avenue trees.
- Ensure uniform spacing between avenue trees.
- As much as possible, ensure spacing between rows is the same as or similar to the original row spacing of each avenue.
- Ensure spacing and setback take into account mature tree dimensions and ability of the trees to create a tunnel effect where the canopies meet over the path. In accordance with research presented in Fenner (2019), increasing the setback of



replacement elm trees from pathways to increase the available soil volume (to support healthy root growth) would be appropriate, providing the setback is not of such an extent that it would weaken the ability to experience the landscape feature as an avenue.

- Replacement trees should be selected from a single batch to best ensure uniformity. Where possible they should be obtained from the same grower and contract grown.

5.3 Whole-of-park scenarios

Because of the uniform species and similar age (all largely planted at the same time) and decline of a large number of elm trees that make up the St James Park's avenue plantings, substantial tree renewal of the St James Park elm avenues in a relatively short space of time is required. The most urgent is the central diagonal avenue, with the northern avenue most likely needing renewal in the next 10–15 years.

A key challenge is how to minimise adverse impacts on the heritage significance of the place in the longer term while ensuring the selected replacement trees will survive and thrive into the future; ideally for the next 100 years. Change should avoid eroding the historic character of the park and ensure the avenue tree population is resilient into the future.

Impacts from the loss of such a large number of trees through entire or partial replacement of the three primary structural plantings will be substantial in the short to medium term. But an approach that considers tree renewal and the likely success of the replacement trees over longer timeframes and in relation to projected future climate scenarios is important for conserving the cultural heritage significance of the park into the future.

The renewal program offers an opportunity to enhance diversity in the park's avenue tree population, across the three avenues. The following scenarios provide a framework for thinking about the impacts of change, in particular the potential introduction of diversity to the three avenues.

Scenario 1

All avenues replaced like for like.

- Northern avenue
- Central diagonal avenue
- Southern L-shaped avenue: like for like replacement of the elms (approach supported by the micro-climate and available resources).



On face value this scenario appears the most sensitive to the heritage values of the park. Over time, as the trees grow and mature, the original character of St James Park would be returned. However, this outcome would only be achieved if the replacement elm trees survived and thrived in the projected future life expectancy of the trees (around 100 years) in the context of Melbourne's climate change future, as projected for 2030, 2070 and 2090. Elms are considered unlikely to survive, let alone thrive. The exception is Chinese Elm (*Ulmus parvifolia*).

Council's tree planners advise that replacement elms in the southern avenue would be supported by a favourable micro-climate and irrigation, and therefore are expected to survive and thrive in the long term.

Scenario 2

One avenue would be retained as an elm avenue, two avenues would be replaced with the same new species.

- Northern avenue: new species X (ie same species as central diagonal avenue)
- Central diagonal avenue: new species X (ie same species as northern avenue)
- Southern L-shaped avenue: like-for-like replacement of the elms

If climate-ready trees that perform strongly in terms of the heritage criteria are selected for each avenue, the landscape character of St James Park would change because there would no longer be the unity provided by the three avenues, but the cultural significance of the park could still ultimately be conserved in the long term.

If climate-ready trees that perform strongly in terms of the heritage criteria are selected, there is an opportunity for the landscape character of St James Park that is derived from the uniform character of the two intersecting avenues to be conserved in the longer term.

Scenario 3

Each avenue would be composed of a different species.

- Northern avenue: new species X (a different species from central diagonal avenue)
- Central diagonal avenue: new species Y (a different species from northern avenue)
- Southern L-shaped avenue: like-for-like replacement of the elms

If climate-ready trees that perform strongly in terms of the heritage criteria are selected for each avenue, the landscape character of St James Park would change (because there would no longer be the unity provided by the three avenues, but the cultural significance of the park could still ultimately be conserved in the long term).



Climate-ready tree species that perform well but less strongly in terms of the heritage criteria could still be considered, as long as the criteria for historical appropriateness is met (ie available at the time of significant planting phases in St James Park, and no modern cultivars).



6 Bowling greens

6.1 Recommendations

6.1.1 General principles

In accordance with the Burra Charter, the following general principles should be applied to selecting a future new use for the former pétanque green:

Article 1 Definitions

Compatible use means a use which respects the *cultural significance* of the *place*. Such a use involves no, or minimal, impact on cultural significance. (Article 1.11)

Article 3 Cautious approach

Conservation is based on a respect for the existing *fabric, use, associations* and *meanings*. It required a cautious approach of changing as much as necessary but as little as possible. (Article 3.1)

Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture. (Article 3.2)

6.1.2 Specific criteria

Because of changes to the footprint and layout of the bowling greens, in particular at the south end in the location of the former pétanque green, there is some tolerance for change in this part of the park without compromising significance, providing the following specific criteria are met:

- Maintain use of the former pétanque green as a public park.
- Maintain use for active or passive recreation.
- Retain the footprint of the former pétanque green so its historic use and association with bowls and then pétanque can be interpreted.
- Retain the bluestone retaining walls (south and east). Some change/interventions into the bluestone retaining walls and rockery to create access between the former pétanque green and the park would be appropriate as long as the footprint of the green is retained and remains legible.
- If fencing is required for a future use, ensure it is transparent to maintain views across and between the former green, other bowling greens, the club house and the park on all sides.
- Ensure vegetation planted around the edges maintains the visual relationship between the greens and the park.



- Ensure new development of the former green does not adversely impact the St James Park setting (overall landscape character, trees, public use for passive recreation).

Conservation and enhancement of the rockery and garden beds adjacent to the east end of the former pétanque green in the style of an interwar rockery or garden bed would be appropriate, re-using the extant bluestone.

The garden bed on the south side of the former pétanque green is excluded from the area of the Bowling Green graded Contributory within HO220; instead falling within the area of St James Park that is graded Significant within HO220. Currently this area does not contribute strongly to the landscape character or heritage significance of St James Park. Landscape works and planting that enhance the contribution of this garden bed to the significance of the park would therefore be desirable and appropriate.

The cantilevered decking on the south side of the former pétanque green is not significant and could be removed.



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Aerial imagery and historic plans

Melbourne and Metropolitan Board of Works, Detail Plan No. 1804, dated August 1900, State Library Victoria

City of Boroondara library, historic photographs

Landata

Melbourne 1945 aerial

Nearmap

Online databases

Australian Plant Names Index (APNI): <https://www.anbg.gov.au/apni/>

Biodiversity Heritage Library (BHL): <https://www.biodiversitylibrary.org/>

HortFlora: <https://hortflora.rbq.vic.gov.au/>



International Plant Names Index (IPNI): <https://www.ipni.org/>

National Trusts of Australia, Register of Significant Trees: <https://trusttrees.org.au/>

Victorian Heritage Database: <https://vhd.heritagecouncil.vic.gov.au/>



Applying the cultural heritage selection criteria

Table A.0.1 Analysis of tree replacement options against the cultural heritage criteria. The final selection of replacement trees will need to balance heritage considerations with other factors, such as those included in the City of Boroondara's tree selection matrix (projected climate tolerances, public safety and amenity, etc).

Species ¹²	Historic Primary	Historic Secondary	Size	D/E	Form	Autumn	Foliage texture	Contrast	Diversity	Context (north avenue only)	Functional Avenue?	Biological A	Biological B
<i>Ulmus procera</i>	✓	✓	30m	D	columnar to spreading canopy	yellow	rounded, medium			same	✓	X	yes, south avenue only
<i>Celtis australis</i>	✓		✓ 15–20m	✓	✓	✓	✓	✓	✓	comparable	✓		
<i>Zelkova serrata</i>	✓	✓	✓ 20–30m (needs irrigation ?)	✓	✓	no	smaller	✓	✓	different	✓ University of Melbourne not an AoH		
<i>Carpinus betulus</i>	✓		No 10–12m	D	✓	✓	✓ though more rounded	✓	✓	differs	not an AoH		
<i>Tilia cordata</i>	✓	✓	✓✓ 20m +	D	✓	✓	close	✓	✓	differs	3 trees survive thought to be part of original Corryong Avenue of Honour		

¹² Species have been selected on the basis of assumptions of historical appropriateness and similar aesthetic values to the extant elms. These attributes were then confirmed with further research. Generally, selected trees are those with reasonable future climate readiness, per the research conducted by the City of Boroondara (to be integrated with the City of Boroondara data by Council).



Species ¹²	Historic Primary	Historic Secondary	Size	D/E	Form	Autumn	Foliage texture	Contrast	Diversity	Context (north avenue only)	Functional Avenue?	Biological A	Biological B
<i>Tilia x europaea</i>	✓	✓	✓ 20m+	D	✓	✓	similar	✓	✓	differs	Yes but rare		
<i>Quercus castaneifolia</i>	✓	✓	✓ 20–30m	D	✓	no brown	larger leaves	✓	no	differs	✓		
<i>Quercus canariensis</i>	✓	✓	✓ 20m+	D	✓	no brown	larger leaves	✓	no	differs	✓		
<i>Quercus rubra</i>	✓	✓	✓ 20m+	D	✓	brown/red	larger leaves	✓	no	differs	✓		
<i>Liriodendron</i>	✓	✓	✓ 20–30m	D	✓	✓	larger leaves, flowers	✓	✓	differs	None found		
<i>Ginkgo</i>	✓	✓	✓ 30m	D	✓	✓	differs	✓	✓	differs	None found	✓	
<i>Melia adzederach</i> var <i>australasica</i>	✓	✓	No 10m	D	✓	✓	differs leaf texture seasonal interest	✓	✓	differs	Yes		



Historical notes on selected species

Celtis australis

Celtis australis, or Southern Nettle Tree, from the Ulmaceae family, appears in nursery catalogues of Harris in 1865 and Lang also in 1865.¹³ *Celtis occidentalis* was available in nursery catalogues for a longer period, in 1865–86. Spencer notes a *C. australis* specimen in the Oak Lawn, Royal Botanic Gardens Victoria (Melbourne Gardens).¹⁴ No *Celtis* are identified as significant trees in the Royal Botanic Gardens Victoria CMP, however.¹⁵ The National Trusts' STR includes only one listing for *Celtis australis*, for a stand of two street trees in front of the West Hawthorn Child Care Centre, 65 Church Street, Hawthorn.¹⁶

Specimens of *Celtis australis* and *Celtis occidentalis* in the gardens of Duntroon House, ACT, are understood to be early to mid-century RMC Duntroon era plantings. They are not identified as highly significant trees in the Duntroon context, but are recognised as significant for their contribution to the aesthetic character of the gardens as a whole.¹⁷

While not known to have been planted as an avenue (parkland or street tree), the species performs well (canopies intersecting) in the stand of two trees at West Hawthorn (see figures below).

Recommended on heritage grounds: This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.

Zelkova serrata

Zelkova serrata, or Japanese Zelkova, in the Ulmaceae family, is not listed in the nursery catalogues in Victoria between 1855 and 1889. *Zelkova acuminata*, a synonym of *Z. serrata* and then called Keaki (see <https://www.tropicos.org/name/50127524>), was in cultivation in Victoria by the 1880s (see for example, the last item under 'Hints for Tree Planting', in the *Launceston Examiner* 28 September 1881, taken from Mueller's work which noted it as 'valuable as a shade tree in Melbourne'). Note that *Z. serrata* was, until 1903, known as *Conchorus serratus* Thunb. (*Conchorus serratus* is also not included in nursery

¹³ See the *Oxford Companion to Australian Gardens* entries on Joseph Harris (1833–1925) and Thomas Lang (1815–1896), for further information on their contributions to building Victoria's nursery trade (Aitken and Looker 2002, pp. 289–290 and pp. 359–360).

¹⁴ Spencer 1997. 'Ulmaceae', Volume 1, Part 1.

¹⁵ Context Pty Ltd 2018. Royal Botanic Gardens Victoria CMP Volume 2, Zone Assessments, November 2018.

¹⁶ National Trusts of Australia, 1988 and 2001. Register of Significant Trees, https://trusttrees.org.au/tree/VIC/Hawthorn/West_Hawthorn_Child_Care_Centre_65_Church_Street

¹⁷ GML Heritage, 2014. Duntroon House Gardens Heritage Management Plan, May 2014.



catalogues between 1855 to 1889.) The first publication of the species as *Zelkova serrata* was in 1903.¹⁸ The Royal Botanic Gardens Victoria (Melbourne Gardens) CMP estimates the *Zelkova serrata* in the Zelkova Bed (Tree ID 511734), Oak Lawn, to possibly have been planted by Mueller who was director of the Melbourne Botanic Gardens from 1857 to 1873.¹⁹

Zelkova serrata is included in the National Trust Technical Bulletin, the scope of which extends to 1900. Spencer notes a *Zelkova serrata* specimen in the Hopetoun Lawn, Royal Botanic Gardens Victoria (Melbourne Gardens) and opposite the Director's Residence entrance to be over 100 years old (if so, dating the specimen to the 1890s), with specimens in the National Herbarium of Victoria collected in 1893 and 1927.²⁰ The late nineteenth century to c1900 date for *Zelkova serrata* in horticultural use places this species within the timeframe of important planting phases at St James Park. The autumn colour would result in a different aesthetic characteristic.

Recommended on heritage grounds: This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.

Carpinus betulus

Carpinus betulus, or European Hornbeam, appears in nursery catalogues of Law in 1864, Lang in 1865 and 1873, G. Smith 1886.²¹ Spencer notes a specimen in the University of Melbourne System Garden.²²

Not recommended on heritage grounds: This tree at maturity would be a lot smaller than the existing elms and therefore performs poorly in terms of the large tree criteria, which is an important one in the context of St James Park. Not recommended.

Tilia cordata

Tilia cordata, or Small-leaved Linden, appears in an early nursery catalogue of Law in 1864.²³ Spencer notes a specimen at Duntroon in the ACT, and in Victoria in the Wombat Hill Botanic Gardens, Daylesford.²⁴ Flowering in late spring to early summer would be a new aesthetic characteristic.

¹⁸ Tokyo Botanical Society, 1903. *The Botanical Magazine*, Tokyo Botanical Society, volume 17, 1903, p. 13.

¹⁹ Context Pty Ltd 2018. Royal Botanic Gardens Victoria CMP Volume 2, Zone Assessments, November 2018, p. 40; Maroske 2002, p. 423–424.

²⁰ Spencer 1997. 'Ulmaceae' in Volume 2 Part, 1; not identified in the Royal Botanic Gardens Victoria CMP.

²¹ Brookes and Barley 2009, p. 35.

²² Spencer 1997. 'Betulaceae' in Volume 2 Part 1.

²³ Brookes and Barley 2009, p. 173

²⁴ Spencer 1997. 'Malvaceae' in Volume 2 Part 1.



Strongly recommended on heritage grounds: This tree rates well against almost all the heritage criteria and on heritage grounds is strongly recommended as an option for consideration.

Tilia x europaea

Tilia x europaea, or Common Lime, appears extensively in early nursery catalogues between 1857 and 1889.²⁵ *Tilia x europaea* is planted as an avenue in the Camperdown Botanic Gardens, noted as a rare example of this planting form for this species.²⁶ Spencer notes several examples in historic Victorian gardens, including Wombat Hill Botanic Gardens, Daylesford.²⁷ Flowering in late spring to early summer would be a new aesthetic characteristic.

Strongly recommended on heritage grounds: This tree rates well against almost all the heritage criteria and on heritage grounds is strongly recommended as an option for consideration. *Tilia x europaea* is no longer readily available. This should not prohibit its use, as it could be propagated by contract growers. Propagation by contract growers would require additional lead time and resources.

Quercus castaneifolia

Quercus castaneifolia, or Chestnut-leaved Oak, appears in early nursery catalogues of MR in 1877 and SC in 1889.²⁸ Spencer notes several examples in historic Victorian gardens, including nearby Grace Park, Hawthorn.²⁹

Recommended on heritage grounds: This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.

Quercus canariensis

Quercus canariensis, or Algerian Oak, does not appear in early nursery catalogues between 1855 and 1889. Spencer notes its use elsewhere in Boroondara in Canterbury Gardens, Canterbury, and Central Gardens, Hawthorn, at Melbourne Botanic Gardens, planted in 1873, and in avenue plantings including at Narre Warren (Princes Highway) planted in 1890, and the Woodend Avenue of Honour (with hybrids of *Quercus robur*), planted in 1920.³⁰

²⁵ Brookes and Barley 2009, p. 173.

²⁶ Victorian Heritage Database entry for Camperdown Botanic Gardens and Arboretum (VHR H2256).

²⁷ Spencer 1997. 'Tiliaceae' in Volume 2 Part 1.

²⁸ Brookes and Barley 2009, p. 141.

²⁹ Spencer 1997. 'Fagaceae' in Volume 2 Part 1.

³⁰ Spencer 1997. 'Fagaceae' in Volume 2 Part 1.



Recommended on heritage grounds: This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.

Quercus rubra

Quercus rubra, or Red Oak, appears in many early nursery catalogues between 1864 and 1886.³¹ Spencer notes specimens in other parks including the Kings Domain, and inclusion in a mixed avenue in Bright.³² The autumn colour would result in a different aesthetic characteristic. While the species information states that the autumn colour is red, other examples of this tree growing in Boroondara display brown autumn colour.³³

Recommended on heritage grounds: This tree rates well against most of the heritage criteria and on heritage grounds is recommended as an option for consideration.

Ulmus parvifolia

Ulmus parvifolia, Chinese elm. Historically the Chinese Elm tends to be used as a specimen tree than an avenue planting, although there is evidence of its successful use as a street tree in George Street, East Melbourne.

Not recommended on heritage grounds: This tree does not rate as well as other species against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Liriodendron tulipifera

Liriodendron tulipifera, or Tulip Tree, appears in many early nursery catalogues between 1855 and 1889.³⁴ Spencer records specimens in the Dandenongs ('Kenloch', 36m), Kyneton Botanic Gardens, Marysville (27m), and University of Melbourne.³⁵ The Kenloch specimen is included in the National Trust Significant Tree Register, and is noted as a remnant of a planting by JC Cole of Cole's Nursery in the 1870s and 1880s.³⁶

Using this tree would result in a different look and feel relative to the existing elm avenues because of its softer foliage texture and showy flowers. Against other historic and aesthetic criteria, however, this tree performs strongly. The scale of this tree is a strong positive for its inclusion as an option.

³¹ Brookes and Barley 2009, p. 141.

³² Spencer 1997. 'Fagaceae' in Volume 2, Part 1.

³³ Per comm, City of Boroondara Urban Tree Planner, 7 December 2021.

³⁴ Brookes and Barley 2009, p. 104.

³⁵ Spencer 1997. 'Magnoliaceae' in Volume 2, Part 1.

³⁶ National Trust STR:
https://trusttrees.org.au/tree/VIC/Olinda/%22Kenloch%22_487_Mt_Dandenong_Tourist_Road



Recommended on heritage grounds as an option for one replacement avenue, either the northern avenue or central diagonal avenue.

Ginkgo biloba

Ginkgo biloba, or Ginkgo, appears in many early nursery catalogues between 1855 and 1889.³⁷ Spencer notes its use elsewhere in Geelong Botanic Gardens, planted from seed in 1859 (18m in 1995), in Kyneton Botanic Gardens, and in Melbourne in Flagstaff Gardens (16m, planting date unknown), Royal Botanic Gardens, and Melbourne University.³⁸ Recent planting programs in Fitzroy Gardens have included stands of Ginkgo in lawn, in groups of three. The National Trust Significant Tree Register records two significant specimens in Melbourne, in Toorak planted in 1925 (23m in 2011).³⁹

Using this tree would result in a different look and feel relative to the existing elm avenues, because of its foliage texture. Against other historic and aesthetic criteria, however, this tree performs strongly. The scale of this tree is a strong positive for its inclusion as an option.

Recommended on heritage grounds as an option for one replacement avenue, either the northern avenue or central diagonal avenue.

Melia azedarach

Melia azedarach, or White Cedar, appears in many early nursery catalogues between 1863 and 1889.⁴⁰ Spencer notes its wide use as a street tree.⁴¹ Medias (*Melia azedarach* var. *australasica*) were planted in Carlton Gardens in 1879 along the east-west path parallel to the promenade in front of the Royal Exhibition Building. The smaller trees were selected for this location to ensure they would not grow to a size that would interrupt the view of the Royal Exhibition Building.⁴² A White Cedar Avenue of Honour was planted at St Peters Terrace, Willunga, South Australia, in 1915.

³⁷ Brookes and Barley 2009, pp. 80–81.

³⁸ Spencer 1995. 'Ginkgoaceae' in Volume 1; National Trust STR: https://trusttrees.org.au/tree/VIC/West_Melbourne/Flagstaff_Gardens_William_Street

³⁹ National Trust STR: https://trusttrees.org.au/tree/VIC/Toorak/8_Stonehaven_Court

⁴⁰ Brookes and Barley 2009, p. 109.

⁴¹ Spencer 2002. 'Meliaceae' in Volume 3; National Trust STR: https://www.trusttrees.org.au/tree/SA/Willunga/St_Peters_Tce

⁴² Lovell Chen 2007. Royal Exhibition Building and Carlton Gardens, Carlton Conservation Management Plan, Volume 1: Main Report, prepared for Heritage Victoria, October 2007 (updated June 2008), p. 97.



Because of its small size White Cedar does not rate as well as other trees against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Gleditsia spp.

Not recommended on heritage grounds: *Gleditsia* species do not rate as well as other trees against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Jacaranda mimosifolia

Not recommended on heritage grounds: This tree does not rate as well as other trees against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Acer spp.

Not recommended on heritage grounds: Maples do not rate as well as other trees against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

Platanus spp.

Not recommended on heritage grounds: Plane trees do not rate as well as other trees against the heritage criteria and would result in a different look and feel aesthetically, relative to the existing elms.

Fraxinus spp.

Not recommended on heritage grounds: Ash trees do not rate as well as other trees against the heritage criteria and would result in quite a different look and feel aesthetically, relative to the existing elms.

7.5 Contract No. 2023/116 - Painting Services

Executive Summary

Purpose

The purpose of this report is to seek Council support to award Contract No. 2023/116 Painting Services - Annual Supply, to two separate Panels of Contractors.

Panel A – General Painting for the supply of internal and external painting and protective coatings to Council buildings and associated structures, and Panel B – Electrostatic Painting for the supply of electrostatic painting of street and park furniture.

Background

This new contract replaces Contract No. 2017/106 Painting Services – Annual Supply and Contract No. 2018/29 - Electrostatic Painting Services for Street and Park Furniture. The services are to provide but not limited to, painting and protective coatings to Council buildings, structures and city street and park furniture.

As this contract is a consolidation of two contracts the panel arrangement is for:

- **Panel A - General Painting Services** – based on schedule of rates; and
- **Panel B – Electrostatic Painting** – based on schedule of rates.

This contract will provide painting services for an initial period of three (3) years with up to two (2) year increments of one (1) year each to a maximum period of five (5) years.

It is important to note that Council does not guarantee either a minimum quantity of work in relation to any of the contract components, or any particular mix of work within the contract components.

Next Steps

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

Confidentiality

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

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

Officers' recommendation

That Council resolve to:

1. Award Contract No. 2023/116, Painting Services – Annual Supply to the following five (5) contractors:

Panel A – General Painting Services

- A & P Painting Pty Ltd (ACN 110 458 583);
- Prestige Painting Group Pty Ltd (ACN 127 177 780) the trustee for Kelly Family Trust (ABN 17 711 734 627);
- Programmed Property Services Pty Ltd (ACN 106 015 632); and
- Purpaint Pty Ltd (ACN 129 513 926).

Panel B – Electrostatic

- Baystone Coating Services Pty Ltd (ACN 630 554 942).

at their tendered schedule of rates for an initial contract period of three (3) years plus optional extension periods, of increments of one (1) year each to a maximum contract of five (5) years. The estimated cumulative value over the maximum contract term is \$2,061,659.60 (including GST) including an annual CPI increase commencing from year two (2) of this new contract.

The estimated cost to Council after return of GST Input Credits is \$1,874,236.00 (excl GST).

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 the Council's adopted budget for the year 2023/24. Future years expenditure will be in accordance with the approved budget allocations.

Responsible director: Daniel Freer, Director Places and Spaces

1. Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/116, Painting Services – Annual Supply to form two panels of contractors.

Panel A will consist of four (4) contractors for the provision of general painting services and protective coatings to Council's internal and external buildings and associated structures and fixtures.

Panel B will consist of one (1) contractor for the provision of electrostatic painting of the street and park furniture located throughout the municipality.

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

This contract aligns with the following themes and strategies in the Boroondara Community Plan (2021-31) and Council Plan (2021-25):

Theme One – Your Community, Services and Facilities

Strategy 1.6 - Create and maintain public areas, facilities and amenities and spaces that are inviting operation, clean, safe and secure to increase social connection and improve the perception of safety.

This procurement process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

3. Background

Council requires a number of suitably qualified and experienced contractors to deliver a range of General Painting and Electrostatic Painting services throughout the municipality on Council buildings and structures, street furniture and park assets, which:

- are of high quality;
- are cost-effective, reliable, and effective;
- comply with Government Acts, Regulations and Council's Local Laws and policies; and
- comply with Australian Construction Codes and Standards.

Successful contractors will be appointed to one of two distinct Panels - Panel A - General Painting Services and Panel B - Electrostatic Painting Services in accordance with the required specifications.

Panel A will be awarded to a panel of up to four (4) contractors and will supply internal and external painting and protective coatings to council buildings and associated structures and fixtures at an hourly rate.

Panel B will be awarded to a panel of up to two (2) contractors and will supply electrostatic painting of street and park furniture.

The works to be performed by the contractors shall generally include, but not be limited to:

- Maintenance, recoating and repair of internal and external protective painting for Council buildings and associated structures;
- Minor patching, repairs, and cleaning for new and old works, including small amounts of graffiti; and
- Street and park furniture, including metal seats, bins, bollards, tree guards, and play equipment fencing.

This contract structure is a schedule of rates contract, with materials charges on a cost-plus basis.

Invitation to tender

In accordance with Council's Procurement Policy 2021-25, Council invited public tenders from suitably experienced and qualified organisations to provide painting services on an ad-hoc basis for various council buildings and building assets, street furniture and parks assets.

An invitation to tender was advertised in the local government tenders' section of "The Age" newspaper on Saturday, 9 September 2023 and on Council's website. The closing date for submissions was 2pm, Friday 29 September 2023.

In response to the advertisement, Council received eighteen (18) submissions:

- A & P Painting Pty Ltd;
- Accessible PM Pty Ltd;
- Argyle Maintenance Unit Trust;
- Baystone Coating Services Pty Ltd;
- Blended Build Pty Ltd;
- Boongalla Group;
- Eastern Property Services Pty Ltd;
- Furlong Painting Pty Ltd;
- Grange Banks Commercial Coatings;
- Higgins Coatings Pty Ltd;
- JD Horizons Pty Ltd t/as JD Painting & Signage;
- Melbourne Protective Coatings;
- Paint Melbourne;
- Prime Painting Group Pty Ltd as trustee for the Gordon Family Trust;
- Prestige Painting Group Pty Ltd, the trustee for Kelly Family Trust;
- Programmed Property Services Pty Ltd
- Purpaint Pty Ltd; and
- Urban Maintenance Systems Pty Ltd.

4. Outline of key issues/options

Painting repairs and maintenance services assists with presentation and prolonging the life of council's building assets, street furniture and park assets.

It also assists in the health and amenity of community facilities and buildings providing a protective coating to assist with cleansing activities.

The key considerations used to determine the outcome of the tender process were:

- The contract allowed for the award of two panels. Panel A - consists of up to four (4) contractors that could demonstrate a wide range of general painting services and Panel B, a panel consisting of up to two (2) contractors that would demonstrate experience in electrostatic painting services,
- Contractors are required to be adequately resourced and industry experienced and qualified;
- Emphasis should be placed on qualitative analysis given the broad range of painting services industry rates,
- A proven track record undertaking general painting and electrostatic painting in the past,
- Demonstrated ability to plan, schedule and perform the work in accordance with the specified outcomes,

5. Collaborative Procurement Opportunities

Officers discussed with neighboring local government organisations to determine the suitability of a collaborative procurement process. No other local government required the same services at this time. Therefore, collaborative procurement wasn't possible in achieving a better value outcome.

6. Consultation/communication

Internal consultation across the appropriate services with the Facilities, Waste and Infrastructure department informed the review and development of the specification and associated tender documents.

7. Financial and resource implications

Council's 2023/24 adopted budget contains the following allocation:

Item	Ex GST.
Painting Services	\$280,430
Electroplating of Park Furniture	\$80,000
Less Expenditure and commitments to date	\$128,407
Remaining Budget 2023-24	\$182,531

This is a Schedule of Rates contract, expenditure under this contract will be in accordance with the budget allocations,

As this is a schedule of rates contract and subject to budgetary approval, the tendered rates shall be reviewed annually and adjusted based on the movements in the Consumer Price Index (CPI) ABS Catalogue 6401.0, All Groups Index Table 1, Melbourne.

The council does not guarantee the appointed contractors a minimum quantity of work in relation to any of the contract components.

The amount of work performed will be in accordance with the need and budgetary allocations each year. Payment will be made in line with the respective Tenderer's Schedule of Rates

8. Governance issues

The recommendation contained in this report is compatible with the Charter of Issues. No Officers preparing this report have a general or material conflict of interest requiring disclosure under Chapter 5 of the Governance Rules of Boroondara City Council.

This tender process has been carried out in accordance with the requirements of the Council's Procurement Policy 2021-25.

9. Social and environmental issues

Well maintained infrastructure enhances the safety, security and operation of Council facilities, creates greater opportunities for usage and provides a sense of pride and safer communities.

10. Evaluation and review

The evaluation report is provided as **Confidential Attachment 1**.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2023/116, Painting Services - Annual Supply to the following five (5) companies:

Panel A – General Painting Services

- A & P Painting Pty Ltd (ACN 110 458 583);
- Prestige Painting Group Pty Ltd (ACN 127 177 780) the trustee for Kelly Family Trust (ABN 17 711 734 627);
- Programmed Property Services Pty Ltd (ACN 106 015 632); and
- Purpaint Pty Ltd (ACN 129 513 926).

Panel B – Electrostatic Painting

- Baystone Coating Services Pty Ltd (ACN 630 554 942).

Manager: **Rodney Lewis, Acting Manager Facilities, Waste and Infrastructure**

Report officer: Michael Robins, Coordinator Facilities Maintenance

7.6 Contract No. 2023/163 - Canterbury Sports Ground Pavilion Renewal

Executive Summary

Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/162, Canterbury Sports Ground Pavilion - Building Construction Works to the recommended tenderer Jardon Group Pty Ltd for the sum of \$3,793,630 excluding GST.

Background

Canterbury Sports Ground in Surrey Hills is an important community sports and recreational space for Melbourne's inner-east community. The existing pavilion doesn't meet the needs of the sports clubs who use the community facility, particularly women and girls given the current building does not have inclusive change rooms or bathroom facilities. It is proposed to upgrade the Canterbury Sports Ground pavilion to create a better experience for the community and local sports clubs, including:

- Canterbury Cricket Club
- Canterbury Football Club
- Canterbury Junior Football Club

The proposed upgrade works involve refurbishment and extension works to the existing sports pavilion, including the construction of two new change rooms with two new umpire rooms, and refurbishment of two existing change rooms, elevation of the part of the existing building to make it level with the sports ground to improve the drainage and sightline to oval, construction of sheltered spectator external decking, improvements to the external façade and kitchen areas, and landscaping work.

The proposed scope of work is to renew, upgrade, expansion, and elevation of the existing building and its surroundings to achieve compliance with current regulations and standards, and to meet the changing needs of the sports club, and the community whilst also improving access and functionality of the facility. The building works will realize a major renewal and refurbishment of the existing building, including:

- creating four inclusive change rooms with amenities (two new change rooms plus refurbishing the two existing change rooms).
- elevating the existing building by 420mm to make it level with the sports ground to improve the drainage and sightline to oval.
- creating two new umpire rooms.
- creating a first aid room to allow for better injury management on site.
- creating a sheltered spectator decking area connecting to the multipurpose/social room.
- installing ramps for better accessibility and wheelchair access.
- improvements to the external building façade.
- improvements to the kitchen and kiosk areas.
- increasing storage spaces. - upgrading external lighting for improved safety during night-time use of the pavilion and pavilion surrounds.

A total project budget of \$4,225,165 has been allocated for the financial year 2022-23, 2023-24 and 2024-25, including \$1,250,000 in funding which has been acquired by tenanted seasonal clubs from a State Government 'Directly Funded Project' commitment through Department of Jobs, Precincts and Regions.

The total cost of this contract is \$3,793,630 (excluding GST).

Key Issues

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site establishment plan has been prepared which outlines the following;

- Off-street contractor designated parking area;
- Designated on-site area for storage of materials, contractor office and amenities set up;
- Staged refurbishment of existing pavilion amenities to enable uninterrupted use for sporting clubs and avoid the need for temporary facilities;
- Tree Management Plan to protect designated trees in accordance with expert arborist recommendations.

Next Steps

Upon award of the contract, Council will oversee the delivery of the building works for Contract No. 2023/162, Canterbury Sports Ground Pavilion Renewal - Building Construction.

Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Award Contract No. 2023/162, Canterbury Sports Ground Pavilion Renewal-Building construction to:
 - Jardon Group Pty Ltd (ABN 22 628 500 756)

at a total cost of \$4,172,993 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$379,363.00) is \$3,793,630 ex GST;

2. Authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council;

3. Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works; and
4. Note that expenditure under this contract is in accordance with Council's 2023/2024 amended budget and expenditure in future years will be in accordance with the approved budget allocations.

Responsible director: Daniel Freer, Director Places and Spaces

1. Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/162, Canterbury Sports Ground Pavilion Renewal - Building Construction.

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

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

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

The proposed contract for Canterbury Sports Ground Pavilion Renewal-Building Construction aligns with the following theme and strategies in the Boroondara Community Plan:

Theme 1: Your Community, Services and Facilities

Strategy 1.1 - Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.

Strategy 1.2 - Health and wellbeing is improved through delivering, facilitating and advocating for services and programs that are accessible and affordable.

Strategy 1.5 - Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community.

This procurement process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

3. Background

Council requires a suitably qualified contractor to carry out proposed building construction works at Canterbury Sports Ground in accordance with the requirements of the specification as documented by the consultancy team lead by DS Architects.

Invitation to tender

In accordance with Council's Procurement Policy 2021-25, Council invited tender submissions from six pre-qualified and experienced commercial builders from the State Government's Construction Supplier Register (CSR) panel to undertake the construction for the renewal and extension works of the Canterbury Sports Ground Pavilion.

A Request for Tender (RFT) was issued by the Council's e-portal Vendor Panel on Monday 9 October 2023. The closing date for the submissions was 4:00 pm, Wednesday 15 November 2023.

In response to the invitation, Council received five submissions which were as follows.

1. Jardon Group Pty Ltd.
2. Bowden Corporation Pty Ltd.
3. Prime Build Pty Ltd.
4. United Commercial Projects Pty Ltd.
5. Simbuilt Pty Ltd.

4. Outline of key issues/options

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site management plan has been prepared which outlines the following;

- Designated onsite area for storage of materials, contractor office and amenities set up.
- Staged refurbishment of existing pavilion amenities to enable uninterrupted use for sporting clubs.
- Tree Management Plan to protect trees during construction as per arborist report recommendations.

5. Consultation/communication

Community consultation was undertaken from 4 April to 11 May 2023. The period was extended an additional 2 weeks due to consultation occurring across the school holiday period.

On 4 April 2023, approximately 800 resident letters and project information sheets were distributed to residents surrounding Canterbury Sportsground. Five consultation signs were also placed onsite promoting the pavilion renewal project which directed the community to provide feedback via the Engage Boroondara website page.

Canterbury Sports Ground winter and summer clubs (Canterbury Cricket Club, Canterbury Football Club and Canterbury Junior Football Club) were consulted on the project and were supportive of the concept design. The clubs were also sent the resident letter and project information sheet as part of the consultation.

Following community consultation in May 2023, officers considered feedback and developed an updated design which addresses key consultation issues raised by the community and the clubs while maintaining the functionality of sports clubs. The updated design has been developed in conjunction with the sports clubs who provided their endorsement.

In response to community feedback, we updated the design by:

- adding more native vegetation with a new landscaped area (grassy swale drain) along the Chatham Road entrance

- retaining the existing drinking tap
- adding a new pathway with landscaping, connecting Chatham Road to the pavilion

6. Financial and resource implications

A total of \$4,225,165 has been approved through Council's amended budget (2023/2024 Amended Budget \$1,757,193 plus \$2,796,677 in deferred expenditure to 2024/25 financial year) for the building works.

A total budget allocation of \$4,225,165 for the project, inclusive of \$1,250,000 in funding which has been acquired by tenanted seasonal clubs from a State Government 'Directly Funded Project' commitment through Department of Jobs, Precincts and Regions, is not sufficient to deliver the project successfully.

The project budget is as follows:

Actual FY 2020/2021	\$28,950.00
Actual FY 2021/2022	\$60,539.00
Actual FY 2022/2023	\$45,332.00
Budget FY 2023/2024	\$1,493,176.00
Budget FY 2024/2025 Foreshadowed Funding	\$2,597,168.00
Total Project Budget	\$4,225,165.00
Less Actual Expenditure	
2020-2021 to 2022-2023 Actuals	\$134,821.00
2023-2024 Actuals and commitments	\$242,725.00
Total Available Budget	\$3,847,619.00

Proposed Project Expenditure	
Contract Cost	\$3,793,630.00
Contract Contingency	\$375,000.00
Other Project Cost	\$45,000.00

Total Proposed Expenditure	\$4,213,630.00
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Remaining Budget (Shortfall)	\$366,011.00
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It is proposed to reallocate surplus funds across other Building Projects to cover the shortfall as follows:

72947 Other Strategic Projects	\$150,011
72928 Anderson Road Family Centre	\$107,000
71824 Unscheduled Minor Building Works (2024/25)	\$58,000
72926 North Balwyn Senior Citizens Centre	\$31,000
72980 Eric Raven Reserve Pavilion improvement	\$20,000
Total	\$366,011

7. Governance issues

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

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

8. Social and environmental issues

Canterbury Sports Ground in Surrey Hills is an important community sports and recreational space for Melbourne's inner-east community.

The proposed scope of work is to renew, upgrade, expansion, and elevation of the existing building and its surroundings to achieve compliance with current regulations and standards, and to meet the changing needs of the sports club, and the community whilst also improving access and functionality of the facility.

Careful design consideration has been given to the renewal and extension works for safety, accessibility, and inclusion.

9. Evaluation and review

The evaluation report is provided as **Confidential Attachment 1**.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2023/162, Canterbury Sports Ground Pavilion Renewal - Building Construction to:

- Jardon Group Pty Ltd (ABN 22 628 500 756)

at a total cost of \$4,172,993 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$379,363.00) is \$3,793,630 ex GST;

Manager: Jarrod Filosa, Acting Manager Capital Projects

Report officer: Nazmul Hoque, Senior Project Manager Capital Projects

7.7 Contract No. 2023/95 - Parking In-Ground Sensors

Executive Summary

Purpose

The purpose of this report is to seek Council approval to award Contract No. 2023/95 Parking In-Ground Sensors to Orikan (formerly Digital Consultants Australia (D.C.A.)). An exemption to the public tender process for this contract was approved under Section 6.6: Exemptions of the Procurement Policy 2021-25 by the Chief Executive Officer. Under this contract, Orikan will provide:

- installation of parking In-Ground Sensors (IGS);
- annual maintenance services;
- supporting technology and devices; and
- replacement of existing sensors that have reached the end of their life.

Background

This contract will replace an existing Contract *2018/110 - Parking Guidance System - Kew Junction*, which expired in August 2023.

In 2018, Contract *2018/110* was entered into by the Boroondara Council with then D.C.A. (now Orikan) to implement 429 IGS in Kew Junction. This included digital wayfinding signage for motorists, which were linked to the sensors. It also allowed Council to monitor the carparks for enforcement purposes, enabling officers to issue infringements as vehicles overstayed and provide a more efficient and accurate parking service. Kew Junction was the first of a planned, larger program that will see a network of IGS rolled out across the City of Boroondara over the next several years.

A subsequent rollout of 590 IGS was delivered to Camberwell Junction in 2022, also within Council off-street carparks. These rollouts delivered to expectations in technical performance and reliability, hosting services, ongoing maintenance and technical upgrades.

A new contract is required for the continued implementation of the IGS network, including the installation of additional IGS in 2023/24, 2024/25 and 2025/26, which is included in relevant annual budgets. Future years beyond 2025/26 will be determined by new annual budget bids, in line with the annual budgeting process. A new contract will also enable the existing IGS to be maintained and replaced at end of life and the supporting IT systems to continue.

Key Issues

1. Lack of a viable alternative vendor to Orikan

- A market scan by the organisation has confirmed Orikan (DCA) as the market leader and only provider of a service that fully meets Council's requirements.
- There are four providers of IGS networks and supporting technology in Australia. Two have only limited penetration into the local government market and do not offer the full suite of services Boroondara requires.

- Both Orikan and Duncan Solutions have a comprehensive local government service offering. However, Duncan Solutions has no significant offering that is not already provided by Orikan and has no proven setup that could be directly transferred to Boroondara without impacting business operations.
- Orikan's product offering is superior in meeting future strategic needs including digital parking permits and licence plate recognition technology.

2. Critical existing contractor relationship

- Orikan has a critical existing contractor relationship with Boroondara spanning over 15 years with established IT infrastructure and integrations with Council platforms.
- To consider any new vendor would mean no integration between systems either on the ground with mobile devices or with Council's back-end systems. This would cause significant disruption to Council's service if it were to be changed and at significant financial cost.
- The suite of technology is proprietary to Orikan who will not permit it to be used with another provider's software. Switching to an alternative vendor would come at significant cost and is not considered feasible at this time.

Given Boroondara is about to go through a technology transformation, which includes new Core Systems, it is prudent to wait until the completion of this transformation before considering any change in the parking IGS vendor.

Consequently, an exemption from Tender was sought from and approved by the Chief Executive Officer (see **Confidential Attachment 1**).

Following the approval of the exemption from tendering by the CEO, Council approval is now required for the contract arrangements to be put in place.

Next Steps

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

Confidentiality

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

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

Officers' recommendation

That Council resolve to:

1. Approve the awarding of Contract No. 2023/95 Parking In-Ground Sensors to Orikan with a schedule of rates with an estimated cost of \$610,000, for a five-year term with a 2-year extension.
2. Authorise the Director Urban Living to sign and execute the contracts on behalf of the Council with Orikan.
3. Authorise the Director Urban Living to negotiate and execute future contract variations in accordance with each year's approved annual budget and for the optional extension periods.
4. Note that expenditure under this contract has been provided for in Council's adopted budget for the financial year 2023/24, and foreshadowed for 2024/25 and 2025/26. Future years expenditure is foreshadowed and to be sought in budget allocations.

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

1. Purpose

The purpose of this report is to seek Council approval to award Contract No. 2023/95 Parking In-Ground Sensors to Orikan (formerly Digital Consultants Australia (D.C.A.)). An exemption to the public tender process for this contract was approved under Section 6.6: Exemptions of the Procurement Policy 2021-25 by the Chief Executive Officer. Under this contract, Orikan will provide:

- installation of parking In-Ground Sensors (IGS);
- annual maintenance services;
- supporting technology and devices; and
- replacement of existing sensors that have reached the end of their life.

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

The policy position of Council in relation to parking is aligned with the following priority themes in the Boroondara Community Plan:

- Theme 5: Moving around - Travel options are safe, efficient and accessible, with active and public transport encouraged; and
- Priority Theme 7: Leadership and Governance:
 - 7.1 - Decision-making is transparent and accountable through open governance processes with timely communication and reporting.
 - 7.2 - Resources are responsibility allocated and used through sound financial and asset planning, procurement and risk management practices.

Other linked Council documents include the:

- Parking Permit Policy 2016,
- Parking Management Policy 2017, and
- Amenity Local Law 2019

3. Background

In 2018, Council entered into Contract 2018110 with Digital Consulting Australia (now called Orikan) to implement 429 IGS in Kew Junction in November 2020 as part of a new Parking Guidance System Program to improve parking management and vehicle turnover.

The new system provides a streamlined, customer friendly payment option. It also allows Council to monitor the carparks for enforcement purposes, enabling officers to issue infringements and provide a more efficient parking service when vehicles overstay and undermine fair access to commercial and other key activities. The parking IGS rollout program is to continue over several years providing a network of IGS across the City of Boroondara.

The vendor was initially selected in 2018 as the preferred supplier for the IGS technology from a thorough procurement process due to its market-leading technology, value for money, integrated service offering and deep industry experience with clients such as Melbourne, Yarra and Port Phillip Councils.

Orikan successfully delivered its sensors and hosting services for Kew Junction and subsequently has supplied a reliable service to Council. In June 2022, Council approved a variation to the original contract for the implementation of 590 IGS at four carparks at Camberwell Junction where restrictions are enforced by Council. These sensors were implemented successfully in 2022 and have performed to operational expectations since. The original contract also provided for ongoing maintenance and technical upgrades that have exceeded Council's requirements.

This contract came to an end in August 2023. However, a new contract must be entered into if the existing IGS are to be maintained and replaced at end of their life and the supporting IT systems are to continue. A new contract will also allow for the continued implementation of Council's Parking IGS Program.

4. Outline of key issues/options

1. Lack of viable alternative vendor to Orikan

- A market scan by the organisation has confirmed Orikan (DCA) as the market leader and only provider of a service that fully meets Council's requirements.
- There are four providers of IGS networks and supporting technology operating in Australia - APARC, Smart Parking, Orikan and Duncan Solutions. However, APARC and Smart Parking are currently oriented to the private carpark sector in Australia with only limited penetration into the local government market. They do not offer the full suite of services Boroondara requires.
- Both Orikan and a Duncan Solutions have a comprehensive local government service offering. However, Duncan Solutions has no significant offering not already provided by Orikan and has no proven fully integrated setup that is directly transferrable to Boroondara in a timely way that will not impact business operations.
- Orikan's product offering is superior in meeting the future strategic outlook for Boroondara Parking Services to roll out a digital sensor network, including exploration of digital permits and licence plate recognition technology. This suite of products represents enhanced service capability that will lower operating costs, contract management and licencing costs and improve service delivery to the community.

2. Critical existing contractor relationship

- Orikan's (DCA) suite of technology has enabled Council to have an integrated system for parking management and enforcement which includes existing handheld devices for officers, Infringement software (PinForce) and the PayStay payment option. This suite of products provides multiple efficiencies for Council including streamlined hosting services, technical support and maintenance and cost savings through ongoing upgrades in technology for both hardware and software.

- Reliable integration between Orikan and Council systems were established after significant resource time and investment.
- If another vendor was selected, there would be no integration between that vendor and either the mobile devices used to issue parking infringements or with Council's back-end systems.
- A shift away from Orikan (DCA) to a different vendor would have implications on Boroondara's newly acquired pay-by-phone app, PayStay, which is proprietary.
- Orikan has key intellectual property that is currently unmatched within the industry and provides opportunity for further strategic investment with Council for initiatives relating to digital permits and licence plate recognition capabilities.
- The current suite of technology is proprietary to Orikan who will not permit it to be used with another provider's software. Switching to an alternative vendor would effectively mean starting the parking IGS network almost from the beginning again.
- A change in vendor would require an overhaul of current, long-established systems and integrations built within Council. Council has made an investment of \$609,5000 to date in sensors alone. The expansion of the IGS network with the same technology and supplier is a viable option with no comparable alternative.
- If a new supplier with different technology is selected, their technology would need to be integrated with both the existing IGS network and with Council's systems (most notably P&R) at significant increased cost given the software and integration requirements. However, there is no proven integration methodology for the technology and therefore it is not yet established as feasible.
- A new system would potentially require new hardware/tools including handheld devices and printers. This includes officer retraining and adaption time. New handheld devices and printers were purchased in 2022 for approximately \$90,000.
- Given Boroondara is about to go through a technology Transformation, which includes new Core Systems (CRM and Property & Rating (P&R) system replacements (circa 2025)), re-building any new integrations now for a new vendor (should a contract process award go to another vendor) is not logical. Awaiting Transformation and delivery of Council's new Technology Platform (Oracle) before considering the potential of any other vendor is the most prudent approach to follow.
- Continuing with Orikan (DCA) for the 2023/24 roll-out and beyond is the only current feasible approach from a cost, technology, implementation program and service delivery (reliability) perspective. These services are competitive and consistent with historic pricing.

In light of these considerations, an exemption from Tender was sought from and approved by the Chief Executive Officer (see **Confidential Attachment 1**).

Subject to Council's approval of the contract, Orikan will provide to Boroondara:

- Roll-out of additional IGS:
 - Circa 829 sensors in 2024/25,
 - Circa 750 sensors in 2025/26, and

- Additional sensors in future years in accordance with Parking IGS rollout plan and Council budget decisions;
- annual service and maintenance of existing IGS;
- continued provision of supporting technology platforms and devices; and
- replacement of existing sensors that have reached the end of their life:
 - 429 IGS at Kew Junction in 2024; and
 - 590 IGS at Camberwell Junction in 2027.

The contract term is five years with a two-year extension. The contract is for an initial budgeted spend of \$610,000 fixed costs and a schedule of rates (CPI adjusted) for future years. .

5. Collaborative Procurement Opportunities

Council has a critical existing relation with Orikan that has developed over a substantial period of time and includes system integration and customised functions that are unique to Boroondara. Consequently, there no opportunities for a collaborative procurement approach.

6. Consultation/communication

Internal consultation in the development of this report has occurred with the Transformation and Technology Department, Traffic and Transport Department, Communication and Engagement Department and officers in the Civic Services Department.

A communications strategy will be implemented to inform residents, traders and the broader community on the installation of parking sensor technology in new locations as the program is rolled-out. The timely communication of this messaging will ensure the community is well informed prior to each implementation phase. Recent community engagement for sensor installation in the Camberwell Junction in November 2022 had no adverse response.

7. Financial and resource implications

Resource implications for Council is relatively low as Orikan manages capital works for installing sensors, which is considered minor, and provides all technology hosting services.

Orikan has provided a competitive quote as a schedule of rates to support the proposed contract including fixed costs of \$360 per sensor and \$80 annual maintenance per sensor for the first year. CPI increases will be applied each anniversary thereafter, based on Council approved budgets.

The estimated cost is \$610,000 in the first three years, with future budget foreshadowed and to be approved in line with the annual budgeting process. See table below:

Budget Allocation	2023/24	2024/25	2025/26	2026/27	Total
Capital Expense	\$320,000	\$175,000	\$115,000	TBC	\$610,000

8. Governance issues

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

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

This tender process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

9. Social and environmental issues

Parking accessibility is a key consideration to the vitality of a shopping precinct and amenity of neighbourhoods. The effective management of parking has a positively impact on the vitality of our shopping precincts. Given increased movement and associated demand for parking, especially within shopping precincts, the procurement, installation maintenance and replacement of inground sensors is necessary to ensure vehicle turnover and a balanced access to this limited resource.

10. Evaluation and review

The evaluation report is provided as **Confidential Attachment 2**.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2023/95 Parking In-Ground Sensors, to Orikan.

Manager: Paul Mitchelmore, Manager Civic Services

Report officer: Yvonne Hill, Policy and Projects Specialist

7.8 Recommendations of Audit and Risk Committee Meeting

Executive Summary

Purpose

This report presents the recommendations of the October 2023 Audit and Risk Committee meeting for consideration by Council. A schedule of reports and committee recommendations is attached to this report.

Background

The Audit and Risk Committee held a meeting on 3 October 2023. This report presents the findings and recommendations from that meeting for consideration by Council.

Key Issues

As recorded in the minutes of the Audit and Risk Committee meeting held on 3 October 2023 the following reports were tabled:

- A5.1 Standard questions for tabling at Audit and Risk Committee Meetings
- A5.2 Business arising
- A5.3 Audit and Risk Committee Administrative Matters
- A5.4 Annual Financial Statements and Performance Statement for the year ended 30 June 2023
- A5.5 Victorian Auditor-General's Final Management Letter and Closing Report - year ended 30 June 2023
- A5.6 2022-23 Draft Annual Report
- A5.7 Outcomes of IT Disaster Recovery Plan
- A5.8 Risk Management Update
- A5.9 Outcomes of Legal and Ethical Certification Program
- A5.10 Internal Audit Report - Follow Up Review
- A5.11 Internal Audit Report - Privacy/third-party Management of Information
- A5.12 Internal Audit Report - Special Rates and Charges Scheme
- A5.13 Internal Audit Update September 2023 Supplementary report
- A5.14 Reports to Parliament by VAGO and Other Regulatory Authorities

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

Next Steps

The subsequent Audit and Risk Committee meeting was held on 15 November 2023. These findings and recommendations will be presented at the February 2024 Council meeting.

Officers' recommendation

That Council resolve to adopt the resolutions recommended to Council contained in **Attachment 1** as annexed to the minutes, reflecting the recommendations from the Audit and Risk Committee meeting held on 3 October 2023.

Responsible manager: **Bryan Wee, Manager Governance and Legal**

1. Purpose

To present to Council the recommendations of the Audit and Risk Committee meeting held on 3 October 2023. A schedule of reports and committee recommendations is presented as an attachment to this report.

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

The Audit and Risk Committee Charter provides that recommendations of the Audit and Risk Committee are not binding until considered and adopted by Council.

3. Background

Council's Audit and Risk Committee was established on 24 August 2020 when Council resolved to adopt the 'Audit and Risk Committee Charter 2020'.

The Audit and Risk Committee was held on 3 October 2023. This report presents the findings and recommendations from that meeting for consideration by Council.

Full copies of papers presented to the Audit and Risk Committee can be accessed by Councillors via the Councillor Portal. Assistance in locating these papers can be provided by the Governance and Legal Department.

4. Outline of key issues/options

As recorded in the minutes of the Audit and Risk Committee meeting held on 3 October 2023 the following reports were tabled:

- A5.1 Standard questions for tabling at Audit and Risk Committee Meetings
- A5.2 Business arising
- A5.3 Audit and Risk Committee Administrative Matters
- A5.4 Annual Financial Statements and Performance Statement for the year ended 30 June 2023
- A5.5 Victorian Auditor-General's Final Management Letter and Closing Report - year ended 30 June 2023
- A5.6 2022-23 Draft Annual Report
- A5.7 Outcomes of IT Disaster Recovery Plan
- A5.8 Risk Management Update
- A5.9 Outcomes of Legal and Ethical Certification Program
- A5.10 Internal Audit Report - Follow Up Review
- A5.11 Internal Audit Report - Privacy/third-party Management of Information
- A5.12 Internal Audit Report - Special Rates and Charges Scheme
- A5.13 Internal Audit Update September 2023 Supplementary report
- A5.14 Reports to Parliament by VAGO and Other Regulatory Authorities

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

5. Consultation/communication

Members of Council's Audit and Risk Committee and external and internal auditors were consulted during the preparation of Audit and Risk Committee reports referred to within this Council report.

6. Financial and resource implications

Council's operating budget provides funds for the Internal Audit Program and for implementation costs associated with these Audit recommendations.

7. Governance issues

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

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

8. Social and environmental issues

The contents of this report are consistent with Council's desire to provide solid financial and governance frameworks to support the enhancement of urban environmental and social amenity.

9. Conclusion

This report presents to Council the recommendations of the Audit and Risk Committee meeting held on 3 October 2023.

Manager: Bryan Wee, Manager Governance and Legal

Report officer: Mai Mostafa, Senior Audit and Assurance Officer

**Summary of reports tabled at Audit and Risk Committee meeting held
17 May 2023**

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

**Summary of reports tabled at Audit and Risk Committee meeting held
17 May 2023**

No	Report Title	Summary of Content	Recommended Council Resolution
The Chairperson determined, with the consent of the Committee, to reorder the agenda to consider item 5.5 before 5.4 and resolve the two items concurrently.			
A5.5	Victorian Auditor-General's Final Management Letter and Closing Report - year ended 30 June 2023	This report presented the Victorian Auditor General's Office ("VAGO") Final Management Letter, outlining a summary of audit findings to the Audit and Risk Committee. This letter includes observations, recommendations, implementation dates and management responses to each finding.	<p>Council note and:</p> <ol style="list-style-type: none"> 1. Record its approval in principle of the Annual Financial Statements and Performance Statement for the year ended 30 June 2023, attached to this Report. 2. Authorise the Chief Executive Officer to send the Annual Financial Statements and Performance Statement to the Auditor-General. 3. Authorise the Mayor, Councillor Felicity Sinfield and Councillor Jim Parke (representing the Audit and Risk Committee) to certify the Annual Financial Statements and Performance Statement in their final form. 4. Authorise the Principal Accounting Officer to implement any nonmaterial changes to the Annual Financial Statements and the Performance Statement as recommended by the Auditor-General. A summary of these changes will be presented at the next Audit and Risk Committee meeting.
A5.4	Annual Financial Statements and Performance Statement for the year ended 30 June 2023	This report presented the Annual Financial Statements and Performance Statement for the year ended 30 June 2023 to the Audit and Risk Committee.	

**Summary of reports tabled at Audit and Risk Committee meeting held
17 May 2023**

No	Report Title	Summary of Content	Recommended Council Resolution
			5. Note that any material changes requested by Victorian Auditor-General's Office will be completed by the Chief Financial Officer after consultation with the Chair of the Audit and Risk Committee and reported to Council.
A5.6	2022 - 23 Draft Annual Report	This report presented the draft 2022-23 Annual Report to the Audit and Risk Committee for review.	Council receive and note the report.
A5.7	Outcomes of IT Disaster Recovery Plan	This report provided an overview of the outcomes of the Disaster Recovery testing exercises during 2023 to the Audit and Risk Committee.	Council receive and note the report.
A5.8	Risk Management Update	This report updated the Audit and Risk Committee on the status of Risk Management activities undertaken during the reporting period.	Council receive and note the report.
A5.9	Outcome of Legal and Ethical Certification Program	This report presented the Legal and Ethical Compliance Program report required by the Audit and Risk Committee Annual Work Plan 2023-24 to the Audit and Risk Committee. The legal and ethical certification and assurance processes this year have not identified any issues that suggest significant systemic trends in identified issues.	Council receive and note the report.
A5.10	Internal Audit Report - follow Up Review	This report advised the Audit and Risk Committee on the outcomes of the Follow-up Review audit. The report concluded that all nineteen (19) recommendations rated high and moderate risk which were reported to the Audit and Risk Committee between July 2021 and June 2022 are now complete. As such there are no recommendations and management comments are not required.	Council receive and note the report.

**Summary of reports tabled at Audit and Risk Committee meeting held
17 May 2023**

No	Report Title	Summary of Content	Recommended Council Resolution
A5.11	Internal Audit Report - Privacy/ third-party Management of Information	This report advised the Audit and Risk Committee on the outcomes of the Internal Audit review of Council's Privacy and Third-Party Information Management processes and key controls. The report provides six (6) audit recommendations to further strengthen controls and processes over Privacy and Third-Party Information Management.	Council receive and note the report.
A5.12	Internal Audit Report - Special Rates and Charges Scheme	This report advised the Audit and Risk Committee on the outcomes of the Internal Audit review of the Local Economies Special Rate and Charge Schemes processes and key controls. The report provides seventeen (17) audit recommendations to further strengthen controls and processes over Local Economies Special Rate and Charge Schemes.	Council receive and note the report.
A5.13	Internal Audit Update September 2023	This report updated the Audit and Risk Committee on the progress of audit recommendations arising from finalised internal audit reports.	Council receive and note the report.
A5.14	Reports to Parliament by VAGO and Other Regulatory Authorities	This report updated the Audit and Risk Committee on the reports to State Parliament by the Victorian Auditor-General's Office (VAGO) and other regulatory bodies with a local government impact or context.	Council receive and note the report.

7.9 Revised Instrument of Delegation - Council to Council Staff

Executive Summary

Purpose

This report seeks Council's review and approval of the Instrument of Delegation to Members of Council Staff (the Instrument) under the Local Government Act 2020 (the Act),

The draft Instrument was updated to capture changes to position titles in the Urban Planning Directorate since the adoption of the last Instrument by Council in September 2023.

Background

Council is empowered by section 11 of the Act to delegate its powers, duties or functions with some strategic exemptions (such as the setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget).

Delegations are needed to facilitate effective function of council, enabling day-to-day decisions to be made about routine administrative and operational matters.

Key Issues

The draft Instrument is updated with changes to staff titles in the Urban Living Directorate since the last Instrument was adopted by Council in September 2023.

No other changes have been made to the Instrument.

Next Steps

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

The Instrument is reviewed by officers and presented to Council biannually, to ensure any new legislative or staff changes are captured. Officers expect another report to be presented to Council in early 2024.

Officers' recommendation

In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation, Boroondara City Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff (**Attachment 1**, as annexed to the minutes), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Responsible director: Phillip Storer, Chief Executive Officer

1. Purpose

This report sets out proposed updated delegations from Council to Council staff under the Local Government Act 2020 (the Act), following changes to positions in the Urban Living Directorate. This report seeks a resolution from Council to refresh those delegations.

The proposed Instrument of Delegation from Council to Members of Council Staff with changes tracked is at **Attachment 2** and a clean copy is at **Attachment 1**.

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

Reviewing the Instrument relates to Priority Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instrument is also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

3. Background

Council is empowered by section 11 of the Act to delegate powers, duties or functions. Officers note some powers cannot be delegated such as setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget.

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

In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers. A delegate must comply with the conditions of delegation, as well as any policies of Council and any legislative framework.

Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.

4. Outline of key issues/options

Updates to the Instrument comprise administrative amendments to staff titles to accord with position changes in the Urban Living Directorate.

The attached Instrument is recommended for the effective and efficient operation of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

5. Consultation/communication

Consultation with the Urban Living Directorate has taken place in the preparation of the Instrument.

6. Financial and resource implications

The costs to prepare and adopt the revised Instrument are within the current Governance and Legal departmental budget.

7. Governance issues

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

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

8. Social and environmental issues

Effective and efficient delegations will reinforce public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance within the municipality.

Manager: **Bryan Wee, Manager Governance and Legal**

Report officer: Elizabeth Manou, Senior Governance and Integrity Officer



Boroondara City Council

Instrument of Delegation

to

Members of Council Staff

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

Instrument of Delegation

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

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

All Asset Management Staff	means	All staff in the Asset and Capital Planning Department
All Planning Officers	means	All staff in the Urban Planning Department and the City Futures Department
All Road and Path Maintenance Staff	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
All Traffic and Transport Staff	means	All staff in the Traffic and Transport Department
All Urban Planning Forestry Staff	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
AOHS	means	Authorised Officer Health Services
AP&P	means	All staff in Asset Protection and Permits Team
CCO	means	Chief Customer Officer
CD	means	Coordinator Drainage
CDM&C	means	Coordinator Drainage Maintenance & Cleaning
CEO	means	Chief Executive Officer
CFO	means	Chief Financial Officer
CHP&P	means	Coordinator Health, Projects & Prosecutions
CP	means	Counter Planner or Planning Liaison Officer
CPA&PA	means	Coordinator Permits Appeals and Protection of Assets
CPLAC	means	Coordinator Parking Local Laws Animal Management and School Crossings
CRPS	means	Coordinator Revenue and Property Services
CSTP	means	Coordinator Strategic Planning
CT	means	Coordinator Traffic
CTM	means	Coordinator Transport Management
CUP	means	Coordinator Urban Planning
DCS	means	Director Community Support
DCT	means	Director Customer and Transformation
DE	means	Drainage Engineer
DPS	means	Director Places & Spaces
DTE	means	Development Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
DUL	means	Director Urban Living
EHO	means	Environmental Health Officer
EMPCD	means	Executive Manager People, Culture and Development
LCO	Means	Landscape Compliance Officer
LMPI	means	Lead Major Project Interface
MACP	means	Manager Asset and Capital Planning
MBS	means	Manager Building Services
MCP	means	Manager Capital Projects
MCS	means	Manager Civic Services
MFW&I	means	Manager Facilities, Waste and Infrastructure

S6 Instrument of Delegation to Members of Council Staff

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MPP	means	Manager City Futures, Manager Urban Planning
MT&T	means	Manager Traffic & Transport
P&A	means	All Permits and Appeals Staff
PAC	means	Planning Appeals Coordinator
PIO	means	Planning Investigations Officer
PO	means	Prosecutions Officer
PP	means	Principal Urban Planner
PPM	means	Principal Project Planner Major Project Interface
PSO	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning
PSTP	means	Principal Strategic Planner, Principal Heritage Planner
SDO	means	Senior Drainage Engineer
SO	means	Subdivision Officer or Senior Subdivision Officer
SP	means	Statutory Planner or Planning Officer or Urban Planner
Specific Urban Planning Officers	means	MPP, CUP, PAC, PP, SSP, SP, SO and CP
SSP	means	Senior Urban Planner
SSTP	means	Senior Strategic Planner
STP	means	Strategic Planner, Heritage Planner
Supervising Urban Planning Officers	means	MPP, CUP, PAC and PP
SUPF	means	Senior Urban Planning Forester
TLHS	means	Team Leader Health Services
TLPP	means	Team Leader Para Planning
TLUPF	means	Team Leader Urban Planning Forestry
UPF	means	Urban Planning Forester

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 18 December 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
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DUL, DPS, DCT, CHP&P, 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>

S6 Instrument of Delegation to Members of Council Staff

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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

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 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	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.

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

S6 Instrument of Delegation to Members of Council Staff

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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
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 38G(4)	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
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 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	

S6 Instrument of Delegation to Members of Council Staff

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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, PO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DUL, MCS, CHP&P, EHO, TLHS	Where Council is the registration authority

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

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	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 12B(2)	Duty to review planning scheme at direction of Minister	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(1)	Duty of giving copy amendment to the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(2)	Duty of giving copy s 173 agreement	DUL, MPP, CSTP, PSTP, SSTP, STP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DUL, MPP, CSTP, PSTP, SSTP, STP	Until the proposed amendment is approved or lapsed	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP,	Until the end of 2 months after the amendment comes into operation or lapses	

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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 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Except submissions which request a change to the items in s 22(5)(a) and (b)	
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	DUL, All 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 26(1)	Power to make reports available for inspection	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	DUL, All Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(1)	Duty to notify the Minister if abandoning an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 28(2)	Duty to publish notice of the decision on Internet site	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(4)	Duty to make notice of the decision available on Council's	DUL, MPP, CSTP, PSTP, SSTP, STP		

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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 30(4)(a)	Duty to say if amendment has lapsed	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(b)	Duty to provide information in writing upon request	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 32(2)	Duty to give more notice if required	DUL, MPP, CSTP, PSTP, SSTP, STP		
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		

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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 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42(2)	Duty to make copy of the planning scheme available in accordance with the public availability requirements	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.	
s 46AW	Function of being consulted by the Minister	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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, Supervising Urban Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DUL, MPP, CSTP, 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 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	DUL, MPP, CSTP, 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, 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, Supervising Urban Planning Officers		
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	DUL, MPP, CSTP. 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 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. 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, 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, 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, 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, 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 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, 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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	All Planning Officers	Where Council is the collecting agency	

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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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.	
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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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, 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, 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, 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, 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, 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, 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, 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, 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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DUL, MPP, CSTP, CFO, MCP, CRPS, SO, 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. 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	

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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 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DUL, MPP, CSTP, 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		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	DUL, Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DUL, Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	DUL, CFO, Supervising Urban Planning Officers		
s 46Q(1A)	Duty to forward to a development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DUL, Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	DUL, 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 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DUL, MPP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DUL, MPP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DUL, CSTP, MPP, Supervising Urban Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DUL, MPP	With the consent of, and in the manner approved by, the Minister	
s 46QC	Power to recover any amount of levy payable under Part 3B	DUL, MPP		
s 46QD	Duty to prepare report and give a report to the Minister	DUL, Supervising Urban Planning Staff	Where Council is a collecting agency or 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 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		
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 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements			
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	DUL, 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 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, 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		
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		

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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 51	Duty to make copies of applications available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	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		
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, 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 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	DUL, Specific Urban Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DUL, Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DUL, Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	DUL, Specific Urban Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DUL, Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	DUL, Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DUL, MPP, 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, 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 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, 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, Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	DUL, Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	DUL, Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	DUL, 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 57B(2)	Duty to consider certain matters in determining whether notice should be given	DUL, Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	DUL, Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	DUL, 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, Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	DUL, Specific Urban Planning Officers		
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	DUL, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	DUL, Specific Urban Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral authority has objected to the grant of the permit on any specified ground; or d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act. <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>	

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, 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, Specific Urban Planning Officers	<p>The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	DUL, Specific Urban Planning Officers	<p>Delegates must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the Planning and Environment Act 1987 or Regulations under that Act.</p> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Urban Planning/Manager City Futures (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).</p>	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DUL, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DUL, MPP, Specific Urban Planning Officers	The Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DUL, Specific Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DUL, Specific Urban Planning Officers		
s62(2)	Power to include other conditions	DUL, Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	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 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DUL, Specific Urban Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DUL, 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, 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, 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, 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, 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 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DUL, 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, 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, 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 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, PSO		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving applications for extensions of time of permits	DUL, Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	DUL, MPP, Specific Urban Planning Officers		
s 69(2)	Power to extend time	DUL, Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> • whether the time originally allowed was reasonable; or • whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or • whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or • the probability that a fresh application, if made, would be granted. 	

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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 70	Duty to make copies of permits available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 71(1)	Power to correct certain mistakes	DUL, Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		

s 73	Power to decide to grant amendments subject to conditions	DUL, MPP, Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> 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 2. The original application was: <ol style="list-style-type: none"> a. determined by the Urban Planning Delegated Committee; or b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> · no objections to the application for amendment; or · between one (1) and 12 objections received, inclusive, to the application for amendment. <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Urban Planning (MPP) and/or Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC)before exercising their delegation.</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision.</p> <p>IMPLEMENTATION GUIDELINES: Compliance with the Boroondara Planning Scheme and adopted Council Policies.</p>
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 74	Duty to issue an amended permit to the applicant if there no objectors	DUL, Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	DUL, Specific Urban Planning Officers, 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, 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, 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, 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, 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, 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 83	Function of being the respondent to an appeal	DUL, Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	DUL, Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	DUL, Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	DUL, Supervising Urban Planning Officers, 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, Specific Urban Planning Officers, TLPP, 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, Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	DUL, Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	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 87(3)(a)	Power to apply to VCAT for the cancellation or amendment of a permit	DUL, Supervising Urban Planning Officers		
s 87(3)(b)(c)(d) and (e)	Power to make a decision relating to the conduct of an application to amend a permit under section 87 (3)(b)(c)(d) and (e) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • there are twelve (12) or less objector parties to the application; • if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC. 	
s 87A(2)(a) and (b)	Power to make a decision relating to the conduct of an application to amend a permit under section 87A (2)(a) and (b) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • there are twelve (12) or less objector parties to the application; • if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC 	
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 91(2)	Duty to comply with the directions of VCAT	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	DUL, 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, PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	DUL, Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	DUL, Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	DUL, Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DUL, 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, MPP		

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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, 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, Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	DUL, MPP, CSTP, PSTP, SSTP, STP, 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, Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 96J	Duty to issue permits as directed by the Minister	DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DUL, MPP, CSTP, PSTP, 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, MPP		
s 97C	Power to request the Minister to decide the application	DUL, MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	DUL, MPP, Specific Urban Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	DUL, MPP, 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, PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DUL, MPP, Specific Urban Planning Officers, TLPP, 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, 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, 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, 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, Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	DUL, MPP, 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, PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DUL, MPP, Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DUL, 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, MPP		
s 103	Power to reject a claim for compensation in certain circumstances	DUL, 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, MPP		
s 107(3)	Power to agree to extend the time for making claim	DUL, 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, 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, PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DUL, MPP, Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	DUL, MPP, 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 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			
s 129	Function of recovering penalties	DUL, 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, 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, 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		

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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 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, 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, SDO, CDM&C, Supervising Urban Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DUL, DCT, DCS, DPS, MACP, MPP, MCS, 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, 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, SDO, CDM&C, Specific Urban Planning Officers, TLPP, PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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, SDO, CDM&C, CDM&C, 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, SDO, CDM&C, 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, SDO, CDM&C, 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 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, SDO, PSTP, STP, 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, SDO, STP, Specific Urban Planning Officers		
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDO, 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, SDO, CDM&C, Supervising Urban Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, 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, 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

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)(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, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, 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, 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)(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, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, 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, 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

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(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, Supervising Urban Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, 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, 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 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, 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, CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, 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, 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 181	Duty to apply to the Registrar of Titles to record the agreement	DUL, DCT, DCS, DPS, MACP MPP, 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, SDO, Supervising Urban Planning Officers		
S 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
s 182	Power to enforce an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, DE, CD, SDO, Supervising Urban Planning Officers and PIO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DUL, DCT, DCS, DPS, MPP, MCS		
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DUL, DCT, DCS, DPS, MPP, 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, STP, 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, STP, Supervising Urban Planning Officers, SSP and SO		

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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 184G(2)	Duty to comply with a direction of the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 198(1)	Function to receive application for planning certificate	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 199(1)	Duty to give planning certificate to applicant	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	DUL, MPP, 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 201(3)	Duty to make declaration	DUL, MPP and Specific Urban Planning Officers		

-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	DUL, MPP, Specific Urban Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • 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. <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • 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.
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	DUL, MPP, CSTP, Supervising Urban Planning Officers		
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO		
-	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry Staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to give written authorisation in accordance with a provision of a planning scheme	DUL, MPP, CSTP, Supervising Urban Planning Officers, SSP, All Urban Planning Forestry Staff, PIO		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	DUL, MPP, Supervising Urban Planning Officers		
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	DUL, MPP, CSTP, Supervising Urban Planning Officers		

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, 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.

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, MFW&I	
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, MFW&I, MT&T, MACP	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DPS, MCP, MFW&I, 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	

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, AP&P, DTO, LMPI, PPM, All Traffic and Transport Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	DPS, MCP, MT&T, MACP, MCS, CPA&PA, AP&P	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	DPS, MCP, MT&T, MACP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, AP&P, 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, AP&P, 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, AP&P, 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	

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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(2)	Duty to give notice of proposal to make a 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, AP&P, DTE	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, AP&P, 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, AP&P, CPA&PA, MCS	Where Council is the coordinating road authority. Sections 66 to 79 refer to advertising signs on roads.
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	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	
s 85	Function of receiving reports from authorised officers	DPS, MCP, MACP, MT&T & MCS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, AP&P, CPA&PA, P&A,	
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	DPS, MACP & MCP, AP&P, 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, AP&P, CPA&PA, P&A, AP&P	<i>Note:</i> <ul style="list-style-type: none"> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> • <i>supplying a service, product or commodity; or</i> <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>
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	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
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, AP&P, CPA&PA	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager

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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 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DPS, MCP, MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	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, AP&P, CPA&PA, MT&T,	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DPS, MCP, MACP, AP&P, 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, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(4)	Duty to consult	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DPS, MCP, MACP, MCS, CPA&PA, P&P	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	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

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	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, CUP, PAC, SSP, CP, PSP, PO, SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) in accordance with the public availability requirements	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, CUP, PAC, 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, CUP	Where Council is the responsible authority or planning authority.

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

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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	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	DPS, MCPMACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority



Boroondara City Council

Instrument of Delegation

to

Members of Council Staff

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

Instrument of Delegation

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

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

All Asset Management Staff	means	All staff in the Asset and Capital Planning Department
All Planning Officers	means	All staff in the Planning and Placemaking Urban Planning Department and the City Futures Department
All Road and Path Maintenance Staff	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
All Traffic and Transport Staff	means	All staff in the Traffic and Transport Department
All Urban Planning Forestry Staff	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
AOHS	means	Authorised Officer Health Services
AP&P	means	All staff in Asset Protection and Permits Team
CCO	means	Chief Customer Officer
CD	means	Coordinator Drainage
CDM&C	means	Coordinator Drainage Maintenance & Cleaning
CEO	means	Chief Executive Officer
CFO	means	Chief Financial Officer
CHP&P	means	Coordinator Health, Projects & Prosecutions
CP	means	Counter Planner or Planning Liaison Officer
CPA&PA	means	Coordinator Permits Appeals and Protection of Assets
CPLAC	means	Coordinator Parking Local Laws Animal Management and School Crossings
CRPS	means	Coordinator Revenue and Property Services
CSTP	means	Coordinator Strategic Planning
CT	means	Coordinator Traffic
CTM	means	Coordinator Transport Management
CUP	means	Coordinator Urban Planning
DCS	means	Director Community Support
DCT	means	Director Customer and Transformation
DE	means	Drainage Engineer
DPS	means	Director Places & Spaces
DTE	means	Development Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
DUL	means	Director Urban Living
EHO	means	Environmental Health Officer
EMPCD	means	Executive Manager People, Culture and Development
LCO	Means	Landscape Compliance Officer
LMPI	means	Lead Major Project Interface
MACP	means	Manager Asset and Capital Planning
MBS	means	Manager Building Services
MCP	means	Manager Capital Projects
MCS	means	Manager Civic Services

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MFW&I	means	Manager Facilities, Waste and Infrastructure
MPP	means	Manager Planning and Placemaking, Manager Strategic Planning and Placemaking City Futures, Manager Urban (Statutory) Planning
MT&T	means	Manager Traffic & Transport
P&A	means	All Permits and Appeals Staff
PAC	means	Planning Appeals Coordinator
PIO	means	Planning Investigations Officer
PO	means	Prosecutions Officer
PP	means	Principal Urban Planner
PPM	means	Principal Project Planner Major Project Interface
PSO	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning
PSTP	means	Principal Strategic Planner, Principal Heritage Planner
SDO	means	Senior Drainage Engineer
SO	means	Subdivision Officer or Senior Subdivision Officer
SP	means	Statutory Planner or Planning Officer or Urban Planner
Specific Urban Planning Officers	means	MPP, CUP, PAC, PP, SSP, SP, SO and CP
SSP	means	Senior Urban Planner
SSTP	means	Senior Strategic Planner
STP	means	Strategic Planner, Heritage Planner
Supervising Urban Planning Officers	means	MPP, CUP, PAC and PP
SUPF	means	Senior Urban Planning Forester
TLHS	means	Team Leader Health Services
TLPP	means	Team Leader Para Planning
TLUPF	means	Team Leader Urban Planning Forestry
UPF	means	Urban Planning Forester

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3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~25 September 2023~~ 18 December 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) strategyadopted by Council;
 -
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
- 3.4 As a principle of delegation, no delegation has been assigned to a member of Council staff where that delegation has not also been assigned to the Chief Executive Officer, the relevant Director(s) and their line manager, subject to any other specific requirements or statutory provisions to the contrary.

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

..... Chief Executive Officer

..... Mayor

..... Date

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DUL, DPS, DCT, CHP&P, 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

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 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	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.

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

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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
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 38G(4)	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
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 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, PO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DUL, MCS, CHP&P, EHO, TLHS	Where Council is the registration authority

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

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	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 12B(2)	Duty to review planning scheme at direction of Minister	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(1)	Duty of giving copy amendment to the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(2)	Duty of giving copy s 173 agreement	DUL, MPP, CSTP, PSTP, SSTP, STP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DUL, MPP, CSTP, PSTP, SSTP, STP	Until the proposed amendment is approved or lapsed	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP,	Until the end of 2 months after the amendment comes into operation or lapses	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Except submissions which request a change to the items in s 22(5)(a) and (b)	
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	DUL, All 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 26(1)	Power to make reports available for inspection	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	DUL, All Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(1)	Duty to notify the Minister if abandoning an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 28(2)	Duty to publish notice of the decision on Internet site	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(4)	Duty to make notice of the decision available on Council's	DUL, MPP, CSTP, PSTP, SSTP, STP		

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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 30(4)(a)	Duty to say if amendment has lapsed	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(b)	Duty to provide information in writing upon request	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 32(2)	Duty to give more notice if required	DUL, MPP, CSTP, PSTP, SSTP, STP		
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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42(2)	Duty to make copy of the planning scheme available in accordance with the public availability requirements	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.	
s 46AW	Function of being consulted by the Minister	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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, Supervising Urban Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DUL, MPP, CSTP, 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 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	DUL, MPP, CSTP, 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, 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, Supervising Urban Planning Officers		
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	DUL, MPP, CSTP. Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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. 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, 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, 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, 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, Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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, 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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the collecting agency	

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

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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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.	
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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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, 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, 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, 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, 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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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, 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, 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, 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, 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, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	

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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, 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, 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, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DUL, MPP, CSTP, CFO, MCP, CRPS, SO, 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. 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	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DUL, MPP, CSTP, 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		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	DUL, Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DUL, Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	DUL, CFO, Supervising Urban Planning Officers		
s 46Q(1A)	Duty to forward to a development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DUL, Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	DUL, Supervising Urban Planning Officers		

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

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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		
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 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements			
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	DUL, Supervising Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, 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		
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		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 51	Duty to make copies of applications available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	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		
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, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	DUL, Specific Urban Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DUL, Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DUL, Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	DUL, Specific Urban Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DUL, Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	DUL, Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DUL, MPP, 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, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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, 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, Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	DUL, Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	DUL, Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	DUL, Specific Urban Planning Officers		

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s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DUL, Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	DUL, Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	DUL, 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, Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	DUL, Specific Urban Planning Officers		
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	DUL, Specific Urban Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	DUL, 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"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral authority has objected to the grant of the permit on any specified ground; or d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act. <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 Urban Planning (MPP) and/or the Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>	

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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, Specific Urban Planning Officers		<p>The following guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Compliance with the objectives of the Boroondara Planning Scheme and adopted Council Policies.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p>

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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, 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 <u>Urban Planning Planning and Placemaking</u> MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
All Boroondara Planning Scheme Provisions.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	DUL, Specific Urban Planning Officers	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. 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 <u>Urban Planning/Manager City Futures</u> planning and Placemaking (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	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 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, Specific Urban Planning Officers	The Senior Urban Planner (SSP), Statutory 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 Urban Planning (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DUL, Specific Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DUL, Specific Urban Planning Officers		
s62(2)	Power to include other conditions	DUL, Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DUL, 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 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DUL, Specific Urban Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DUL, 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, 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, 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, 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, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	DUL, Specific Urban Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DUL, 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, 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, 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 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, PSO		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving applications for extensions of time of permits	DUL, Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	DUL, MPP, Specific Urban Planning Officers		
s 69(2)	Power to extend time	DUL, Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> · whether the time originally allowed was reasonable; or · whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or · whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or · the probability that a fresh application, if made, would be granted. 	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 70	Duty to make copies of permits available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 71(1)	Power to correct certain mistakes	DUL, Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		

s 73	Power to decide to grant amendments subject to conditions	DUL, MPP, Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> 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 2. The original application was: <ol style="list-style-type: none"> a. determined by the Urban Planning Delegated Committee; or b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> · no objections to the application for amendment; or · between one (1) and 12 objections received, inclusive, to the application for amendment. <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 Urban Planning (MPP) and/or Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation.</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision.</p> <p>IMPLEMENTATION GUIDELINES: Compliance with the Boroondara Planning Scheme and adopted Council Policies.</p>
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 74	Duty to issue an amended permit to the applicant if there no objectors	DUL, Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	DUL, Specific Urban Planning Officers, 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, 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, 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, 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, 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, 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 83	Function of being the respondent to an appeal	DUL, Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	DUL, Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	DUL, Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	DUL, Supervising Urban Planning Officers, 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, Specific Urban Planning Officers, TLPP, 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, Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	DUL, Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	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 87(3)(a)	Power to apply to VCAT for the cancellation or amendment of a permit	DUL, Supervising Urban Planning Officers		
s 87(3)(b)(c)(d) and (e)	Power to make a decision relating to the conduct of an application to amend a permit under section 87 (3)(b)(c)(d) and (e) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> there are twelve (12) or less objector parties to the application; if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC. 	
s 87A(2)(a) and (b)	Power to make a decision relating to the conduct of an application to amend a permit under section 87A (2)(a) and (b) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> there are twelve (12) or less objector parties to the application; if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC 	
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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 91(2)	Duty to comply with the directions of VCAT	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	DUL, 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, PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	DUL, Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	DUL, Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	DUL, Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DUL, 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, 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, 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, Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	DUL, MPP, CSTP, PSTP, SSTP, STP, 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, Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	DUL, MPP, CSTP, PSTP, SSTP, STP, 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 96J	Duty to issue permits as directed by the Minister	DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DUL, MPP, CSTP, PSTP, 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, MPP		
s 97C	Power to request the Minister to decide the application	DUL, MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	DUL, MPP, Specific Urban Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	DUL, MPP, 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, PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DUL, MPP, Specific Urban Planning Officers, TLPP, 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, 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, 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, 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, Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	DUL, MPP, 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, PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DUL, MPP, Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DUL, 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, MPP		
s 103	Power to reject a claim for compensation in certain circumstances	DUL, 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, MPP		
s 107(3)	Power to agree to extend the time for making claim	DUL, 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, 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, PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DUL, MPP, Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	DUL, MPP, Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			
s 129	Function of recovering penalties	DUL, 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, 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, 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		

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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 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, 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, SDO, CDM&C, Supervising Urban Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DUL, DCT, DCS, DPS, MACP, MPP, MCS, 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, 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, SDO, CDM&C, Specific Urban Planning Officers, TLPP, PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 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, SDO, CDM&C, CDM&C, 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, SDO, CDM&C, 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, SDO, CDM&C, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 178B(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, SDO, PSTP, STP, 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, SDO, STP, Specific Urban Planning Officers		
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDO, 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 178C(4)	Function of determining how to give notice under s 178C(2)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, DE, CD, SDO, CDM&C, 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, 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

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)(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, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, 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, 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)(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, Supervising Urban Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDE, CDM&C, 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, 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

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(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, Supervising Urban Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CSTP, CDM&C, DE, CD, SDE, PSTP, SSTP, STP, 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, 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 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, 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, CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, CDM&C, PSTP, SSTP, STP, DE, CD, SDE, 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, 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 181	Duty to apply to the Registrar of Titles to record the agreement	DUL, DCT, DCS, DPS, MACP MPP, 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, SDO, Supervising Urban Planning Officers		
S 181 (1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, SSP, CDM&C, CSTP, DE, CD, SDO, Supervising Urban Planning Officers		
s 182	Power to enforce an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C, DE, CD, SDO, Supervising Urban Planning Officers and PIO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DUL, DCT, DCS, DPS, MPP, MCS		
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DUL, DCT, DCS, DPS, MPP, 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, STP, 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, STP, Supervising Urban Planning Officers, SSP and SO		

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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 184G(2)	Duty to comply with a direction of the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 198(1)	Function to receive application for planning certificate	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 199(1)	Duty to give planning certificate to applicant	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	DUL, MPP, 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 201(3)	Duty to make declaration	DUL, MPP and Specific Urban Planning Officers		

-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	DUL, MPP, Specific Urban Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • 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. <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • 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.
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	DUL, MPP, CSTP, Supervising Urban Planning Officers		
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO		
-	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DUL, MPP, CSTP, Specific Urban Planning Officers, All Urban Planning Forestry Staff, PIO	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to give written authorisation in accordance with a provision of a planning scheme	DUL, MPP, CSTP, Supervising Urban Planning Officers, SSP, All Urban Planning Forestry Staff, PIO		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	DUL, MPP, Supervising Urban Planning Officers		
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	DUL, MPP, CSTP, Supervising Urban Planning Officers		

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, 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.

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, MFW&I	
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, MFW&I, MT&T, MACP	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DPS, MCP, MFW&I, 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 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, AP&P, DTO, LMPI, PPM, All Traffic and Transport Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	DPS, MCP, MT&T, MACP, MCS, CPA&PA, AP&P	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	DPS, MCP, MT&T, MACP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, AP&P, 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, AP&P, 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, AP&P, MCS	
s 42(1)	Power to declare a public road as a controlled access road	DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies. <i>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42.</i>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof. <i>Note - "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i>
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road. <i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i>
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff, DTE	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s 49	Power to develop and publish a road management plan	DPS, MCP, MACP	

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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(2)	Duty to give notice of proposal to make a 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, AP&P, DTE	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, AP&P, 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, AP&P, CPA&PA, MCS	Where Council is the coordinating road authority. Sections 66 to 79 refer to advertising signs on roads.
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	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	
s 85	Function of receiving reports from authorised officers	DPS, MCP, MACP, MT&T & MCS	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, AP&P, CPA&PA, P&A,	
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	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	DPS, MACP & MCP, AP&P, 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, AP&P, CPA&PA, P&A, AP&P	<i>Note:</i> <ul style="list-style-type: none"> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> • <i>supplying a service, product or commodity; or</i> <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>
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	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
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, AP&P, CPA&PA	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager

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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 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DPS, MCP, MACP, AP&P, CPA&PA, MT&T	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	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, AP&P, CPA&PA, MT&T,	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the coordinating road authority
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DPS, MCP, MACP, AP&P, 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, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(4)	Duty to consult	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DPS, MCP, MACP, MCS, CPA&PA, AP&P, MT&T, LMPI, PPM, All Traffic and Transport Staff	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DPS, MCP, MACP, MCS, CPA&PA, P&P	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	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

S6 Instrument of Delegation to Members of Council Staff

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	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, CUP, PAC, SSP, CP, PSP, PO, SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) in accordance with the public availability requirements	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, CUP, PAC, 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, CUP	Where Council is the responsible authority or planning authority.

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

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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	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	DPS, MCPMACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority

7.10 Instrument of Sub-Delegation & Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017

Executive Summary

Purpose

The purpose of this report is for Council to consider executing an Instrument of Sub-Delegation under the *Environment Protection Act 2017* and two Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* and the *Planning and Environment Act 1987* respectively.

The Instruments presented to Council are for the sub-delegation, appointment and authorisation of staff in the Urban Living Directorate. This review deals with staffing arrangements and is distinct from the biannual authorisation reviews conducted in March and October of each year.

Background

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis. The last review of this Instrument occurred in November 2023.

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

Council last adopted an Instrument of Sub-Delegation and an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* in October and November 2023.

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 Instruments of Appointment and Authorisation.

To ensure that the Instruments are up to date and account for staffing changes within the organisation, officers undertake a review of the Instruments bi-annually. There were no legislative changes relevant to the current review, as such the changes merely accommodate staffing arrangements in the Urban Living Directorate.

Officers are now presenting a refreshed Instrument of Sub-Delegation under the *Environment Protection Act 2017* (**Attachment 1**), Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 2**), and an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 3**) for adoption.

Next Steps

The Instruments will be refreshed as needed to ensure any staffing changes within the Urban Living Directorate are captured.

Officers' recommendation

1. In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Boroondara City Council resolves that:
 - a) There be delegated to 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 the Instrument, subject to the conditions and limitations specified in the Instrument.
 - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
 - c) The Instrument be sealed.
 - d) On the coming into force of the Instrument all previous delegations to members of Council Staff under the *Environment Protection Act 2017* are revoked.
 - e) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
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 resolves that:
 - a) The members of Council staff referred to in the Instrument (**Attachment 2** as annexed to the minutes) be appointed and authorised as set out in the Instrument.
 - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
 - c) The Instrument be sealed.
3. That Council resolve, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, that:
 - a) The members of Council staff referred to in the Instrument of Appointment and Authorisation (**Attachment 3** as annexed to the minutes) be appointed and authorised as set out in the Instrument.
 - b) The Instrument of Appointment and Authorisation comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
 - c) The instrument of Appointment and Authorisation be sealed.

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

1. Purpose

The purpose of this report is for Council to review and adopt the Instrument of Sub-Delegation under the *Environment Protection Act 2017* (**Attachment 1**), the Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 2**), and the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 3**).

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

The Instruments relate to Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instruments are also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

3. Background

Instrument of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration is based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers authorised under the *Planning and Environment Act 1987* and *Environment Protection Act 2017* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis. The Instruments are reviewed by Governance as required to ensure they are up to date. The previous reviews occurred in September and October of 2023.

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

Council received formal notifications from the EPA in June 2021 to advise that they had delegated new powers to councils under the Act. The delegation applies to the regulation of:

- On-site wastewater management systems not exceeding 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

4. Outline of key issues/options

By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council Staff.

The powers, duties and functions described and summarised in the Schedule of Attachment 1, are only delegated for the purpose of regulating:

- On-site wastewater management systems not exceeding 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

Where Council has sub-delegated EPA powers and functions under s 437(2) of the Act, the members of Council staff must be authorised officers under s 242(2) of the Act. As such, an Instrument of Appointment and Authorisation authorising officers from the Civic Services Department has been prepared at **Attachment 2** to this report.

A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework. Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber. Further, authorised officers must exercise the powers in accordance with the EPA's approved Instrument of Direction.

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* authorises officers from the Planning and Placemaking Department. A copy of the Instrument is at **Attachment 3**.

The attached Instrument of Sub-Delegation under the *Environment Protection Act 2017* (**Attachment 1**), Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 2**) and Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 3**) are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

To ensure that the Instruments are up to date and account for staffing changes in the organisation, officers undertake a review of the Instruments bi-annually. There were no legislative changes relevant to the current review, as such the changes merely capture changes in staffing arrangements in the Urban Living Directorate.

5. Consultation/communication

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

Consultation with the Urban Living Directorate has taken place in preparation of the proposed Instruments.

6. Financial and resource implications

The costs to prepare and adopt the revised Instruments are minimal and will be met within the current Governance and Legal departmental budget.

7. Governance issues

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

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

8. Social and environmental issues

Effective and efficient delegations and authorisations will reinforce public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance within the municipality.

Manager: **Bryan Wee, Manager Governance and Legal**

Report officer: Liam Merrifield, Senior Governance Officer

Boroondara City Council

Instrument of 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

AMO	means	Animal Management Officer
APEO	means	Asset Protection Enforcement Officer
APO	means	Asset Protection Officer
APETL	means	Asset Protection Enforcement Team Leader
APPTL	means	Asset Protection and Permits Team Leader
CFS	means	Coordinator Field Services
CHPP	means	Coordinator Health, Projects and Prosecutions
TOAP	means	Technical Officer - Asset Protection
PEO	means	Permits Officer
CPAPA	means	Coordinator Permits Appeals and Protection of Assets
DUL	means	Director Urban Living
EHO	means	Environmental Health Officer
LL	means	Local Laws Officer
MCS	means	Manager Civic Services
PO	means	Parking Officer
PROS	means	Prosecutions Officer and Prosecutions Lead
SAPEO	means	Senior Asset Protection Enforcement Officer
SAPE	means	Supervisor Asset Protection Enforcement
TAPE	means	Team Leader Asset Protection Enforcement
TLLA	means	Team Leader Local Laws and Animal Management
TLHS	means	Team Leader Health Services
PTTL	means	Parking and Traffic Team Leader

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 18 December 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:

Instrument of Sub-delegation to members of Council staff (*Environment Protection Act 2017*)

- 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

..... Mayor

..... Date

Instrument of Sub-delegation to members of Council staff (*Environment Protection Act 2017*)

SCHEDULE

Instrument of Sub-delegation to members of Council staff (*Environment Protection Act 2017*)

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, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, APPTL, CFS, TAPE, APETL	
s 272	Power to issue prohibition notice	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, APPTL, CFS, TAPE, APETL	

s 279	Power to amend a notice	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, APPTL, CFS, TAPE, APETL	
s 358	Functions of the Environment Protection Authority	AMO, APO, CPLAC, CHPP, CPAPA, DUL, EHO, LL, MCS, PO, PROS, PSO, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, APPTL, CFS, TAPE, APETL	
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, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, APPTL, CFS, TAPE, APETL	

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, SAPEO, TLHS, TLLA, TLPT, TLPS, TOAP, PEO, APEO, CFS, TAPE, APETL	
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Boroondara City Council

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

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

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

Andre Peters	Parking and Traffic Team Leader
Alex Ilievski	Parking Officer
Alice Haskett	Prosecutions Officer
Anastasia Matete	Parking Officer
Andrew Salisbury	Senior Parking Officer
Brad McMahon	Supervisor Asset Protection Enforcement
Cailin Johnston	Senior Permits and Appeals Officer
Can Doruk	Parking Officer
Chris McKee	Parking Officer Casual
Ciaran Hartnett	Permits Officer
Danielle Facey	Permits Officer
Eileen Clinch	Animal Management Officer
Ellen Hill	Environmental Health Officer
Elita Schwab	Environmental Health Officer
Florin Boiciuc	Parking Officer
Gabriel Dorning	Animal Management Officer
Heidi Beecher	Asset Protection Enforcement Team Leader
Iona Mitchell	Permits Officer
Jai Ghotra	Permits Officer
James Sidonie	Animal Management Officer
Jamie Chinga	Parking Officer
Giuseppe (Joe) Luppino	Parking Officer
Joe Peluso	Parking Officer
John Privitelli	Local Laws Officer
Jorge Contreras	Parking Officer
Joseph Climacus	Parking Officer
Joseph Elbaum	Asset Protection Enforcement Officer
Jubaidul Jekab	Local Laws Officer
Junne Matondo	Technical Officer - Asset Protection
Karanvir Singh	Parking Officer
Katerina Sioulas	Environmental Health Officer
Leanne Roberts	Asset Protection Enforcement Officer
Leonardo (Leo) Manca	Coordinator Health, Projects and Prosecutions
Lorenzo Gullone	Environmental Health Officer
Matthew (Matt) Aitken	Prosecutions Lead
Matthew Juers	Environmental Health Officer
Michael Fraser	Permits Officer
Michael O'Connor	Senior Asset Protection Enforcement Officer
Michelle Cant	Parking Officer (Night)
Mirella Manfre	Coordinator Permits Appeals and Protection of Assets

Nigel Wright	Parking Officer
Nileshkumar Jani	Parking Officer
Noppawoot Suravilas	Parking Officer
Paul Bryan Mitchelmore	Manager Civic Services
Paul Howard	Local Laws Officer
Paul Teiwes	Parking Officer
Penelope Anastasiadis	Environmental Health Officer
Rachael Oats	Parking Officer
Philippa Lee Treloar	Asset Protection Enforcement Officer
Robert Marshall	Parking Officer
Robert Weis	Team Leader Health Services
Roselyn Lawton	Animal Management Officer
Rosetta (Rose) Locke	Local Laws Officer
Rohit Markan	Parking Officer
Sam Joseph	Technical Officer - Asset Protection
Sam Temov	Parking Officer
Scott Walker	Director Urban Living
Serena Horg	Coordinator Field Services
Sean Bell	Local Laws Officer
Shariq Ali	Parking Officer
Sharon Raju	Permits Officer
Shaun Whittle	Local Laws Officer
Simon Elliott	Landscape Compliance Officer
Stefanie Daniliuk	Local Laws Officer
Susie Bozinovska	Permits Officer
Tim O'Reilly	Parking Officer
Toolefua Samuelu	Technical Officer - Asset Protection
Tom Vandenbroek	Parking Officer
Virginie Geoffroy	Parking Officer (Night)
Warren Norton	Local Laws Officer
Will Carroll	Environmental Health Officer

By this instrument of appointment and authorisation Boroondara City Council –

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

under –

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

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

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Boroondara City Council on 18 December 2023

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

..... Chief Executive Officer

..... Mayor

..... Date

Boroondara City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

Aileen Chin	Principal Urban Planner
Ali Turvey	Para Planning Officer
Alice Haskett	Prosecutions Officer
Andrew McIlveen	Planning Investigations Officer
Amaya De Silva	Senior Urban Planner
Brendan Rea	Planning Investigations Officer
Calum Schwindt	Urban Planner
Cynthia Pizzati	Para Planning Officer
Cheng Chea	Para Planning Officer
Chiara Lorini	Senior Urban Planner
Christopher Spencer	Team Leader Urban Planning Forester
Damian Bu	Senior Urban Planner
Daniel Murphy	Planning Appeals Co-ordinator
Darshankumar (Darshan) Vachhani	Development Transport Engineer
Daniela Splitgerber	Senior Urban Planner
David Barclay	Development Drainage Engineer
David Cowan	Manager City Futures
Edward Howe	Urban Planner
Elizabeth Spanjer	Senior Urban Planner
Erin McCarthy	Coordinator Urban Planning
Gregory (Greg) Pocock	Para Planning Officer
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
Joel Elbourne	Manager Urban Planning

Jock Farrow	Principal Urban Planner
Jon Harper	Coordinator Urban Planning
Joshua Lewis	Urban Planner
Jordan Schonberg	Urban Planner
Justin Richardson	Planning Investigations Officer
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
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/Senior Urban Planner
Toni Johnson	Para Planning Officer
Vanessa Kwaczynski	Administration Officer
Zac Fisher	Urban Planner
Finbar Harrison	Urban Planner

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

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

Aileen Chin	Daniela Splitgerber	Joel Torresi	Nick Hulston
Alice Haskett	David Barclay	Jon Harper	Nikhil Shah
Ali Turvey	David Cowan	Jonathan Welcome	Scott Lipscombe
Andrew McIlveen	Edward Howe	Joshua Lewis	Simon Elliott
Amaya De Silva	Elizabeth Spanjer	Jordan Schonberg	Scott Walker
Brendan Rea	Erin McCarthy	Justin Richardson	Simon Quinn
Calum Schwindt	Gregory (Greg) Pocock	Karen Reid	Sofia Skliris
Cynthia Pizzati	Gregory (Greg) Stewart	Kathy Fletcher	Stephanie Ng
Cheng Chea	Ida LaRocca	Kelly Caporaso	Sylvia Georges
Chiara Lorini	Jack Richardson	Lachlan Waddell	Timothy Luckin
Christopher Spencer	Jessica Nedelkos	Lebon Ferri	Toni Johnson
Damian Bu	Jennifer Estrada	Lucy Johnson	Vanessa Kwaczynski
Daniel Murphy	Jock Farrow	Matt Aitken	Zac Fisher
Darshankumar (Darshan) Vachhani	Joel Elbourne	Michael Burton	Finbar Harrison
		Mridula Krishna	

By this instrument of appointment and authorisation Boroondara City Council -

- 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
- 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 -

- this instrument comes into force immediately upon its execution and remains in force until varied or revoked;
- this instrument must not be exercised in a manner which is inconsistent with Council's corporate position.
- 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 18 December 2023.

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

..... Chief Executive Officer

..... Councillor

..... Date

7.11 CEO Employment and Remuneration Policy

Executive Summary

Purpose

The purpose of this report is for Council to consider and endorse the reviewed CEO Employment and Remuneration Policy (the Policy) (**Attachment 1**).

Background

The Local Government Act 2020 (the Act) required all Victorian Councils to develop and adopt a CEO Employment and Remuneration Policy by 31 December 2021. Council complied with this requirement by adopting the current policy on 13 December 2021.

The Policy meets all the requirements of the Act and was developed based on a template provided to the sector by Maddocks. The Policy is consistent with the provisions within the contract of the current CEO employment contract.

Key Issues

Section 5 of the Policy creates the CEO Employment and Remuneration Committee (the Committee). Under the current policy the Committee is a delegated committee and comprised of all eleven Councillors.

The Instrument of Delegation from Council to the CEO Employment and Remuneration came into force on 9 March 2022 (**Attachment 2**).

Officers believe that the operation of the Committee as a Delegated Committee creates additional administration, is less efficient and due to the requirements of the Act has no substantial benefit.

For this reason, it is recommended that the Committee become an advisory committee comprised of all eleven elected Councillors and the Instrument of Delegation to the Committee be revoked. In this instance, the Committee would provide recommendations to Council for a final decision in relation to all matters relating to the CEO's employment.

Next Steps

Once adopted by Council the CEO Employment and Remuneration policy will be distributed to stakeholders. A Terms of Reference will be developed for the Committee and presented to Council for adoption. The Policy will be reviewed by officers as required.

Officers' recommendation

That Council resolve to:

1. Adopt the CEO Employment and Remuneration Policy as annexed to the minutes; and
2. Revoke the Instrument of Delegation from Council to the CEO Employment and Remuneration Delegated Committee.

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

1. Purpose

The purpose of this report is for Council to consider and endorse the reviewed CEO Employment and Remuneration Policy.

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

There is a requirement under the *Local Government Act 2020* to establish a CEO Employment and Remuneration Policy which provides for employment matters relating to its Chief Executive Officer.

This item links to the priority theme of Leadership and Governance in the Boroondara Community Plan.

3. Background

The *Local Government Act 2020 (Act)* required Councils to develop, adopt and keep in force a CEO Employment and Remuneration policy. Specifically, the Act outlines that the Policy must:

- (a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
- (b) provide for the following:
 - (i) the recruitment and appointment process;
 - (ii) provisions to be included in the contract of employment;
 - (iii) performance monitoring;
 - (iv) an annual review; and
- (c) include any other matters prescribed by the regulations.

As part of its Policy, a Council must also have regard to:

- (a) any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
- (b) any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies.

Council adopted the current policy on 13 December 2021, and it meets all the requirements listed above. The Policy was developed based on a template provided to the sector by Maddocks.

4. Outline of key issues/options

Section 5 of the Policy creates the CEO Employment and Remuneration Committee (the Committee). Under the current policy the Committee is a delegated committee and is comprised of all eleven Councillors.

A Delegated Committee is a committee which can exercise certain Council powers, functions and duties in relation to specific matters delegated to it. The Instrument of Delegation from Council to the CEO Employment and Remuneration came into force on 9 March 2022 (**Attachment 2**).

Section 63 of the Act relates to Delegated Committees and prescribes the minimum composition and Chairing of the Committee. The Act also states that the conduct of Delegated Committee meetings must comply with the requirements of the Governance Rules (the Rules). The Rules prescribe:

- how a meeting must be called;
- public notice requirements;
- debate restrictions;
- how to move a motion and amendment;
- voting; and
- recording of proceedings.

These requirements have sometime presented confusion. For instance, whilst it is a requirement for the Delegated Committee to give public notice of its intended meetings and that these meetings are open to the public, given the confidential nature of the items of business, the Committee has always resolved to close the Committee to the public before discussing matters.

Further, it should be noted that Section 11(2)(e) of the Act specifically prohibits a delegated Committee from a making a decision in relation to the CEO's employment, dismissal or removal and as such these matters must always be referred to Council for consideration. In practice this mean the Committee must only resolve to make recommendations to Council; who will then make the official decision at a Council meeting.

It is therefore considered more appropriate and efficient that the Committee becomes an advisory committee and provides recommendations to Council for a final decision in relation to all matters relating to the CEO's employment.

Should Council resolve to adopt the revised Policy, a further report will be submitted to Council in 2024 for the adoption of the Terms of Reference for the Committee.

5. Consultation/communication

The CEO and the CEO Employment and Remuneration Delegated Committee members have been consulted as part of the review process.

6. Financial and resource implications

There are no budget implication for Council, with the exception of the engagement of an Independent Advisor.

7. Governance issues

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

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

8. Social and environmental issues

The draft Policy has no negative impact on community/social well-being and/or the environment.

**Manager &
report officer:**

**Mary-Anne Palatsides, Executive Manager People, Culture
and Development**

CEO EMPLOYMENT AND REMUNERATION POLICY

1. Purpose of Policy

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of **City of Boroondara (Council)**, made in accordance with section 45 of the *Local Government Act 2020*.

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer ensuring that:
 - (i) the recruitment decision is based on merit;
 - (ii) the recruitment processes support transparency in the recruitment process and the public advertising of the position; and
 - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- (c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (d) the monitoring of the Chief Executive Officer's performance;
- (e) an annual review of the Chief Executive Officer's performance; and
- (f) determining the Chief Executive Officer's remuneration.

2. Date of Commencement and Review

- 2.1 This Policy commenced operation on 14 December 2021 and was reviewed, updated and endorsed on 18 December 2023.

3. Definitions

- 3.1 In this Policy, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Annual Review Report has the meaning given in paragraph 11.3

Chief Executive Officer or **CEO** means the Chief Executive Officer of Council.

Committee means the CEO Employment and Remuneration Advisory Committee established under this Policy.

Contract of Employment means the contract of employment between Council and the CEO, including any schedules.

Council means **City of Boroondara**

Councillors means the individuals holding the office of a member of Council **City of Boroondara**.

Council meeting has the same meaning as in the Act.

Executive Search Consultant means a consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.

Independent Advisor means the consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.

KPIs means Key Performance Indicators or performance criteria however described.

Mayor means the Mayor of Council.

Performance Plan means the annual performance plan setting out KPIs for the CEO.

Policy means this CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act.

Public Sector Wages Determination means any Determination that is currently in effect under section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in relation to remuneration bands for executives employed in public service bodies.

Recruitment Policy means the recruitment policy adopted by the CEO under section 48(2) of the Act.

Regulations means the Regulations made under Division 7 of Part 2 of the Act.

Remuneration Package means the total gross remuneration package paid to the CEO pursuant to the Contract of Employment.

Resolution means a resolution of Council made at a properly constituted Council meeting.

4. Overview

4.1 This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.

4.2 The aims of the CEO in relation to this Policy are to:

- 4.2.1 work collaboratively with the Committee in determining the Performance Plan on an annual basis;
- 4.2.2 actively participate in the performance appraisal process as required by the Committee;
- 4.2.3 make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
- 4.2.4 undertake professional development on an as needed basis, or as part of the Performance Plan; and
- 4.2.5 promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.

4.3 The aims of Council (including via the Committee) in relation to this Policy are to:

- 4.3.1 establish the Committee;
- 4.3.2 provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;

- 4.3.3 draft and approve the Contract of Employment entered into between Council and the CEO;
- 4.3.4 seek and be guided by independent professional advice in relation to the matters dealt with in this Policy;
- 4.3.5 provide processes for determining and reviewing the CEO's Remuneration Package;
- 4.3.6 provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- 4.3.7 determine, as required, any variations to the Remuneration Package and terms and conditions of employment of the CEO.

5. CEO Employment and Remuneration Committee

- 5.1 Council will establish a CEO Employment and Remuneration Committee (**Committee**).
- 5.2 The Committee will be an advisory committee.
- 5.3 The purposes of the Committee are to consider and make recommendations to Council with respect to, the:
 - 5.3.1 selection and appointment of the Independent Advisor;
 - 5.3.2 independent advice received from time to time from the Independent Advisor;
 - 5.3.3 performance monitoring of the CEO with respect to achievement of the KPIs;
 - 5.3.4 annual review of the CEO's performance against the KPIs;
 - 5.3.5 CEO's remuneration;
 - 5.3.6 provisions to be suggested for inclusion in the Contract of Employment from time to time;
 - 5.3.7 implementation of this Policy.
- 5.4 The Committee must include all eleven (11) Councillors, unless otherwise resolved by Council.
- 5.5 The Committee is to be chaired by:
 - 5.5.1 the Mayor; or
 - 5.5.2 if the Mayor is absent, the Deputy Mayor.
- 5.6 The Committee is to hold meetings as often as is necessary to:
 - 5.6.1 consider documentation relevant to the CEO's performance and remuneration,
 - 5.6.2 prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents, for the approval of Council; and
 - 5.6.3 review the Remuneration Package and conditions of employment of the CEO.

- 5.7 The Committee will determine annually during a Mayoral term:
- 5.7.1 how often the Committee will meet, provided that the Committee meets at least twice in each year;
 - 5.7.2 means of attendance at Committee meetings (e.g. in person or electronically).
- 5.8 The Committee must comply with the conditions and limitations contained within the Terms of Reference to the CEO Employment and Remuneration Committee.
- 6. Recruitment of CEO**
- 6.1 The Committee will establish and coordinate the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates.
- 6.2 The Committee will determine, and make a recommendation to Council, as to:
- 6.2.1 whether there is a need to engage an Executive Search Consultant to run the recruitment process; and, if so
 - 6.2.2 the Executive Search Consultant to be appointed to run the recruitment process.
- 6.3 If an Executive Search Consultant is engaged, the Committee, the Chair of the Committee or a member of Council staff nominated by the Committee must liaise with the Executive Search Consultant in connection with the recruitment process.
- 6.4 When considering the recruitment of the position of CEO to, the Committee must:
- 6.4.1 ensure that the recruitment decision is based on merit;
 - 6.4.2 support transparency in the recruitment process and the public advertising of the position; and
 - 6.4.3 ensure that regard is had to gender equity, diversity and inclusiveness.
- 6.5 The Committee must ensure that the Executive Search Consultant publicly advertises the CEO role unless a decision has been taken to renew the incumbent CEO's contract.
- 6.6 The Committee must direct the Executive Search Consultant to prepare, and provide to Council, a schedule of dates for key decisions to be made by resolution of Council throughout the recruitment process.
- 6.7 The Committee must provide a report and recommendation to Council so that each key decision identified in the schedule prepared under paragraph 6.6 can, if necessary, be made by resolution of Council.
- 7. Appointment of the CEO**
- 7.1 Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate from the short list with the support of the Committee to negotiate and finalise the Contract of Employment.
- 7.2 The Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.

- 7.3 The appointment of the CEO must be made by a resolution of Council.

8. Reappointment of the CEO

- 8.1 Within 6 months prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on:

8.1.1 whether the CEO should be reappointed under a new Contract of Employment; and

8.1.2 if the recommendation is to reappoint the CEO, the proposed provisions of the further Contract of Employment.

- 8.2 Any reappointment of the current CEO must be made by a resolution of Council.

9. Contract of Employment

- 9.1 The Contract of Employment is to be read in conjunction with this Policy (but the terms of the Policy are not incorporated into the Contract of Employment).

- 9.2 The Contract of Employment will, at a minimum, outline the following:

9.2.1 the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;

9.2.2 the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;

9.2.3 the conflict of interest management requirements;

9.2.4 the CEO's Remuneration Package and other entitlements;

9.2.5 any legislative and contractual obligations, including those during and continuing after appointment;

9.2.6 the CEO's leave entitlements;

9.2.7 dispute resolution procedures;

9.2.8 processes for managing unsatisfactory performance;

9.2.9 processes for early termination, including notice of termination provisions with notice of termination by Council being restricted to a maximum of nine (9) months; and

9.2.10 any other matters required to be contained in the Contract of Employment by the Regulations.

- 9.3 The Contract of Employment may only be varied by a resolution of Council, and upon acceptance by the CEO, recorded in a deed of variation.

10. Remuneration and Expenses

- 10.1 The Remuneration Package provided to the CEO will form part of the Committee's annual review, having regard to (in accordance with section 45(3) of the Act):
- 10.1.1 any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);¹ and
 - 10.1.2 any Public Sector Wages Determination.²
 - 10.1.3 A report benchmarking the CEO remuneration with similar local government CEO and public sector roles.
- 10.2 Remuneration will be reviewed on an annual basis, in accordance with the CEO's Performance Plan and contractual requirements.
- 10.3 Council will meet expenses incurred by the CEO in relation to:
- 10.3.1 membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
 - 10.3.2 reasonable costs incurred where attending conferences, seminars or other professional development activities; and
 - 10.3.3 reasonable costs incurred in performance of required duties.

11. Performance Monitoring and Annual Review

- 11.1 Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The proposed Performance Plan must be developed collaboratively between the CEO and the Committee.
- 11.2 The CEO is to provide a report against the Performance Plan to the Committee on an annual basis.
- 11.3 An annual review report (**Annual Review Report**) will be submitted to Council, based on the Committee's recommendations regarding :
- 11.3.1 whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
 - 11.3.2 whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
 - 11.3.3 whether, and to what extent, the Remuneration Package ought to be varied; and
 - 11.3.4 any other necessary matters.

¹ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

² Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

- 11.4 The Annual Review Report will be submitted to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.
- 11.5 Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report, resolve upon the matters described and advise the CEO of the terms or effect of the resolution.
- 11.6 Following the initial six (6) months of the CEO's term, a workshop with Councillors and the CEO should be coordinated so that:
- 11.6.1 the CEO can prepare and present an overview of their findings during the early months, and highlight any projections or forecasts of relevance to Council during their tenure;
 - 11.6.2 Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period; and
 - 11.6.3 Council and CEO can agree to projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

12. Acting CEO

- 12.1 Under section 44 (5) of the Act, Council must appoint an Acting CEO when there is a vacancy in the office of the CEO which will exceed 28 consecutive days or the CEO is unable to perform the duties of the office of Chief Executive Officer.
- 12.2 The appointment of the CEO must be made by a resolution of Council unless the Acting CEO is appointed for a period not exceeding 28 days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.
- 12.3 The Committee may advise Council on the selection and appointment of an Acting CEO.

13. Independent advice

- 13.1 The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.
- 13.2 The Independent Advisor will be recommended by the Committee to the Council following a process to seek experienced and suitably qualified persons, but must not be the Executive Search Consultant appointed by Council to assist in the recruitment process. The Committee will be supported and provided with a shortlist of candidates by the Executive Manager People Culture and Development.
- 13.3 Council will determine and resolve the:
- 13.3.1 term of appointment of the Independent Advisor; and
 - 13.3.2 remuneration of the Independent Advisor,
- and ensure that it is a term of the Independent Advisor's engagement that the Independent Advisor keep confidential all information which the Independent Advisor acquires by virtue of the engagement.
- 13.4 Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

14. Administrative Support

- 14.1 Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Advisor will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters.
- 14.2 Council, the Committee and/or the Independent Advisor may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because he or she is accountable to the CEO (or a person acting as CEO) and therefore acknowledging that requests for assistance need to be limited to no more than those which are reasonably necessary.

15. Interaction with Act and Regulations

- 15.1 This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

16. Confidentiality

- 16.1 Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

17. Delegations

- 17.1 Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).
- 17.2 Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

18. Review of Policy

- 18.1 This Policy will be reviewed within 6 months of its adoption by Council.
- 18.2 This Policy will thereafter be reviewed at least every three (3) years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.



Boroondara City Council

Instrument of Delegation

To

CEO Employment and Remuneration Committee



Camberwell Office B Inglesby Road Camberwell Victoria **T** 9278 4444 **F** 9278 4466
Postal Address Private Bag 1 Camberwell Victoria 3124
Email boroondara@boroondara.vic.gov.au

[8665116: 31603420_1]



Boroondara City Council

Instrument of Delegation

To

CEO Employment and Remuneration Committee



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Boroondara City Council

Instrument of Delegation

To

CEO Employment and Remuneration Committee



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Boroondara City Council

Instrument of Delegation

To

CEO Employment and Remuneration Committee



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