

# COUNCIL MEETING MINUTES



(Open to the public)

**Monday 18 December 2023**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.34pm

**Attendance**

Councillor Lisa Hollingsworth (Mayor)  
Councillor Jim Parke  
Councillor Felicity Sinfield  
Councillor Victor Franco  
Councillor Di Gillies  
Councillor Jane Addis  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Nick Stavrou

**Apologies**

Councillor Wes Gault (Leave of absence)  
Councillor Garry Thompson (Leave of absence)

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Daniel Freer	Director Places and Spaces
	Kate McCaughey	Director Community Support
	Scott Walker	Director Urban Living
	Mans Bassi	Director Customer and Transformation
	Mary-Anne Palatsides	Executive Manager People Culture and Development
	Amy Montalti	Chief Financial Officer
	Bryan Wee	Manager Governance and Legal
	Anthea Kypreos	Manager Capital Projects
	David Cowan	Manager City Futures
	Daniel Murphy	Acting Manager Civic Services
	Fiona Brown	Manager Community Planning and Development
	David Shepard	Manager Environmental Sustainability and Open Spaces
	Rodney Lewis	Acting Manager Facilities, Waste and Infrastructure
	Mikaela Carter	Principal Strategic Planner
	Katherine Wright	Senior Coordinator Social Planning and Research
	Jarrold Filosa	Coordinator Building Projects
	Andre Peters	Team Leader Parking and Traffic
	Elizabeth Manou	Senior Governance & Integrity Officer
	Yvonne Hill	Policy & Projects Specialist

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## 1. Adoption and confirmation of the minutes

### MOTION

**Moved Councillor Sinfield**

**Seconded Councillor Biggar**

**That the minutes of the Council meetings held on 20 November 2023 and 27 November 2023 be adopted and confirmed.**

### CARRIED

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

- Refer to Item 7.11 - CEO Employment and Remuneration Policy - Phillip Storer, Chief Executive Officer
- Refer to Item 10.1 - Personal Matters - Phillip Storer, Chief Executive Officer

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

Nil

## 4. Informal Meetings of Councillors

Nil

## 5. Public question time

### **PQT1 Franklin Rosenfeldt (Protect Our Boroondara Parks and Trees) of Balwyn North**

The **Mayor, Councillor Hollingsworth** advised the question had been disallowed in accordance with the Governance Rules, because it did not clearly raise a question. It also did not meet the Governance Rules for a question because it did not relate to a matter on the agenda, nor was it asked of an officer or Councillor previously.

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

*Councillor Sinfield left the chamber at 6.40pm and resumed her seat at 6.41pm.*

**PQT2 Ian Hundley of Balwyn North**

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

*“Please advise the details of all correspondence that Council had with the North East Link Project on the proposed signalised crossing on Balwyn Road in Balwyn North prior to Council’s public announcement of the project?”*

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

- Council had been advocating for a set of pedestrian signals on Balwyn Road at Gordon Barnard Reserve for several years to the Department of Transport, formerly VicRoads, to improve the level of safety and access for pedestrians and cyclists.
- This advocacy also involved an approach to the North East Link Project for funding for the design and construction of the pedestrian signals.
- A total of \$700,000 was provided to Council by the North East Link Project for the pedestrian signals.
- A response to your Freedom of Information request was provided on 15 September 2023.

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

**PQT3 Ian Hundley of Balwyn North**

The **Mayor, Councillor Hollingsworth** read the following question submitted with notice, with irrelevant parts removed to allow the question to be read:

*“Please advise whether Council intends to [... take ...] public submissions for the 2024-25 budget and subsequent annual budgets, [...] and with a reformed procedure which would permit the timely consideration of the public submissions received?”*

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

- Council is yet to turn its mind to the budget for the 2024/2025 year or subsequent years and will make a formal decision regarding budget submissions at the appropriate point in time.

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

**PQT4 Theo of Hawthorn East**

The **Mayor, Councillor Hollingsworth** informed her colleagues a question had been submitted without adequate notice and was disallowed. She also advised that a written response would be provided to the submitter in due course.

## 6. Notices of motion

Nil

## 7. Presentation of officer reports

Councillors present determined to discuss the reports listed on the agenda in the following order:

### 7.11 CEO Employment and Remuneration Policy

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

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

*The Chief Executive Officer declared a conflict of interest in accordance with section 128 of the Local Government Act 2020 as the matter related to his employment.*

*The Chief Executive Officer left the chamber at 6.44pm prior to the consideration and vote on this item.*

#### 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.

## **MOTION**

**Moved Councillor Addis**

**Seconded Councillor Parke**

**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.**

## **CARRIED**

*The Chief Executive Officer returned to the chamber at 6.49pm and resumed his seat.*

**Procedural Motion - En bloc****MOTION****Moved Councillor Sinfield****Seconded Councillor Gillies****That the following items:**

- 7.3 October 2023 Monthly Financial Report**
- 7.5 Contract No. 2023/116 - Painting Services**
- 7.6 Contract No. 2023/163 - Canterbury Sports Ground Pavilion Renewal**
- 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**

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

**CARRIED****7.3 October 2023 Monthly Financial Report****Purpose**

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

**Background**

The year to date annual budget referred to in this report reflects the 2023-24 Amended Budget, approved by Council on 23 October 2023 which includes the carry forward funding for 2022-23 priority projects and capital works forward commitments.

**Key Issues****Year to date actuals vs. 2023-24 Amended Budget**

Council's favourable operating result against year to date budget of \$154.91 million is \$4.88 million or 3% above the 2023-24 Amended Budget of \$150.03 million primarily due to a number of factors which are outlined in **Section 2 of Attachment 1 - Financial Overview**.

Capital works actual expenditure of \$14.82 million which is \$100,000 above year to date budget phasing of \$14.72 million. Priority projects expenditure of \$6.42 million is \$526,000 below year to date budget of \$6.95 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of October Council's cash position stood at \$162.61 million or \$17.50 million above year to date budget

## **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

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

## **CARRIED**

### **7.5 Contract No. 2023/116 - Painting Services**

#### 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.

### **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

**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.**

## **CARRIED**

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

#### 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.

## **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

**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.**

## **CARRIED**

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

#### 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.

## MOTION

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

**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.**

**CARRIED**

### **7.9 Revised Instrument of Delegation - Council to Council Staff**

#### 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.

## MOTION

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

**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.**

## CARRIED

### **7.10 Instrument of Sub-Delegation & Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017**

#### 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.

## **MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Gillies**

- 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.

## CARRIED

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

#### Purpose

The purpose of this report is to:

- seek Council's endorsement of the Boroondara Disability Access and Inclusion Plan 2024-28 (the Plan, **Attachment 1**)
- acknowledge and provide responses to the community submissions received during the public exhibition period of the draft Boroondara Disability Access and Inclusion Plan 2024-28 (**Attachment 2**)
- acknowledge the support and contribution from the Community Disability Advisory Committee in the development of the Plan.

#### Background

The Plan outlines Council's continuing commitment to improving access and inclusion for people with disability in Boroondara and recognises this is an ongoing journey.



The Plan will replace the Boroondara Disability Action Plan 2018-22, which expired at the end of 2022. It responds to what Council heard was important to our community during the community consultation undertaken in 2022 and meets Council's legislative requirements under the *Victorian Disability Act 2006* to prepare a disability action plan.

The Plan provides a four-year vision and a two-year implementation plan, with a new implementation plan to be developed in 2026. This will ensure the actions stay relevant and respond to current and emerging issues and opportunities.

### Key Issues

The 11 September 2023 Services Delegated Committee meeting endorsed the draft Plan for public exhibition from 12 September until 10 October 2023.

The draft Plan, including an Easy Read version, was available on Council's Engage website during the public exhibition period and hard copies of the draft Plan were available at the Camberwell Customer Service Centre.

Opportunities to comment on the draft Plan were widely promoted through various channels as outlined in Section 5 of the report.

In total, 11 submissions were received during the public exhibition period and one member of the Community Disability Advisory Committee provided feedback on the draft Plan at its 18 October 2023 meeting.

Council thanks the 11 submitters who provided feedback on the draft Plan during the public exhibition period and the 211 people who provided feedback in 2022 to inform the development of the Plan. Council also thanks the members of the Community Disability Advisory Committee who provided input during 2022 and 2023 into the development of the Plan.

The feedback received during the public exhibition period has been reviewed and suggested changes have been incorporated into the Plan (**Attachment 1**), or where relevant, taken on notice to inform the implementation of actions in the Plan.

This report also includes the details of the submissions received and responses to the feedback in **Attachment 2**. The feedback was mostly:

- issues raised during the community consultation in 2022
- operational in nature
- related to the implementation of actions in the Plan.

Consequently, only four minor amendments have been made to the Plan in **Attachment 1**, and these are outlined in the report.

### Next Steps

Following adoption, the Plan will be available on Council's website. An event will be held in early 2024 to officially launch the Plan.

## MOTION

**Moved Councillor Gillies**

**Seconded Councillor Stavrou**

**That Council resolve to:**

- 1. Adopt the Boroondara Disability Access and Inclusion Plan 2024-28, as annexed as Attachment 1.**
- 2. Acknowledge the support and contribution from members of the Community Disability Advisory Committee, community members with disability and their families, carers, advocates, and support organisations in the development of the Plan.**
- 3. Thank the 11 community members/organisations for their submissions.**

## CARRIED

### **7.2 36 Kooyongkoot Road, Hawthorn - Abandonment of Amendment C284Pt2boro**

#### Purpose

The purpose of this report is to seek a decision from Council to abandon Amendment C284Pt2boro to the Boroondara Planning Scheme following the Urban Planning Delegated Committee (UPDC) decision at its meeting on 4 December 2023.

#### Background

Amendment C284Pt2boro seeks to apply a permanent Heritage Overlay to the property at 36 Kooyongkoot Road, Hawthorn.

The property was originally part of the Hawthorn Heritage Gap Study (Amendment C284boro). On 14 July 2020, following the release of the Planning Panel report for the amendment, a Section 39 (defects in procedure) appeal was made by the property owner. At its meeting of 3 August 2020, the UPDC resolved to split Amendment C284boro into two parts, and to defer consideration of Amendment C284 Part 2 until the VCAT proceedings pertaining to 36 Kooyongkoot Road, Hawthorn and any required actions arising concluded.

On 18 March 2021 during the legal proceedings, Minutes of Consent were signed by parties referring the matter to a Ministerial Advisory Committee (MAC). A MAC was appointed pursuant to Section 151 of the *Planning and Environment Act 1987*. The Terms of Reference for the Committee were signed by the former Minister for Planning on 14 September 2022.

A MAC hearing was held on 8 and 9 May 2023. The MAC returned its report to the Minister on 15 June 2023.

### Key Issues

On 6 November 2023, Council received the MAC report recommending the amendment be abandoned. Council officers agreed with the MAC's recommendation the amendment be abandoned.

On 4 December 2023, the UPDC considered the MAC report and accepted the recommendation to abandon the amendment. The UPDC resolved to refer Amendment C284Pt2boro to an Ordinary Meeting of Council for abandonment.

### Next Steps

Officers recommend Council abandons Amendment C284Pt2boro consistent with the resolution of the UPDC and writes to the Minister for Planning to inform them of Council's decision to abandon the amendment.

### **MOTION**

**Moved Councillor Biggar**

**Seconded Councillor Watson**

**That Council resolve to:**

- 1. Abandon Amendment C284Pt2boro in accordance with Section 23(1)(c) of the *Planning and Environment Act 1987*.**
- 2. Write to the Minister for Planning in accordance with Section 28(1) of the *Planning and Environment Act 1987* advising of Council's decision to abandon Amendment C284Pt2boro.**

### **CARRIED**

## **7.4 St James Park Draft Master Plan**

### 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.

## **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Sinfield**

**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.**

## **CARRIED**

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

### 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.

**Procedural Motion - Adjournment****MOTION**

**Moved Councillor Watson**

**Seconded Councillor Parke**

**That the Council meeting be adjourned.**

**CARRIED**

*The Council meeting adjourned at 7.22pm.*

**Procedural Motion - Resumption****MOTION**

**Moved Councillor Parke**

**Seconded Councillor Watson**

**That the Council meeting be resumed.**

**CARRIED**

*The Council meeting resumed at 7.29pm.*

**MOTION**

**Moved Councillor Parke**

**Seconded Councillor Watson**

**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 (up to 2025/2026) with any additional amounts in future years to be allocated by Council through the Council budget process over the 5-year contract period.**
- 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.**

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.**

**CARRIED**

**8. General business**

**8.1 Leaves of Absence - Councillor Thompson and Councillor Gault**

**MOTION**

**Moved Councillor Biggar**

**Seconded Councillor Gillies**

**That Council resolve to grant Councillor Garry Thompson and Councillor Wes Gault a leave of absence from Council for Monday 18 December 2023.**

**CARRIED**

**9. Urgent business**

Nil

**10. Confidential business**

**10.1 Personal Matters**

*The Chief Executive Officer declared a conflict of interest in accordance with section 128 of the Local Government Act 2020 as the matter related to his personal affairs.*

*The Chief Executive Officer left the meeting at 7.39pm prior to the consideration and vote on this item.*

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

**MOTION**

**Moved Councillor Sinfiled**

**Seconded Councillor Gillies**

**That Council resolve to close the meeting to the public in accordance with section 66(2)(a) and subsection 3(1) of the Local Government Act 2020 to consider item 10.1 - Personal Matters**



**This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is personal information, being information which if released would result in unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)).**

**CARRIED**

*The Council meeting was closed to the public at 7.40pm.*

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

**MOTION**

**Moved Councillor Sinfield**

**Seconded Councillor Parke**

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

**CARRIED**

*The Council meeting was reopened to the public at 7.56pm with all councillors present except Councillor Thompson and Councillor Gault.*

*The Director Places and Spaces, the Director Community Support and the Chief Executive Officer returned to the meeting at 7.57pm and resumed their seats.*

**The meeting concluded at 7.58pm**

**Confirmed**

**Chairperson**

\_\_\_\_\_

**Date**

\_\_\_\_\_

# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

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

**7.11 CEO Employment and Remuneration Policy**

**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**

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

# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

Attachments as annexed to the resolution:

7.11 CEO Employment and Remuneration Policy

## 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);<sup>1</sup> and
  - 10.1.2 any Public Sector Wages Determination.<sup>2</sup>
  - 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.

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<sup>1</sup> 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>

<sup>2</sup> 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.

# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

Attachments as annexed to the resolution:

7.8 Recommendations of Audit and Risk Committee Meeting

**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"> <li>1. Ask Auditors present if their work had been obstructed in any way. Auditors present responded that no obstructions had been experienced.</li> <li>2. Ask if there were any matters such as breach of legislation or practices that need to be brought to the attention of the Audit and Risk Committee. No matters were identified.</li> <li>3. Request a discussion of any matter with the Auditors in the absence of management and other staff. No matters were identified, and no discussion was held.</li> </ol>	Council note the Officers, Auditors and Members had no matters to raise in response to the standard questions outlined in this report.
A5.2	Business Arising	This report updated the Audit and Risk Committee on matters raised at previous meetings and provided follow up information on queries raised by Committee members. The Committee noted the actions taken in response to matters arising from the minutes of the previous meeting.	Council note the actions taken in response to matters arising from the minutes of previous meetings as outlined in Attachment 1 (as annexed to the Audit and Risk Committee minutes).
A5.3	Audit and Risk Committee Administrative Matters	This report updated the Audit and Risk Committee regarding administrative matters identified at previous Audit and Risk Committee meetings.	Council receive and note the report.

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

No	Report Title	Summary of Content	Recommended Council Resolution
<b>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.</b>			
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.	Council note and:  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.
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.	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.

**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.



# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

Attachments as annexed to the resolution:

7.9 Revised Instrument of Delegation - Council to Council Staff



## **Boroondara City Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

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

## Instrument of Delegation

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

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

<b>All Asset Management Staff</b>	means	All staff in the Asset and Capital Planning Department
<b>All Planning Officers</b>	means	All staff in the Urban Planning Department and the City Futures Department
<b>All Road and Path Maintenance Staff</b>	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
<b>All Traffic and Transport Staff</b>	means	All staff in the Traffic and Transport Department
<b>All Urban Planning Forestry Staff</b>	means	All staff that hold the positions TLUPF, SUPF, UPF and LCO
<b>AOHS</b>	means	Authorised Officer Health Services
<b>AP&amp;P</b>	means	All staff in Asset Protection and Permits Team
<b>CCO</b>	means	Chief Customer Officer
<b>CD</b>	means	Coordinator Drainage
<b>CDM&amp;C</b>	means	Coordinator Drainage Maintenance & Cleaning
<b>CEO</b>	means	Chief Executive Officer
<b>CFO</b>	means	Chief Financial Officer
<b>CHP&amp;P</b>	means	Coordinator Health, Projects & Prosecutions
<b>CP</b>	means	Counter Planner or Planning Liaison Officer
<b>CPA&amp;PA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>CPLAC</b>	means	Coordinator Parking Local Laws Animal Management and School Crossings
<b>CRPS</b>	means	Coordinator Revenue and Property Services
<b>CSTP</b>	means	Coordinator Strategic Planning
<b>CT</b>	means	Coordinator Traffic
<b>CTM</b>	means	Coordinator Transport Management
<b>CUP</b>	means	Coordinator Urban Planning
<b>DCS</b>	means	Director Community Support
<b>DCT</b>	means	Director Customer and Transformation
<b>DE</b>	means	Drainage Engineer
<b>DPS</b>	means	Director Places & Spaces
<b>DTE</b>	means	Development Transport Engineer, Senior Development Transport Engineer, Development Drainage Engineer
<b>DUL</b>	means	Director Urban Living
<b>EHO</b>	means	Environmental Health Officer
<b>EMPCD</b>	means	Executive Manager People, Culture and Development
<b>LCO</b>	Means	Landscape Compliance Officer
<b>LMPI</b>	means	Lead Major Project Interface
<b>MACP</b>	means	Manager Asset and Capital Planning
<b>MBS</b>	means	Manager Building Services
<b>MCP</b>	means	Manager Capital Projects
<b>MCS</b>	means	Manager Civic Services
<b>MF&amp;WI</b>	means	Manager Facilities, Waste and Infrastructure

<b>MPP</b>	means	Manager City Futures, Manager Urban Planning
<b>MT&amp;T</b>	means	Manager Traffic & Transport
<b>P&amp;A</b>	means	All Permits and Appeals Staff
<b>PAC</b>	means	Planning Appeals Coordinator
<b>PIO</b>	means	Planning Investigations Officer
<b>PO</b>	means	Prosecutions Officer
<b>PP</b>	means	Principal Urban Planner
<b>PPM</b>	means	Principal Project Planner Major Project Interface
<b>PSO</b>	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning
<b>PSTP</b>	means	Principal Strategic Planner, Principal Heritage Planner
<b>SDO</b>	means	Senior Drainage Engineer
<b>SO</b>	means	Subdivision Officer or Senior Subdivision Officer
<b>SP</b>	means	Statutory Planner or Planning Officer or Urban Planner
<b>Specific Urban Planning Officers</b>	means	MPP, CUP, PAC, PP, SSP, SP, SO and CP
<b>SSP</b>	means	Senior Urban Planner
<b>SSTP</b>	means	Senior Strategic Planner
<b>STP</b>	means	Strategic Planner, Heritage Planner
<b>Supervising Urban Planning Officers</b>	means	MPP, CUP, PAC and PP
<b>SUPF</b>	means	Senior Urban Planning Forester
<b>TLHS</b>	means	Team Leader Health Services
<b>TLPP</b>	means	Team Leader Para Planning
<b>TLUPF</b>	means	Team Leader Urban Planning Forestry
<b>UPF</b>	means	Urban Planning Forester

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 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

## **SCHEDULE INDEX**

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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>

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))

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

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	

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	<p>Must first obtain the Executive Director's written consent.</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.</p>

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	DUL, MPP, CSTP, PSTP, SSTP, STP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 4H	Duty to make amendments to the VPP available	DUL MPP, SSTP, CSTP, PSTP, STP		
s 4I(2)	Duty to make a copy of the VPP and other documents available for inspection	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(5)	Function of receiving notice of the Minister's decision	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DUL, MPP, CSTP, PSTP, SSTP, STP		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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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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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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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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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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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	

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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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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	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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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
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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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DUL, MPP, CSTP, 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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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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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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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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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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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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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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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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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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		



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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

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		

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"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has objected to the grant of the permit on any specified ground; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</li> </ul> <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager 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		

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"> <li>· whether the time originally allowed was reasonable; or</li> <li>· whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or</li> <li>· whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or</li> <li>· the probability that a fresh application, if made, would be granted.</li> </ul>	

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"> <li>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</li> <li>2. The original application was: <ol style="list-style-type: none"> <li>a. determined by the Urban Planning Delegated Committee; or</li> <li>b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> <li>· no objections to the application for amendment; or</li> <li>· between one (1) and 12 objections received, inclusive, to the application for amendment.</li> </ul> </li> </ol> </li> </ol> <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager 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><b>IMPLEMENTATION GUIDELINES:</b> 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		



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"> <li>there are twelve (12) or less objector parties to the application;</li> <li>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.</li> </ul>	
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"> <li>there are twelve (12) or less objector parties to the application;</li> <li>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</li> </ul>	
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	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
S 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		



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		

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		

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		

<b>PLANNING AND ENVIRONMENT ACT 1987</b>				
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>IMPLEMENTATION GUIDELINES</b>
s 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		

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		

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"> <li>• there are no objector parties;</li> <li>• all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference;</li> <li>• if the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul> <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>• DUL, MPP and Supervising Urban Planning Officers if there are no objector parties;</li> <li>• DUL, MPP and Supervising Urban Planning Officers if all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference.</li> <li>• If the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.</li> </ul>
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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		



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

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

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	

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"> <li>a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i></li> <li>b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> <li>• <i>supplying a service, product or commodity; or</i></li> </ul> </li> </ul> <i>giving information.</i>
Sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DPS, MCP, MACP, CP&PA, AP&P	<i>Note - “controlled access road” means a public road in respect of which a declaration is in force under section 42</i>
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

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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7A cl 3(1)(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> <ul style="list-style-type: none"> <li>a) where the application is withdrawn and a new application is submitted;</li> <li>b) the amendment combines separate items from multiple requests for an amendment; and</li> <li>c) the amendment is intended to remove anomalies in the planning scheme.</li> </ul>
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> <ul style="list-style-type: none"> <li>a) where the application is withdrawn and a new application is submitted;</li> <li>b) the application relates to land used for charitable purposes; and</li> <li>c) the fee is not warranted due to the minor nature of the application.</li> </ul>
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	DUL, MPP, CSTP, PSP, PP, PAC, CUP	Where Council is the responsible authority or planning authority.

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

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 23(2)	Power to make submissions to the Tribunal	DPS, MCP, MACP, MCS, CPA&PA, AP&P, PO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DPS, MCP, MACP, MCS, CPA&PA, AP&P	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DPS, MCP & MACP, CPA&PA, AP&P, PO	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	DPS, MCP MACP, MCS, CPA&PA, AP&P	Where Council is the coordinating road authority

# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

Attachments as annexed to the resolution:

7.10 Instrument of Sub-Delegation & Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017

**Boroondara City Council**

**Instrument of Sub-Delegation**

**to**

**Members of Council staff**

## Instrument of Sub-Delegation

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

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

<b>AMO</b>	means	Animal Management Officer
<b>APEO</b>	means	Asset Protection Enforcement Officer
<b>APO</b>	means	Asset Protection Officer
<b>APETL</b>	means	Asset Protection Enforcement Team Leader
<b>APPTL</b>	means	Asset Protection and Permits Team Leader
<b>CFS</b>	means	Coordinator Field Services
<b>CHPP</b>	means	Coordinator Health, Projects and Prosecutions
<b>TOAP</b>	means	Technical Officer - Asset Protection
<b>PEO</b>	means	Permits Officer
<b>CPAPA</b>	means	Coordinator Permits Appeals and Protection of Assets
<b>DUL</b>	means	Director Urban Living
<b>EHO</b>	means	Environmental Health Officer
<b>LL</b>	means	Local Laws Officer
<b>MCS</b>	means	Manager Civic Services
<b>PO</b>	means	Parking Officer
<b>PROS</b>	means	Prosecutions Officer and Prosecutions Lead
<b>SAPEO</b>	means	Senior Asset Protection Enforcement Officer
<b>SAPE</b>	means	Supervisor Asset Protection Enforcement
<b>TAPE</b>	means	Team Leader Asset Protection Enforcement
<b>TLLA</b>	means	Team Leader Local Laws and Animal Management
<b>TLHS</b>	means	Team Leader Health Services
<b>PTTL</b>	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:



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) strategy

adopted 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

## **SCHEDULE**

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

# MINUTES ATTACHMENTS



## **Council**

**Monday 18 December 2023**

Attachments as annexed to the resolution:

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



# **Boroondara Disability Access and Inclusion Plan 2024-2028**

December 2023

## **Acknowledgement of Traditional Owners**

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

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## **Thank you**

The City of Boroondara would like to thank the people with disability, their families, and carers who took part in the consultation for this Plan. We recognise they may have faced barriers to participate. We appreciate their time, experience, and stories.

Thank you to the community groups and organisations who shared their experiences, ideas, and connected us with community members during the consultation.

Finally, thank you to the Boroondara Community Disability Advisory Committee members for their support, advice, and guidance in developing the Boroondara Disability Access and Inclusion Plan 2024-28.



# 1. Introduction

The Boroondara Disability Access and Inclusion Plan 2024-28 (the Plan) is the City of Boroondara's sixth disability action plan. The Plan demonstrates Council's continued commitment to making our City more inclusive and accessible for people with disability. It aims to build on the achievements of our previous plans and recognises improving access to places and spaces and opportunities for participation in the civic, economic and social fabric of our City is an ongoing journey.

Our vision for the Plan is:

***An inclusive and accessible Boroondara where people with disability participate in community life, have equal opportunities, and feel proud of who they are.***

Council's key strategic document is the Boroondara Community Plan 2021-31 and includes a community vision for '*a sustainable and inclusive community*.' The Plan supports our community's vision in the Boroondara Community Plan 2021-31.

The Plan's purpose is to continue to promote equality and reduce, remove, and prevent external barriers for people with disability. According to the World Health Organisation 'barriers are factors in a person's environment that, through their absence or presence, limit functioning and create disability'. For example, inaccessible physical environments, a lack of appropriate assistive technology, and negative attitudes towards people with disability.<sup>1</sup> Council recognises that making Boroondara more accessible and inclusive for people with disability will have economic, social and health benefits for all community members.

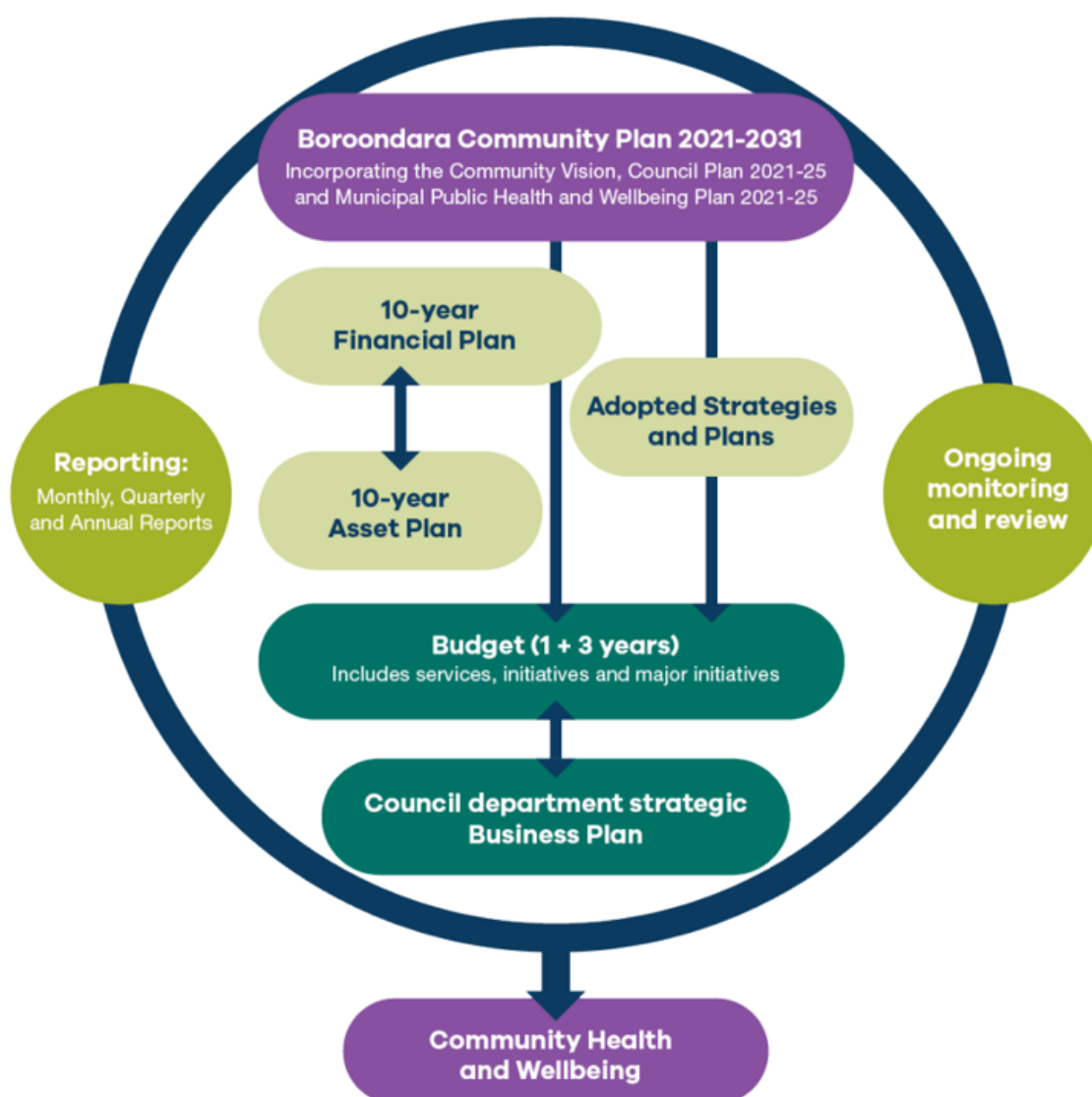
The Plan is guided by the following principles that are informed by the *United Nations Convention on the Rights of Persons with Disabilities* and the *Victorian Charter of Human Rights and Responsibilities*:

- disability is a natural aspect of human diversity
- everyone has equal access, rights and opportunities
- people with disability are free to make their own choices and be respected for who they are
- people with disability are experts in their own lives and need to be involved in decision-making that impacts them
- people with disability have the right to be included in society as anybody else
- barriers to disability inclusion can be impacted by intersectionality. Intersectionality is when different aspects of a person's identity such as disability, race, class, gender, and sexual identity can compound discrimination and disadvantage.<sup>2</sup>

The Plan meets Council's requirements in the *Victorian Disability Act 2006* to develop a disability action plan. It applies a whole-of-Council approach as used in previous plans. This joint approach will make sure accountability and leadership are embedded across Council.

This Plan will guide Council's efforts to improve Boroondara for people with disability. It provides a four-year vision and two-year implementation plan (see **Appendix 1**) for delivering actions. A new implementation plan will be developed for the final two years of the Plan. This will make sure the actions stay relevant and respond to current and emerging issues and opportunities. The key achievements of the previous Boroondara Disability Action Plan 2018-2022 are shown in **Appendix 2**.

### 1.1. Corporate framework



**Figure 1: Council's integrated planning and reporting framework**

As shown in Figure 1, the Boroondara Community Plan 2021-31 (BCP) is Council's key strategic document. The 10-year BCP includes the:

- Community Vision
- 4-year Council Plan
- 4-year Municipal Public Health and Wellbeing Plan.

The BCP sets the strategic direction for the City of Boroondara and includes seven priority themes and six health priorities. It outlines how we will deliver our community's aspirations, and protect, improve and promote our community's health and wellbeing.

The BCP's vision, wellbeing commitment, themes and health priorities guide the Boroondara Disability Access and Inclusion Plan 2024-2028.

## **1.2. Council's role**

There are various roles Council can play to implement the actions in this Plan. The key roles include Council being a planner, policymaker, service provider, advocate, landowner, funder, enabler, partner and employer.

By implementing the actions in this Plan, Council intends to improve access and inclusion for people with disability in the Boroondara community and as employees of Council.

## **1.3 Key concepts**

### **1.3.1 Definition**

The concept of disability is broad and evolving. Our definition of disability is based on the *United Nations Convention on the Rights of Persons with Disabilities* and Inclusive Victoria: state disability plan 2022-2026. We define disability as meaning a long-term impairment that when interacting with various external barriers, prevents or limits community participation.

An impairment can be:

- physical
- mental health
- intellectual
- cognitive
- learning
- communication
- sensory.

It can be permanent, episodic, visible, or invisible.

### **1.3.2 Understanding disability**

This definition is informed by what is referred to as the social model of disability. This concept was created by people with disability. It recognises that barriers in a community or environment can prevent or limit community participation. This means a website not being screen reader friendly is disabling, not a person's need to use a screen reader. Another example is a flight of stairs with no ramp or lift into a building is disabling not a person's need to use a wheelchair. Using the social model of disability means Council can strive to better detect, remove and prevent external barriers for people with disability.

This model also gives people with disability more autonomy, choice, and self-determination.<sup>3</sup> It supports the human rights of people with disability to make their own choices, be seen as individuals and respected for who they are, have equal opportunities and access and be included in society as anybody else.

### **1.3.3 Language**

Disability is understood in different ways in our community. Factors such as experience, identity, and culture can shape peoples' notions of disability. This means people can have different preferences for how their disability is described. We understand that language and people's language preferences can change.

We use 'person-first' language in this Plan. This language supports a person's right to be understood without reference to their disability. An example of this language is saying 'person with disability'. Person-first language is important to many people with disability.

We also understand that many people with disability prefer 'identify-first' language, as they consider their disability a key part of who they are. An example of this language is saying 'disabled person'.

Council respects people's right to choose how they are described. When people share their preferences with us (i.e., person-first or identify-first language), Council will endeavour to refer to people according to their preferences.

## **2. Background**

### **2.1. Community snapshot**

People with disability are diverse. Culture, language, sexuality, gender identity, age, ability, socioeconomic status, and life experiences differ amongst people with disability.<sup>4</sup> People's experience of disability also differs, as disability can be:

- visible
- invisible
- permanent

- episodic
- from birth
- happen at any point during someone's life.

Outlined below are some statistics about disability in Australia and Boroondara.

### **Australia**

- 17.7% of people in Australia (about 4.4 million people) are estimated to have disability. Of this number, 32% (about 1.4 million people) have a severe or profound disability.<sup>5</sup>
- The prevalence of disability generally increases with age. In Australia:
  - 7.6% of children aged 0-14 have disability
  - 9.3% of people aged 15-24 have disability
  - 13% of people aged 25-64 have disability
  - 50% of people aged 65 and over have disability.<sup>6</sup>
- For about three in four (76.8%) people with disability, the main type of disability (that is, their main condition or the one causing the most problems) is physical. For the remaining one in four (23.2%), the main type of disability is mental or behavioural.<sup>7</sup>
- One in every four people with disability in Australia are culturally and linguistically diverse.<sup>8</sup>
- Indigenous Australians are 1.9 times as likely as non-Indigenous Australians to have disability or restrictive long-term health condition.<sup>9</sup>
- 39% of LGBTQIA+ people aged 14 to 21 identify as having disability or a long-term health condition.<sup>10</sup>
- Nationally just under five out of 10 (47.8%) people with disability are employed compared with eight in 10 (80.3%) people without disability.<sup>11</sup>
- In Australia, 41% of people with disability aged 15 to 64 have income from wages or salary, compared with 73% of people without disability.<sup>12</sup>

### **Boroondara**

- 11.4% of Boroondara residents, around 20,500 people, are estimated to have disability.<sup>13</sup>
- In 2021, 4.5% of Boroondara residents, 7,516 people, are estimated to have a severe or profound disability compared to 5.8% of residents across Australia.<sup>14</sup>
- More females in Boroondara have disability than males.<sup>15</sup>
- Compared to Boroondara residents aged under 65, residents aged 65 and over have 10 times the rate of severe or profound disability.<sup>16</sup>
- In Boroondara, there are 2,395 active participants of the National Disability Insurance Scheme (NDIS). The most common primary disabilities of these active NDIS participants are:
  - autism (849)

- psychosocial disability (310)<sup>17</sup>
  - intellectual disability (305)
  - developmental delay (188).<sup>18</sup>
- The most common age groups represented as active NDIS participants in Boroondara are:
  - 7 to 14 years (591)
  - 55 to 64 years (325)
  - 0 to 6 years (298)
  - 45 to 54 years (252).<sup>19</sup>
- In Boroondara, 24 active NDIS participants identified as Indigenous (or 1.0%) and 305 (or 12.7%) identified as culturally and linguistically diverse.<sup>20</sup>
- 14.3% of Boroondara residents are carers, which is higher than the national average of 11.9%.<sup>21,22</sup>
- 60.0% of carers in Boroondara are female.<sup>23</sup>

## 2.2. Policy context

This Plan is informed by the following international, national and state legislative frameworks and policies. These work together to uphold and protect the rights of people with disability.

### International

- [The Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

### National

- [Australia's Disability Strategy 2021-2031](#)
- [National Disability Insurance Scheme \(NDIS\)](#)
- [Disability Discrimination Act 1992 \(DDA\)](#)
- [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#)

### State

- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Victorian Disability Act 2006](#)
- [Inclusive Victoria: state disability plan 2022-2026](#)
- [Victorian Autism Plan.](#)

## 3. Methodology

The development of this Plan was informed by five stages of consultation and research including:

- Stage 1 - Evaluation
- Stage 2 - Research and benchmarking

- Stage 3 - Community and service provider consultation
- Stage 4 - Workshops with community members and organisations
- Stage 5 - Plan development.

The opportunity to participate in the community consultation was promoted extensively through disability groups, organisations, and networks to ensure we reached people with disability, their families, carers, advocates, support organisations, specialist schools and businesses with links to the disability sector. A variety of accessible communication methods and tools were also used. These included:

- instructional information in plain language, Easy Read and Auslan
- an online and paper plain language survey
- an online and paper Easy Read survey
- an option to provide submissions in a written, audio or video format
- interviews with community members and representatives from organisations
- workshops with people with lived experience of disability or those who work in the disability sector.

Workshops were also held with the Boroondara Community Disability Advisory Committee to seek their feedback and advice to inform the development of the Plan.

Through the five stages of consultation and research Council gathered feedback from 350 community members and organisations. This included hearing from 211 people through the community consultation for the development of this Plan and analysing 139 responses that included references to disability access and inclusion from the community consultation in late 2020 to early 2021 for the renewal of the Boroondara Community Plan. This enabled Council to gain a greater understanding of the challenges faced by people with disability and opportunities to increase access and inclusion. A detailed description of the five stages of research and consultation and who we heard from is provided in a separate consultation report of this Plan.

## **4. What we heard**

Outlined below is a list of the topics raised during the community consultation to inform the development of the Plan.

It is important to note some of the ideas raised fall outside Council's scope of work or services. However, where appropriate, Council advocates to other levels of government on issues or plays a role in facilitating partnerships between different groups in the community.

The key topics that emerged in the consultation were:

- more accessible spaces, amenities, and infrastructure in Boroondara

- more communication by Council in accessible formats about services, programs and supports for people with disability
- more inclusive opportunities for recreation, community and social participation
- Council to demonstrate leadership in disability access and inclusion and to upskill its staff
- Council to support 'nothing about us without us', which is to involve people with disability in decision-making that impacts their lives
- Council and the community to support and encourage disability pride (i.e., taking pride in and celebrating people with a disability in our community)
- improving community attitudes towards people with disability
- better accessibility moving around Boroondara
- concerns about safety moving around in the community for people with disability
- appropriate and affordable housing for people with disability
- more employment opportunities for people with disability
- issues with accessing health services and the NDIS
- issues with funding models for disability organisations
- disability organisations experiencing issues providing supports and services due to volunteer shortages.

These findings provided the foundation for the development of the vision, themes, strategic objectives, and actions in this Plan. For a high-level overview of each of these topics see the separate consultation report for this Plan.

## **5. Plan objectives**

The Plan has five themes, which emerged from our consultation and research. They are:

1. Theme 1 - Celebration and belonging
2. Theme 2 - Access and safety
3. Theme 3 - Inclusive community
4. Theme 4 - Employment and volunteer opportunities
5. Theme 5 - Participation in decision-making.

Strategic objectives have been developed for each theme and reflects what the community told us they want achieved for our City. The strategic objectives reflect the aspirations of our community and Council is committed to working towards realising these strategic objectives. We recognise that the journey to achieve them will take longer than the life of this Plan and will be an ongoing process for Council. However, Council cannot do this alone - it will require effort and input from other tiers of government, organisations and the community.



### **Theme 1: Celebration and belonging**

**Strategic objective:** People with disability feel accepted by the community and can feel proud of their identity.

### **Theme 2: Access and safety**

**Strategic objective:** Boroondara's places and spaces are safe and easy to access and use for people with disability.

### **Theme 3: Inclusive community**

**Strategic objective:** Boroondara is inclusive and people with disability can participate in social and community life.

### **Theme 4: Employment and volunteer opportunities**

**Strategic objective:** There are employment and volunteer opportunities for people with disability in Boroondara.

### **Theme 5: Participation in decision-making**

**Strategic objective:** People with disability have opportunities to participate in decision-making that affects their lives.

## **6. Implementing the Plan**

To ensure the Plan remains relevant and achievable, it will provide a four-year vision and include two-year action plans for implementing initiatives. Actions in the first two years of the Plan will be reviewed to determine the actions for the last two years. This will ensure actions remain fit for purpose and consider contextual changes. The implementation plan for the first two years of the Plan is included in **Appendix 1**.

## **7. Monitoring and evaluating the Plan**

Council will regularly monitor, report, and evaluate our performance in delivering on the Plan. Council is committed to working with people with disability, their families, carers, community groups, organisations, and the broader community to implement the Plan.

To monitor progress and support implementation of the Plan we will:

- develop an evaluation plan with input and advice from the Boroondara Community Disability Advisory Committee that will include an outcomes' framework
- report against actions in Council's internal corporate reporting system
- publish Council's progress in our Annual Report, as per our requirements under the *Victorian Disability Act 2006*

- provide a yearly update to the Boroondara Community Disability Advisory Committee on the progress of actions in the Plan
- conduct a review at the two-year mark of the Plan. This is to ensure we continue to make progress with the Plan and reflect the aspirations and priorities of people with disability in our community
- monitor the progress of the Disability Inclusion Bill, the Disability Royal Commission and the NDIS Review and review and incorporate any new requirements and recommendations
- regularly seek input from the Boroondara Community Disability Advisory Committee, which includes members of the community and local stakeholders with connections to disability
- refresh and update the Plan in 2028.

## 7.1. Accountabilities

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

Social Inclusion Policy and Project Officer  
(03) 9278 4017

[dap@boroondara.vic.gov.au](mailto:dap@boroondara.vic.gov.au)

To request this document in your preferred accessible format, contact us using any of the methods below.

- **Online**  
[Make an enquiry.](#)
- **Phone**  
Call us anytime on [\(03\) 9278 4444.](tel:(03)92784444)
- **Email**  
You can email [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au)  
We check our emails during business hours and will get back to you as soon as we can.  
Business hours are Monday to Friday, 8:30am to 5:15pm.
- **In person**  
Come to the customer service counter at our Council offices at 8 Inglesby Road, Camberwell Victoria 3124.  
Opening hours are Monday to Friday, 8:00am to 5:15pm.
- **Mail**  
Write to us at:  
Private Bag 1, Camberwell Victoria 3124.

You can contact Council using several accessibility services, including those listed below.

- [National Relay Service](#) (NRS) helps people to make and receive calls.

- **TTY (Teletypewriter)**  
Call [133 677](tel:133677) then ask for [\(03\) 9278 4444](tel:0392784444).
- **Voice Relay**  
Call [1300 555 727](tel:1300555727) then ask for [\(03\) 9278 4444](tel:0392784444).
- **NRS Chat (internet relay)**  
[Make an NRS Chat call](#) on the NRS website, then enter [\(03\) 9278 4444](tel:0392784444).
- **Interpretation services**  
For information in your preferred language, call our free interpreter service on [\(03\) 9278 4002](tel:0392784002).

## 8. References

### 8.1. Definitions

**Ableism:** discrimination or prejudice towards people with disability. It is based on the false belief that people with disability are less worthy of respect and consideration, less able to contribute to or participate in society or of less value than people without disability. It allows people without disability to exclude and oppress people with disability.

**Accessibility:** the extent to which people with disability can access something like an office, worksite or public area.

**Co-design:** the process of involving people with disability in designing, delivering and evaluating a policy, program or service.

**Disability pride:** is a movement that supports people with disability to feel safe to celebrate their identity, culture and community. It is about shunning the negative view of disability or the idea that disability makes a person less valuable. It supports people with disability to feel proud of who they are.

**Inclusive:** everyone can take part and feels like they belong.

**Invisible disabilities:** also known as hidden disabilities or non-visible disabilities is a broad term which can include any disability that may not be immediately apparent to others. Some examples of invisible disabilities include:

- physical conditions (e.g., chronic pain, diabetes)
- mental health conditions (e.g., Post Traumatic Stress Disorder, depression, anxiety)
- neurological conditions (e.g., epilepsy)
- neurodiversity (e.g., autism, ADHD, dyslexia).<sup>24</sup>

**Universal design:** making spaces, policies and programs that are inclusive, accessible and can be used independently by all people.<sup>25</sup>

## Appendix 1: 2024-26 Implementation Plan

The implementation plan includes actions Council will undertake over the first two years of the Disability Access and Inclusion Plan 2024-28. Another implementation plan will be developed for the final two years of the Plan. Operating budget and capital works budget in the table below means the annual budget for the relevant teams will cover the activity. It does not require additional project funding or funding from other sources. Grant opportunities may be sought for actions 2 and 13 to enhance what can be delivered.

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
1.	Theme 1 - Celebration and belonging	Engage people with disability including from diverse backgrounds and community organisations to hold a minimum of two community activities or events annually to recognise/celebrate dates of significance to people with disability (e.g., International Day of People with Disability).	Community Planning and Development  <b>Support:</b> Arts and Culture Health and Wellbeing Services Library Services Liveable Communities	People with disability feel that their contributions and achievements are celebrated and acknowledged.	<ul style="list-style-type: none"> <li>Number of events held by Council.</li> <li>Number of people with disability engaged by Council to partner/deliver events.</li> <li>Number of participants at events.</li> <li>Participant feedback from events.</li> </ul>	Operating budget
2.	Theme 1 - Celebration and belonging	Consult with people with disability to develop and deliver a communication campaign that increases the community's understanding of disability and addresses discrimination towards people with disability (also known as ableism).	Community Planning and Development  <b>Support:</b> Customer and Communications Health and Wellbeing Services Arts and Culture	People with disability feel included in the community and experience less disability related discrimination.	<ul style="list-style-type: none"> <li>Number of people with disability involved in the development of the campaign including members of the Boroondara Community Disability Advisory Committee.</li> <li>Number of opportunities to promote the campaign through Council's communication channels.</li> <li>Number of community interactions with the campaign (e.g., comments, discussions).</li> <li>Feedback from participants involved in the campaign.</li> </ul>	Operating budget or grant opportunity

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
3.	Theme 1 - Celebration and belonging	Increase knowledge and understanding within Council by researching and incorporating best practice access and inclusion, accessible communication, and universal design principles and capturing these learnings in planning tools for use by the whole organisation.	Community Planning and Development	Council staff have a greater understanding and apply best practice access and inclusion, accessible communication, and universal design principles in their work.	<ul style="list-style-type: none"> <li>• Number of professional development opportunities provided to Council staff.</li> <li>• Number of staff who attend training sessions.</li> <li>• Feedback from staff who attend training sessions.</li> <li>• Number of tools, resources and articles promoted to staff that support access considerations for events and activities.</li> </ul>	Operating budget
4.	Theme 2 - Access and safety	New Council major capital works and renewals including facilities, playgrounds, parks, and shopping precincts incorporate Disability (Access to Premises - Buildings) Standards 2010 and the Australian Standards, and where possible incorporate universal design principles.	Capital Projects Environmental Sustainability and Open Space  <b>Support:</b> Asset and Capital Planning Building Services Planning and Placemaking	Improved safety and access to Council's facilities and open spaces by people with disability.	<ul style="list-style-type: none"> <li>• Number of new Council major capital works and renewals projects that the Boroondara Community Disability Advisory Committee is advised about and consulted on.</li> <li>• Major projects and renewals where assessment and feasibility is undertaken to incorporate universal design.</li> <li>• Number of applications submitted for grant funding where there is an opportunity to support universal design in Boroondara facilities.</li> <li>• Percentage of projects promoted through our Engage page in an accessible format.</li> <li>• Number of district and regional playground renewals with at least 1-2 accessible pieces of playground equipment provided.</li> </ul>	Capital works budget

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
					<ul style="list-style-type: none"> <li>Percentage of building projects issued with building permits involving disability access.</li> </ul>	
5.	Theme 2 - Access and safety	Continue to improve accessibility on paths of travel within parks and open spaces as well as streets and roads through maintaining and upgrading features such as accessible parking, tactile indicators, kerb access, signage, line markings, and infrastructure such as seating.	<p>Traffic and Transport Asset and Capital Planning Environmental Sustainability and Open Spaces</p> <p><b>Support:</b> Capital Projects Facilities Waste and Infrastructure</p>	Increased safety and accessibility to Council's facilities and open spaces for people with disability.	<ul style="list-style-type: none"> <li>Percentage of footpath inspections completed under the Road Management Plan, which includes inspection of tactile indicators and disability access.</li> <li>Percentage of footpath defects first response make safe actions completed within the timeframes specified in the Road Management Plan.</li> <li>Number of bus shelters installed or upgraded by the Victorian Government in response to advocacy from Council.</li> <li>Number of upgrades of accessible parking bays to meet current standards.</li> </ul>	Operating budget
6.	Theme 3 - Inclusive community	Encourage more community organisations and people with disability to apply for grants through the Community Strengthening Grants, Individual Participation Grants and the Community Arts Venue Grants for programs and activities for people with disability.	<p>Community Planning and Development Health and Wellbeing Services Liveable Communities Arts and Culture</p>	Increase opportunities for people with disability to participate in social and community life.	<ul style="list-style-type: none"> <li>Number of projects funded that demonstrate opportunities for participation by people with disability.</li> <li>Number of improvements identified and completed related to the accessibility of the current grants program.</li> <li>Number of capacity building opportunities provided to potential grant recipients through information</li> </ul>	Operating budget

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
					sharing and the Community OnBoard program.	
7.	Theme 3 - Inclusive community	Increase the participation of children, young people and adults with disability in our families, youth, active ageing, libraries, sports and recreation, and arts and culture programs.	Health and Wellbeing Services Arts and Culture Liveable Communities  <b>Support:</b> Library Services	Increased opportunities for people with disability to participate in Council programs and activities.	<ul style="list-style-type: none"> <li>• Number of partnerships that support inclusive programs and activities.</li> <li>• Number of disability inclusive programs that include disability access considerations such as Auslan and relaxed.</li> <li>• Number of artists with disability and disability organisations featured in the community exhibition program.</li> <li>• Website traffic on Boroondara's accessible sport and recreation offerings webpage.</li> </ul>	Operating budget
8.	Theme 3 - Inclusive community	Ensure Council's website is accessible by complying with the latest version of the Web Content Accessibility Guidelines (WCAG) and provide content to support greater understanding of accessible facilities, parks, playgrounds, programs and activities in Boroondara.	Digital Experience Community Planning and Development  <b>Support:</b> Arts and Culture Strategic Communications Environmental Sustainability and Open Spaces Customer and Communication Asset and Capital Planning Health and Wellbeing Services	People with disability can use Council's website and information about disability access in Boroondara is easy to find on the website.	<ul style="list-style-type: none"> <li>• Number of priority documents on Council's website audited and remediated to ensure they comply with the latest version of the Web Content Accessibility Guidelines (WCAG).</li> <li>• Feedback from the Boroondara Community Disability Advisory Committee on the disability access webpages.</li> <li>• Number of visits to disability access pages.</li> <li>• Number of consultations that include an access service and consideration like Easy Read, sensory items, Auslan interpretation or subtitled video.</li> </ul>	Operating budget



Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
			Library Services		<ul style="list-style-type: none"> <li>Percentage of venues on the enterprise booking tool that include accessibility information.</li> <li>Feedback from user testing by people with disability provided as required.</li> </ul>	
9.	Theme 4 - Employment and volunteer opportunities	Build knowledge and skills within Council to be a more accessible and inclusive workplace for people with disability.	People, Culture and Development  <b>Support:</b> Customer and Communication	Council is a more accessible and inclusive workplace.	<ul style="list-style-type: none"> <li>100% of actions implemented in Council's Workforce Diversity and Inclusion Strategy 2022-25.</li> <li>Number of staff who undertake disability related training or workshops.</li> <li>Number of Diversity and Inclusion Working Group meetings.</li> <li>Number of HR policies reviewed for accessibility requirements as they fall due.</li> <li>Feedback provided in anonymous survey on the level of engagement of staff with disability.</li> </ul>	Operating budget
10.	Theme 4 - Employment and volunteer opportunities	Promote the benefits of being accessible and inclusive for people with disability to volunteer organisations.	Community Planning and Development  <b>Support:</b> Customer and Communication	People with disability engaged in volunteer opportunities.	<ul style="list-style-type: none"> <li>Number of disability related training sessions provided to volunteer organisations.</li> <li>Number of participants in training sessions.</li> <li>Evaluation of volunteer organisations disability confidence following training.</li> <li>Number of resources provided to volunteer organisations that promote the benefits and note the legal</li> </ul>	Operating budget

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
					obligations of improving access for people with disability. <ul style="list-style-type: none"> <li>Number of volunteers with disability referred through the BVRC.</li> </ul>	
11.	Theme 4 - Employment and volunteer opportunities	Facilitate the delivery of a disability inclusive employment pilot program with relevant partners, which places local people with disability into meaningful employment with local businesses.	Liveable Communities Community Planning and Development  <b>Support:</b> Customer and Communication	People with disability engaged in ongoing meaningful employment by local businesses in Boroondara.	<ul style="list-style-type: none"> <li>Number of local businesses that participate in the pilot.</li> <li>Number of people with disability that participate in the pilot.</li> </ul>	Operating budget
12.	Theme 4 - Employment and volunteer opportunities	Review Council's procurement policy to identify ways to enhance social procurement opportunities.	Chief Financial Office Community Planning and Development  <b>Support:</b> Liveable Communities	Employment and volunteer opportunities for people with disability.	<ul style="list-style-type: none"> <li>An enhanced procurement policy which facilitates social outcomes such as employment opportunities for people with disability.</li> </ul>	Operating budget
13.	Theme 5 - Participation in decision-making	Identify a pilot project to co-design with people with disability and organisations to inform Council's approach to co-designing projects.	Community Planning and Development	People with disability inform the development and delivery of a Council project.	<ul style="list-style-type: none"> <li>Co-design process identified for Boroondara.</li> <li>Number of external stakeholders consulted to inform the co-design pilot, including people with disability.</li> <li>Feedback from Boroondara Community Disability Advisory Committee and Council staff involved in the project.</li> </ul>	Operating budget and grant opportunity

Action No.	Theme	Action	Responsibility	Outcome	Measures	Resources Required
14.	Theme 5 - Participation in decision-making.	In collaboration or consultation with people with disability and community partners, advocate to the Victorian and Australian governments, and peak bodies, to address social, equity, health and wellbeing issues that impact people with disability (e.g., NDIS, mental health, social isolation, people sleeping rough, family violence, built environment and public transport).	Community Planning and Development	Improved social, economic, health and wellbeing outcomes for people with disability.	<ul style="list-style-type: none"> <li>• Number of advocacy opportunities identified in consultation with disability organisations and the Boroondara Community Disability Advisory Committee.</li> <li>• Number of advocacy submissions.</li> <li>• Outcomes of advocacy submissions.</li> </ul>	Operating budget
15.	Theme 5 - Participation in decision-making	Develop a detailed evaluation plan to measure the success of the actions in the Disability Access and Inclusion Plan 2024-28 with input and advice from the Boroondara Community Disability Advisory Committee.	Community Planning and Development	People with disability inform the evaluation of the Boroondara Disability Access and Inclusion Plan 2024-28.	<ul style="list-style-type: none"> <li>• Feedback from the Boroondara Community Disability Advisory Committee on the development of the evaluation plan.</li> <li>• Outcomes' framework identified.</li> <li>• Evaluation plan reviewed and amendments identified.</li> </ul>	Operating budget

## Appendix 2: Summary of the achievements of the Boroondara Disability Action Plan 2018-2022

Outlined below are some of the key achievements of the Boroondara Disability Action Plan 2018-22.

### Council Grants

- Twenty-seven grants valued at \$180,259 were awarded through the Boroondara Annual Community Strengthening Grants and Triennial Operational Grants for projects and programs to support disability access and inclusion.

### Facilities and environments

- Two Changing Places facilities were built in [Canterbury Community Precinct](#) and Victoria Park Regional Playground. Changing Places are fully accessible toilets with hoists. The Canterbury Community Precinct facility was funded by a grant from the Victorian Government.
- [Victoria Park Regional Playground](#) was redeveloped to offer a genuinely inclusive experience.
- The Y (formerly known as the YMCA), in partnership with Disability Sport and Recreation and Council, was successful in receiving an AAA Grant for over \$130,000 from the Victorian Government to deliver the [Disability Sport and Recreation Hub](#). The project delivered a disability sports and recreation hub at Boroondara Sports Complex in December 2022.
- Ensuring the design of the Kew Recreation Centre is suitable for all ages, abilities, and caters to a wide range of health and wellbeing needs. The design also incorporates the Boroondara Stroke Support Hub.
- Planned for the integration of disability services in the Canterbury Community Precinct.

### Events and programs

- The Y held an All Abilities Come and Try event at Boroondara Sports Complex on 10 April 2022. This event showcased six accessible sports, included 11 information stands, with around 250 people attending.
- The Boroondara Volunteer Resource Centre (BVRC) hosted the Volunteering and Disability Discussion Forum in 2022. The forum was part of BVRC's focus on building the capacity of member organisations to break down barriers to volunteering.
- In 2022, the BVRC released a [video resource for leaders of volunteers](#), to raise awareness of the barriers people with disability face when volunteering.
- The BVRC has received Volunteer Management Activity (VMA) 2022-2026 funding through Volunteering Victoria as part of a consortium with Eastern

Volunteers to develop a four-year strategy to reduce barriers to volunteering opportunities for three priority groups including people with disability.

- Developing [Access Keys](#), which provide access information and a visual story about a location and experience for all Boroondara Leisure and Aquatic Facilities, Kew Traffic School and the Boroondara Youth Hub.
- Boroondara Arts presented '[Through Our Eyes' by QArt Studio](#), a community exhibition in 2022. The QArt Studio is a professionally operated art studio in Kew. Within the studio, artists with intellectual disabilities are given support by qualified managers to achieve the creative vision for their artworks and designs.
- Vision Australia completed usability testing of City of Boroondara's website in early 2023. The Digital team is currently actioning recommendations from the accessibility audit provided by Vision Australia.

## Endnotes

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- <sup>1</sup> World Health Organization (2001), [\*International classification of functioning, disability and health.\*](#)
- <sup>2</sup> Victorian Government (2021), [\*Understanding Intersectionality.\*](#)
- <sup>3</sup> Australian Federation of Disability Organisations (2019), [\*Social Model of Disability.\*](#)
- <sup>4</sup> Department of Families, Fairness and Housing (2022), [\*Inclusive Victoria: state disability plan \(2022–2026\).\*](#)
- <sup>5</sup> Australian Bureau of Statistics (2018), [\*Disability, ageing and carers, Australia: summary of findings.\*](#)
- <sup>6</sup> Australian Institute of Health and Welfare (2022), [\*People with disability in Australia.\*](#)
- <sup>7</sup> Australian Institute of Health and Welfare (2022), [\*People with disability in Australia.\*](#)
- <sup>8</sup> People with Disability Australia (2021), [\*The Experiences and Perspectives of People with Disability From Culturally and Linguistically Diverse Backgrounds.\*](#)
- <sup>9</sup> Australian Institute of Health and Welfare (2019), [\*1.14 Disability – AIHW Indigenous HPF.\*](#)
- <sup>10</sup> LGBTIQ+ Health Australia (2021), [\*Snapshot of Mental Health and Suicide Prevention Statistics For LGBTIQ+ People October 2021.\*](#)
- <sup>11</sup> Australian Bureau of Statistics (2018), [\*Disability, ageing and carers, Australia: summary of findings.\*](#)
- <sup>12</sup> Australian Institute of Health and Welfare (2022), [\*People with disability in Australia.\*](#)
- <sup>13</sup> The Australian Bureau of Statistics defines disability as any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last, for at least six months.
- <sup>14</sup> The 2021 Census defines severe or profound disability as sometimes or always needing help with daily self-care, mobility or communication activities because of disability, long-term health condition, or old age.
- <sup>15</sup> Australian Bureau of Statistics 2018, '2018 SDAC LGA modelled estimates' [data set], [\*Disability, Ageing and Carers, Australia: Summary of Findings\*](#), and Australian Bureau of Statistics 2016 and 2021, Core Activity Need for Assistance (ASSNP) by LGA and Type of Non-Private Dwelling (NPDD) [Census TableBuilder Pro], accessed 23 August 2023.
- <sup>16</sup> Australian Bureau of Statistics 2021, Core Activity Need for Assistance (ASSNP) by LGA, Age in Five Year Groups (AGE5P) [Census TableBuilder Pro], accessed 28 November 2023.

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<sup>17</sup> The NDIA defines psychosocial disability as disability that may arise from a mental health issue. Not everyone who has a mental health condition will have a psychosocial disability, but for people who do, it can be severe, longstanding and impact on their recovery. People affected by psychosocial disability may find it challenging to set goals and make plans, engage in education, training and employment and other social and cultural activities (Chess Connect, 2023).

<sup>18</sup> The NDIA defines developmental delay as when a child's development is not at the level expected for their age, and significantly impacts their ability to perform daily routines and activities.

<sup>19</sup> Not all people with disability in Boroondara are on the NDIS. People with disability over the age of 65 are underrepresented in the NDIS. Only a person who has been deemed eligible for the NDIS before they turn 65, can continue to access the scheme (while they remain eligible) after they turn 65. You are not eligible to apply for the NDIS if you are aged over 65.

<sup>20</sup> NDIS (March 2023), 'Participant numbers and plan budgets data March 2023 (CSV 6.1MB)' [data set], [Data Downloads](#), accessed 23 August 2023.

<sup>21</sup> The 2021 Census defines a carer as someone who spent time during the 2 weeks prior to Census night providing unpaid care to family members or others because of a disability, long term illness or problems related to old age.

<sup>22</sup> .id (2022), [City of Boroondara: Unpaid care](#).

<sup>23</sup> Australian Bureau of Statistics (2021), [Unpaid Assistance to a Person with a Disability \(UNCAREP\)](#) by LGA, Age and Sex [Census TableBuilder Pro], accessed 24 October 2022.

<sup>24</sup> Victorian Equal Opportunities & Human Rights Commission (2022), [Public statement: Invisible disabilities](#).

<sup>25</sup> Department of Families, Fairness and Housing (2023), [Disability](#).