

COUNCIL MEETING

MINUTES



(Open to the public)

Monday 25 September 2023

Council Chamber - 8 Inglesby Road, Camberwell

Commencement 6:34 pm

Attendance

Councillor Felicity Sinfield (Mayor)
Councillor Jim Parke
Councillor Wes Gault
Councillor Di Gillies
Councillor Lisa Hollingsworth
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Nick Stavrou

Apologies

Councillor Susan Biggar (Leave of Absence)
Councillor Garry Thompson (Leave of Absence)
Councillor Victor Franco (Leave of Absence)

Officers

Phillip Storer	Chief Executive Officer
Kate McCaughey	Director Community Support
Scott Walker	Director Urban Living
Mans Bassi	Director Customer and Transformation
Amy Montalti	Chief Financial Officer
Bryan Wee	Manager Governance and Legal
David Cowan	Manager Planning and Placemaking
Paul Mitchelmore	Manager Civic Services
Andrew McHugh	Manager Health & Wellbeing Services
Sam Taylor	Acting Manager Liveable Communities
Serena Horg	Coordinator Field Services
Robert Costello	Coordinator Strategic Planning
Michael Hutchison	Head of Strategic Property and Revenue
Cassandra Rae	Coordinator Urban Planning
Matt Aitken	Prosecutions Lead
Yvonne Hill	Policy & Projects Officer
Rachel Brien	Strategic Planner
Liam Merrifield	Senior Governance Officer

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1 Adoption and confirmation of the minutes of the Council meetings held on 28 August 2023.

MOTION

Moved Councillor Addis

Seconded Councillor Gillies

That the minutes of the Council meeting held on 28 August 2023 be adopted and confirmed.

CARRIED

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

Refer to Item 8.1 of General Business - Leaves of Absence - Councillor Gault

3 Deputations, presentations, petitions, and public submission

3.1 Deputations

Uncle Shane Charles and Samantha Rudolph addressed Council on the Uluru Statement from the Heart.

3.2 Petitions

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

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1480665	Stop demolition of 'Rotherwood'	530	DUL
2	CAS-1480806	Say no to the one-way Option 1 improvements to Maling Road.	192	DUL

Legend:

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

MOTION

Moved Councillor Parke

Seconded Councillor Gillies

That Council resolve:

- To receive and note the petitions.**

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

CARRIED

4 Informal Meetings of Councillors

Chapter 6 of the Council Governance Rules requires that a summary of matters discussed at an Informal Meeting of Councillors be reported to a Council meeting as soon as practicable.

The attached record of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with the requirements of the Governance Rules.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Stavrou

That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes. Amended to remove the words 'an Outcome'.

CARRIED

5 Public question time

Motion - Extend Public Question Time

Moved Councillor Parke

Seconded Councillor Addis

That Council resolve to extend the time allocated for Public Question Time to 30 minutes.

CARRIED

PQT - Serpells Lane

The **Mayor, Councillor Sinfield** read the following questions submitted with notice:

Question 1 - Ramano DalBeato

Tonight's agenda, p289, says 'The 37 spaces proposed is slightly in excess of the number ... in the Serpells Lane car park which ... are not used in connection with Swinburne University.' 'The car park had been heavily utilised by Swinburne people from early mornings for years without policing of restrictions, denying spaces for



casual shoppers and commuters. Why accept that situation now as a baseline in the section 173 agreement?

Question 2 and 3 - Cecilia DelBeato

This meeting's agenda, at p291, says 'A follow up study of car park attendees has been undertaken by a traffic consultant...'. Is there any reason why that study's report cannot be made public?

Was Swinburne's interest in purchasing council land mentioned or discussed by the 'Swinburne - Boroondara Working Group Committee' which was active in the years after 2016 ?

Question 4 - Teresa Di Sito

Point 2 of the U.P. Delegated Committee resolutions on 15/05/2023 refers to the adoption of the re-zoning as per the Planning Panel's recommendation. Does it mean that the Full Council at meeting needs to approve or reject the re-zoning proposal?

Question 5 and 6 - Montserrat Pezzimenti

*The Structure Plan 2010/2011 projects a need for 129 car spaces in the future. Serpells Lane 89 - 37 = 52 [carparks] eliminated - less 80 [carparks] for Tram Stop replacement - Total 132 spaces
Could Council present a plan that would/could replace the 132 car spaces or 169 + the 129 "future" / A total of 298 car spaces.*

What is the difference with the land "returned" to Council by the RSL at Greythorn. [and Serpells lane]?

Question 7 and 8 - Leon Pezzimenti

Point 2 of the Report, sets a 10-year vision for Boroondara's future. The Structure Plan 2010/2011 referred as basis for the proposed sale of Serpells lane is based on documents going back to 2007 and in the Swinburne master Plan 2005 - Please explain going back 15 to 18 years for Serpells Lane?

If sold, a proposed s 173 Agreement will be securing 37 car spaces for public use, could specify the Title with the section 173 please?

Question 9 and 10 - Anthony Stolarek

Shouldn't council advise [the] public of Swinburne Serpells Lane Car Park (SLCP) offer, but express no intent re [the] Swinburne offer until Glenferrie Place Plan parking strategy has been resolved.

Should not any car parking for non-Swinburne users to replace Serpells Lane Car Park have parking fees consistent with council Glenferrie ground level car parks with no charge for first hour.

Question 11 - Antonia Fleming

Has Council considered the engulfing footprint of Swinburne University in the Glenferrie Hawthorn area and Council's responsibility to the community in regard to

public land, that is: "prudent stewardship of the community's physical assets" (page 4, Asset Management Strategy 2019-2024, City of Boroondara)?

Question 12 - Francesco Barbagallo

Why is Council selling Serpell's Lane Carpark and without the Serpell's Lane sale what is the budget projection for 2024/25?

Question 13 - Zhaohui Liu

I would like to ask the Councillors and officers what use will be made of the \$16,000,000 received from the sale of Serpells Lane. Is Council in debt at the moment?

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

The **Director Urban Living**, responded to questions 1 to 10 as follows:

- Question 1 - The most recent analysis of carparking at the Serpells Lane carpark demonstrates the majority of carparking continues to be associated with Swinburne University. In fact, prior to the introduction of ticket parking approximately 64% of those parking in the carpark were associated with Swinburne University. With the introduction of ticketed parking on 12 May 2023, this proportion increased to 68%. This indicates that in the order of 29 spaces are not associated with Swinburne. This recent parking analysis provides current data for the basis of the section 173 Agreement, and the 37 spaces in the agreement is greater than the 29 obtained from the parking analysis. The earlier study, conducted prior to paid parking, showed that in the order of 32 spaces were not associated with Swinburne. Again, this is lower than the 37 spaces in the section 173 Agreement. This study also showed that carparking demand could be met with current carparking facilities if the Serpells Lane carpark is lost.
- Question 2 - It is intended that the follow up carparking study which examines the impact of ticket parking on Serpells Lane carpark, will be made public as part of further consultation on the sale of Serpells Lane carpark land to Swinburne University.
- Question 3 - Over a number of years, the position of Swinburne in relation to the carpark has varied depending on their masterplan. On the arrival of a new Vice Chancellor Swinburne have showed renewed interest in purchasing the land.
- Question 4 - The UPDC decision on 15 May 2023 relates to planning scheme amendment C385boro for the rezoning of Serpells lane carpark. Point 2 of the motion states "*refer amendment C385boro to a meeting of Council to be adopted in accordance with section 29(1) of the Planning and Environment Act 1987. A decision on whether to adopt will be made following a formal decision to proceed with a sale of the land.*" This means that the full Council will consider the next steps with regard to progress of the planning scheme amendment once a formal decision has been made by Council on the sale of the land.

- Question 5 - A car parking analysis has been undertaken to understand the impact should the land at Serpells Lane be sold which has concluded that there is sufficient car parking capacity in existing carparks in the Glenferrie area. There are 1641 publicly available off street car parks in the Glenferrie Precinct. This includes the Serpells Lane car park. For the precinct overall, peak use is in the order of 80% typically between 11am to 2pm. Specifically at the peak, there would still be just over 200 spaces in the Activity Centre to offset the loss of the Serpells Lane car park. At other times there would be greater levels of spare capacity. Future car parking provision to manage the impact of car parking lost as part of the implementation of the Glenferrie Place Plan will be considered as part of the finalisation of the Place Plan at an upcoming Urban Planning Delegated Committee meeting.
- Question 6 – There is no relationship between Serpells Lane land and the RSL at Greythorn. They are separate matters being considered by Council.
- Question 7 – The Glenferrie Structure Plan 2011 is the most recent approved structure plan for the Glenferrie precinct and is therefore the relevant strategic plan to consider in regard to future decisions at Glenferrie.
- Question 8 – The Section 173 Agreement will apply to the Serpells Lane land and enable the provision of the 37 car spaces for public use either on Serpells or on other land within the Glenferrie area to the satisfaction of Council.
- Question 9 – A car parking analysis has been undertaken to understand the impact should the land at Serpells Lane be sold which has concluded that there is sufficient car parking capacity in existing carparks in the Glenferrie area. There are 1641 publicly available off street car parks in the Glenferrie Precinct. This includes the Serpells Lane car park. For the precinct overall, peak use is in the order of 80% typically between 11.00 am to 2.00 pm. Specifically at the peak, there would still be just over 200 spaces in the Activity Centre to offset the loss of the Serpells Lane car park. At other times there would be greater levels of spare capacity. Future car parking provision to manage the impact of car parking lost as part of the implementation of the Glenferrie Place Plan will be considered as part of the finalisation of the Place Plan at an upcoming Urban Planning Delegated Committee meeting.
- Question 10 - There is a variety of car parks for the Glenferrie Precinct with and without fees. The fees in the Swinburne multi deck car park are similar to Council fees for paid car parking in centres including Camberwell where there is the option of paid car parking for short, medium to long term parking in car parks as well as parking with no fee. For shoppers and visitors to the Glenferrie Precinct, the Liddiard Street, Park Street and Linda Crescent car parks offer the opportunity for one hour free parking with a fee for the second hour. Two hour parking in car parks with no fee is also available as well as the option of medium to long term parking with a fee in other Council car parks as well as the Swinburne multi deck car park.

The **Chief Financial Officer**, responded to questions 11 to 13 as follows:

- Question 11 – The Serpells Lane Strategic Property Project seeks to ensure a positive outcome is achieved for the community by realising a return on this underutilised asset to enable investment in new projects to the benefit of the Boroondara community. Consultation is proposed for the Serpells Lane

Strategic Property project and all responses will be presented to Council for a decision.

- Question 12 – The Serpells Lane Strategic Property Project seeks to ensure a positive outcome is achieved for the community by realising a return on this underutilised asset to enable investment in new projects to the benefit of the Boroondara community. Council does not know what the budget projections are for 2024/25 as work has not yet commenced on development of the 2024/25 budget.
- Question 13 - Any funds received as a result of a sale will add to Council's surplus. How these funds are used would be determined through the development of future budgets, noting that one of the objectives of the Serpells Lane strategic property project is to achieve an optimal commercial return for the land to enable investment in new projects to the benefit of the Boroondara Community.

PQT - Disallowed questions

Question 14 - Lisa Wade Brown

The **Mayor, Councillor Sinfield** outlined that a question by Lisa Wade Brown was disallowed under Governance Rule 55.1 because it was a question that related to matters outside the functions of Council.

Question 15 - Ian Hundley

The **Mayor, Councillor Sinfield** outlined that a question by Ian Hundley was disallowed under Governance Rule 55.2 because it did not relate to an agenda item for this Council meeting and was not asked of a Council officer or Councillor more than 10 days before the meeting.

Question 16 and 17 - Theo Bila

The **Mayor, Councillor Sinfield** outlined that two questions by Theo Bila were disallowed under Governance Rule 55.2 because they did not relate to an agenda item on this Council Meeting Agenda. Mr Bila referred to the Agenda of another meeting for these two questions.

PQT - Other questions

Question 18 - Jax Brown

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

- *Will Council support of its LGBTIQA+ community and hold inclusive activities and events that celebrate our collective identity [and] Will Council join other Councils across the state in holding an inclusive event to mark Coming Out Day on 11 October that celebrates our LGBTIQA+ community and their collective diversity?*

This question was allowed in accordance with Chapter 2 of the Governance Rules. The question had previously been put in writing to a Councillor or a member of

Council staff more than 10 working days before the Council meeting at which the question was submitted and therefore was allowed.

The **Director Community Support** responded to advise:

- The Boroondara Community Plan 2021-2031 is for a sustainable and inclusive community, and page 20 of this document states:
 - *"Our commitment to wellbeing is guided by the Victorian Charter of Human Rights and Responsibilities Act 2006, which recognises all people have equal rights to Council services and facilities, and the key role the community plays in decision-making. This commitment implies a focus on equity so community members of all ages, genders, sexualities, religion, backgrounds, locations and abilities have the same opportunities to achieve good health and wellbeing".*
- Council holds a range of events and activities celebrating our diverse community each year. We undertake events and activities in relation to IDAHOBIT and Wear it Purple Day to celebrate our LGBTQIA+ communities and raise awareness of the work still needed to combat discrimination.
- In addition, Council has funded a two-year Mental Health and Wellbeing initiative, which will include biannual LGBTQIA+ community roundtables. The roundtables will be safe and inclusive forums for Council to hear the voices of Boroondara's LGBTQIA+ communities. The first roundtable is scheduled for November.
- In relation whether "... Council [will] join other councils across the state in holding an inclusive event to mark Coming Out Day on 11 October", Coming Out Day is not one of the days of recognition that Council formally acknowledges or celebrates, and we have only recently received this request from the Victorian Pride Lobby. A report on Dates of Recognition (or Awareness Days) is scheduled to be presented to Councillors for feedback and this day will be included for consideration.

Question 19 - Leigh Naunton

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

- *Can Council confirm that it is providing Federal government information about the Referendum in your libraries but is not at this time providing information from the Australian Electoral Commission on the grounds that distribution of electoral information is the responsibility of the AEC and your library service has not been contacted by it in relation to the upcoming referendum.*

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

The **Director Community Support** responded as follows:

- Council has not taken a position on the Voice. Our library service has provided non-partisan information about the upcoming Voice referendum process on our Community Noticeboard at each library location. This includes the Australian Government's Referendum Information booklet and its

associated poster. This booklet does not contain information relating to the "Yes or No" case.

- Our library service has not been contacted by the Australian Electoral Commission in relation to the upcoming Voice referendum.
- More generally, Council works with the AEC to provide information about how to enrol to vote. This is primarily through provision of information given to Council by the AEC and the Department of Home Affairs to citizenship candidates. Council also invites the AEC to attend citizenship ceremonies to provide information as it chooses.

Question 20 - Leigh Naunton

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

- *Will Council please advise the reasons for denying on the morning of the August meeting the request for a deputation at that meeting in relation to a motion to support the Uluru Statement from the Heart?*

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

The Mayor, Councillor Sinfield responded to the question as follows:

- I will answer this question. I did not deny the Deputation. Governance Rule 58 allows a person to request a deputation, not a deputation on a specific date. In deciding to accept a deputation, and when to schedule it, I considered the volume of matters on Council's Agenda at each meeting and scheduled the Deputation for the next available Agenda.

Question 21 - Ian Hundley

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

- *Please advise of any improvements to the poor standard 612 and 766 route bus services.*

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

The **Director Places and Spaces** responded to the question as follows:

- Council officers met with representatives of the Department of Transport and Planning in late July 2023 where officers from the Department provided an overview of the findings from the bus network reform consultation for Melbourne's Northeast and pilot area. The results of the consultation were discussed in detail. Council officers also took the opportunity to advocate for the improvement of various bus services and their frequencies along with other recommendations in line with our submission. The Department is currently considering the consultation feedback in the development of the

draft network reforms options which are likely to be released later in 2023. There have been no specific improvements to the route services mentioned. However, Council will continue its advocacy.

Question 22 and 23 - Moira Tobin

The **Mayor, Councillor Sinfield** read the following questions submitted with notice:

- *Please advise Boroondara Council's procedures for notifying all users of sports grounds, including local residents, when each of the six applications of night chemical weed spraying is going to occur?*
- *How can residents find details of chemicals being used?*

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

The **Director Places and Spaces** responded to the question as follows:

- Residents living within 100m of sports grounds were informed of the nighttime activity through a notification letter. This letter was provided in addition to installed signs throughout each site, providing information on the program. The information is provided on Council's website under weed and pest management. Signage at each site is updated with the application time and dates once completed. The notifications also invite residents to contact Council and discuss the application with our sportsground teams to be informed of the detail of the program.

6 Notices of motion

Nil

7 Presentation of officer reports

Procedural motion - En bloc

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Watson

That the following items:

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

7.7 Advisory Committee Terms of Reference

7.8 Revised Instrument of Delegation - Council to Council Staff

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

CARRIED

7.1 Proposed discontinuance and sale of right of way (road) - Adjoining 259 - 281 Whitehorse Road and 1A Weston Street, Balwyn

Purpose

This report is to consider commencement of the statutory procedures to discontinue and sell the road adjoining 259 to 281 Whitehorse Road and 1A Weston Street, Balwyn.

Background

Council received a request from Balwyn Lifestyle Centre Pty Ltd, the owner of 259 to 281 Whitehorse Road and 1A Weston Street, Balwyn for the discontinuance and sale of the road adjoining its properties, as shown hatched on **Attachments 1 and 2** ("the Road").

Key Issues

- The Road is in the name of Council.
- The Road is considered by officers to be no longer reasonably required for public access.
- The land from the Road is intended to be incorporated into a proposed mixed-use development of surrounding properties.
- Any sale of Council land requires Council to comply with section 114 of the *Local Government Act 2020*.
- There is currently a Council drain in the Road.

Confidentiality

Confidential information is contained in **Attachment 5**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with section 66(2)(a) and the definition of 'confidential information' in section 3(1) of the *Local Government Act 2020*. The information is Council business information which 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 Watson

Seconded Councillor Gillies

That Council resolve to:

1. Commence the statutory procedures under section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* to discontinue and sell the road adjoining 259 to 281 Whitehorse Road and 1A Weston Street, Balwyn, shown on Attachment 3 as

- Lot 1 on TP960019J and as annexed to the minutes ("the Road"), to Balwyn Lifestyle Centre Pty Ltd, by private treaty in accordance with Council's Discontinuance of Roads and Reserves Policy 2022 ("Council's Policy").
2. Give public notice under section 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* in the appropriate newspaper and on Council's website of the intention to discontinue the Road and sell the land from the Road to Balwyn Lifestyle Centre Pty Ltd by private treaty in accordance with Council's Policy.
 3. Invite both written and verbal submissions on the proposed discontinuance and sale.
 4. Note a further report will be presented to a future meeting of the Services Delegated Committee of Council should any submissions be received to enable consideration of the submissions and for a decision on whether to proceed with the proposed discontinuance and sale of the Road in full, in part or not to proceed with the discontinuance and sale.
 5. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the sale if no submissions are received.
 6. Authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the land from the Road to Balwyn Lifestyle Centre Pty for the sum of \$1,320,000 (inclusive of GST) plus Council's associated costs in accordance with Principle 1 of Council's Discontinuance of Roads and Reserves Policy 2022.

CARRIED

7.2 Review of the Dog Control Order

Purpose

This report provides details of a review of the Dog Control Order No. 1 and the Gordon Barnard Dog Play Park Order in response to an action within the Domestic Animal Management Plan. It proposes the republishing of the two dog control orders into a single order with minor changes for clarity and consistency.

The review has identified minor improvements to accuracy and completeness which will not alter the intent of the orders.

Background

Boroondara's Dog Control Order No.1 was published on 18 April 2019 and lists 46 parks and reserves that have been designated by Council as places where dogs can be exercised off-leash (including off a chain or cord), subject to provisions that aim to ensure an owner remains in control of their dog. On 12 August 2021, a separate order designating Gordon Barnard Reserve, Balwyn North as a fenced dog play area was published in the Government Gazette.

The Domestic Animal Management Plan 2021-2025 (the DAMP) was adopted by Council on 28 February 2022 and includes an action for the orders to be reviewed and a report on this review provided to Council. This review specifically looks at

whether the orders are clear, up to date and provide relevant information regarding community obligations.

Key Issues

The review recommends:

1. the inclusion of the address of each designated off-leash park and reserve to provide greater clarity for dog owners;
2. the renaming of Burke Road South Reserve to Lewin Reserve to be reflected in the Order;
3. the dog off-leash section of Beckett Park be made clearer;
4. reinforcing the existing requirement that the owner of an on-leash dog should remain in control of that dog and be capable of restraining if needed; and
5. Removes the term 'worry' from the owner's obligations.

Additionally, two related orders create confusion and risk repeating the same information in different formats, so it is recommended they are combined into a single order.

Next Steps

Subject to Council approval, the next step is to publish a single dog control order, which replaces the existing two orders and addresses the five issues outlined in **Attachment A**.

MOTION

Moved Councillor Watson

Seconded Councillor Stavrou

That Council:

1. **Approve the Dog Control Order No. 1 as stated in Attachment A.**
2. **Publish the Dog Control Order No. 1 in the Government Gazette and the Herald Sun newspaper.**

CARRIED

7.3 Smythesdale Estate Heritage precinct - Decision to adopt - Amendment C388boro

Purpose

The purpose of this report is to seek Council adoption of Amendment C388boro to the Boroondara Planning Scheme following the Urban Planning Delegated Committee (UPDC) decision at its meeting on 4 September 2023.

Amendment C388boro seeks to implement the recommendation in the heritage citation for the Smythesdale Estate Precinct by including the recommended properties in the precinct in the Heritage Overlay on a permanent basis.

Background

On 3 October 2022, the heritage citation for the precinct was adopted by the UPDC. Authorisation was granted by the Department of Transport and Planning to prepare and exhibit Amendment C388boro to the Boroondara Planning Scheme on 27 October 2022. The amendment was publicly exhibited from 9 February to 3 April 2023. A total of 24 submissions were received, including 21 submissions which supported the amendment, 1 submission which partially supported the amendment, and 2 submissions which opposed the amendment.

On 1 May 2023, the UPDC resolved to request the appointment of an independent Planning Panel to consider the amendment, and to refer all submissions for consideration by the Panel.

Key Issues

An independent Planning Panel was appointed to consider submissions to the amendment. Two submitters in support of the amendment requested to be heard. At the Directions Hearing, parties agreed the amendment could be considered based on written submissions, without supplementary verbal submissions at a hearing.

Whilst the two parties to the panel process supported the amendment, both parties submitted the heritage precinct met the threshold for Criterion H (associative significance) based on Ms Jessie Henderson CBE, residing at 89 Harcourt Street, Hawthorn East. Ms Henderson was a pioneering voluntary social worker and an influential advocate for women's rights during the first part of the 20th century. The two parties circulated written submissions to the Panel and other parties on 7 July 2023 in support of Criterion H. The Panel subsequently sought a response from Council.

On 11 July 2023, Council circulated a memorandum from RBA Architects, heritage consultants, clarifying why the precinct did not meet the threshold for Criterion H. The heritage consultant recognised Ms Henderson was a notable person who resided at the property, however no built heritage fabric could be attributed to Ms Henderson's time at the dwelling.

On 13 July 2023, officers received the Panel Report for the amendment. The report was publicly released on 24 July 2023.

The Panel recommended the amendment be adopted as exhibited, and found the precinct met the threshold for inclusion in the Heritage Overlay based on Criterion A (historical), Criterion D (representativeness) and Criterion E (aesthetic - relating to 89 Harcourt only). The Panel agreed with Council's heritage consultant with respect to the threshold for Criterion H (associative significance) not being met in relation to Ms Henderson residing at 89 Harcourt Street, Hawthorn East.

On 4 September 2023, the UPDC resolved to endorse the response to the panel recommendation and refer the amendment to an Ordinary Meeting of Council for adoption.

Next Steps

Officers recommend Council adopts Amendment C388boro as exhibited and resolves to submit the amendment to the Minister for Planning for final approval.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gillies

That Council resolve to:

- 1. Adopt Amendment C388boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 5, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C388boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Following the Minister's approval of Amendment C388boro, update two (2) background documents to the Boroondara Planning Scheme (the *Boroondara Schedule of Gradings Map* and *Boroondara Heritage Property Database*) to include heritage gradings and relevant heritage citations for properties affected by the amendment.**
- 4. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

7.4 9 Seattle Street, Balwyn North - Decision to adopt - Amendment C381boro

Purpose

The purpose of this report is to seek Council adoption of Amendment C381boro to the Boroondara Planning Scheme following the Urban Planning Delegated Committee (UPDC) decision at its meeting on 4 September 2023.

Amendment C381boro seeks to implement the recommendation in the heritage citation for the Batrouney House (former) - 9 Seattle Street, Balwyn North by including the recommended property in the Heritage Overlay on a permanent basis.

Background

On 18 July 2022, the heritage citation for the property was adopted by the UPDC. Authorisation was granted by the Department of Transport and Planning to prepare and exhibit Amendment C381boro to the Boroondara Planning Scheme on 31 October 2022. The amendment was publicly exhibited from 9 February to 9 March 2023. A total of 3 submissions were received, including 3 submissions which opposed the amendment.

On 1 May 2023, the UPDC resolved to request the appointment of an independent Planning Panel to consider the amendment, and to refer all submissions for consideration by the Panel.

Key Issues

An independent Planning Panel was appointed to consider submissions to the amendment. No submitters requested to be heard. At the Directions Hearing, the Panel agreed the amendment could be considered based on the documents and written submissions provided to the Planning Panel with no further hearing required.

On 13 July 2023, officers received the Panel Report for the amendment. The report was publicly released on 24 July 2023.

The Panel recommended the amendment be adopted as exhibited, and found the property met the threshold for inclusion in the Heritage Overlay based on Criterion A (historical), and Criterion E (aesthetic). The Panel concluded that property value, private financial impact, quality of Balwyn North, building layout, suitability and safety are not relevant when considering whether the property has sufficient heritage significance to apply the Heritage Overlay.

On 4 September 2023, the UPDC resolved to endorse the response to the panel recommendation and refer the amendment to an Ordinary Meeting of Council for adoption.

Next Steps

Officers recommend Council adopts Amendment C381boro as exhibited and resolves to submit the amendment to the Minister for Planning for final approval.

MOTION

Moved Councillor Parke

Seconded Councillor Stavrou

That Council resolve to:

- 1. Adopt Amendment C381boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 5, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C381boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Following the Minister's approval of Amendment C381boro, update two (2) background documents to the Boroondara Planning Scheme (the *Boroondara Schedule of Gradings Map* and *Boroondara Heritage Property Database*) to include the heritage grading and relevant heritage citation for the property affected by the amendment.**
- 4. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

7.5 Serpells Lane Strategic Property Project

Purpose

The purpose of this report is to provide an update on the Serpells Lane Strategic Property Project as well as consideration of an offer to purchase from Swinburne University of Technology ("Swinburne").

Background

The Council-owned Serpells Lane car park is approximately 2,908m² and is located at 399 Burwood Road, Hawthorn ("the Property").

During its meeting held on 25 July 2022, Council decided to initiate the Serpells Lane Strategic Property Project, which included the rezoning and exploring potential sale of the Property.

Subsequently, Council has been approached by Swinburne, which led to an offer being received to purchase the Property.

Key Issues

- Consistent with the Council resolution of 22 July 2022, work to prepare the Property for sale has progressed.
- Council was approached by Swinburne, which has resulted in an offer to Council of \$16,000,000 (plus GST). A sale to Swinburne does not require a rezoning. Additionally, if the Property is sold to Swinburne there is no statutory obligation for Council to consult formally under the *Local Government Act 2020* prior to making a decision about the sale. If Council wishes to sell to Swinburne, it is recommended consultation should still occur, but it would be on the basis that Council intends to sell the Property to Swinburne.
- Windfall Gains Tax ("WGT") came into effect from 1 July 2023. There is no WGT obligation if a sale is made to Swinburne.
- If Council were to sell the Property on the open market to a private purchaser and the rezoning required to support the sale is approved, there would be a WGT liability which presently cannot be determined. Additionally, Council will need to formally consult under the *Local Government Act 2020* by publishing a Notice of Intention to Sell and hearing submissions prior to making a decision about the sale.
- If Council decides to sell the Property to Swinburne, obligations relating to their proposed development, including the requirement to provide car parking will be imposed on title through a Section 173 Agreement under the *Planning and Environment Act 1987*. This will also ensure that the development is unique as opposed to what could be achieved through a sale on the open market.

Confidentiality

Confidential information is contained in **Attachment 2 and 3**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with section 66(2)(a) and the definition of 'confidential information' in section 3(1) of the *Local Government Act 2020*. The information is Council business information which 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 Gault****Seconded Councillor Watson****That Council resolve to:**

1. Pursuant to sections 114 and 116 of the *Local Government Act 2020*, give notice on Council's website of the intention to sell the land shown shaded yellow on Attachment 1 and legally described as: Lot 1 on TP418986F within Volume 03362 Folio 247; Lot 1 on TP684954F within Volume 04042 Folio 269; Lot 1 on TP365258H within Volume 06261 Folio 119; and Lot 1 on TP584361S within Volume 02475 Folio 947 ("the Property") to Swinburne University of Technology ("Swinburne") by private treaty for \$16,000,000 (plus GST).
2. Secure the development vision by registering on the title to the Property a Section 173 Agreement under the Planning and Environment Act 1987 and include provisions for the following;
 - a. Details the vision for the use of the site.
 - b. Retention of the additional 37 community car parking spaces beyond that required under the Boroondara Planning Scheme for redevelopment of the Serpells Lane site, such spaces to be provided by Swinburne at the Serpells Lane site or at a different location as agreed by Council. Where this parking obligation is provided at another location, any existing parking available for community use at that location must not be reduced in number and the parking fee charged for use of these spaces should be within 15% of the fee charged by Council for similar parking in the locality.
 - c. Provide car parking for all new uses in accordance with the provisions of the Boroondara Planning Scheme.
 - d. Be consistent with the Glenferrie Structure Plan, Glenferrie Place Plan and any other endorsed Council Plan or Strategy which applies to the site and surrounding area.
 - e. Be generally in accordance with a concept plan submitted to Council prior to commencement of development of the land which demonstrates compliance with the requirements of the Section 173 Agreement.
3. Invite both written and verbal submissions on the proposed sale.
4. Note a further report will be presented to the Services Delegated Committee of Council scheduled for 13 November 2023 to enable consideration of submissions and for a decision on whether to proceed with the proposed sale of the Property.

CARRIED

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

Purpose

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

The Instrument presented to Council is for the appointment and authorisation of staff from the Planning and Placemaking Department. A copy of the Instrument is at **Attachment 1**. This authorisation review deals with particular staffing arrangements and is distinct from the biannual authorisation reviews conducted in March and October each year.

Background

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

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

Next Steps

The Instrument will be refreshed as required to ensure any staffing or legislative changes are captured. Officers expect another report to be presented to Council in March 2024 with a refreshed Instrument to reflect this.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Watson

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

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation (Attachment 1 as annexed to the minutes) be appointed and authorised as set out in the Instrument.**
- 2. The Instrument of Appointment and Authorisation comes into force immediately once the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.**
- 3. The Instrument of Appointment and Authorisation be sealed.**

4. On the coming into force of the Instrument all previous Instruments of Appointment and Authorisation under the Planning and Environment Act 1987 are revoked.

CARRIED

7.7 Advisory Committee Terms of Reference

Purpose

The purpose of this report is for Council to:

- Endorse the Terms of Reference for the Kew Library Redevelopment Streeting Committee (**Attachment 1**);
- Endorse the Terms of Reference for the newly created Civic Awards Assessment Panel (**Attachment 2**);
- Appoint Councillor representation to the Civic Awards Assessment Panel;
- Revoke the Citizen and Young Citizen of the Year Committee and the Volunteer of the Year Assessment Panel.

Background

Boroondara City Council has a number of advisory committees which provide advice to the Council on matters relating to the delivery of strategies, services and activities. Each year Councillors nominate for and are appointed to these advisory committees.

Each advisory committee has a Terms of Reference adopted by Council. The Terms of Reference articulate the scope or purpose of the committee, the composition of the committee and the meeting procedure required to be followed.

Key Issues

At the Council meeting held on 27 February 2023, Councillors resolved to appoint four Councillors to the Kew Library Redevelopment Steering Committee. The current terms of reference for the Kew Library Redevelopment Steering Committee state that there will be a maximum of three Councillors appointed to the committee. Officers recommend updating the terms of reference to align with the increased Councillor representation. The Terms of Reference for the committee is included in **Attachment 1**.

At the February Council meeting, Councillors also determined to not appoint Councillor representation to the Volunteer of the Year Assessment Panel and requested officers investigate the amalgamation of this committee with the Citizen and Young Citizen of the Year Advisory Committee. Officers have conducted a review of the terms of reference for both committees and recommend the creation of the Civic Awards Assessment Panel. The Terms of Reference for the committee is included in **Attachment 2**.

With the creation of the Civic Awards Assessment Panel, officers believe that there is no longer a need for either the Citizen and Young Citizen of the Year Committee or the Volunteer of the Year Assessment Panel. It is therefore recommended that both committees and their Terms of Reference are revoked.

Next Steps

Once the Terms of Reference and the Councillor appointments to advisory committee has been adopted by Council, they will be published on the Council website. The terms of reference will be reviewed by officers as required.

MOTION**Moved Councillor Hollingsworth****Seconded Councillor Watson****That Council resolve to:**

- 1. Endorse the Terms of Reference of the Kew Library Redevelopment Steering Committee, as annexed to the minutes.**
- 2. Endorse the Terms of Reference of the Civic Awards Assessment Panel, as annexed to the minutes.**
- 3. Appoint Councillor Sinfield, Councillor Addis, and Councillor Biggar to the Civic Awards Assessment Panel.**
- 4. Revoke the Terms of Reference for the Citizen and Young Citizen of the Year Awards and the Volunteer of the Year Assessment Panel.**

CARRIED**7.8 Revised Instrument of Delegation - Council to Council Staff**Purpose

The purpose of this report is for Council to review under the provisions of the Local Government Act 2020 (the Act), the Instrument of Delegation to Members of Council Staff (the Instrument).

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

Key Issues

The Instrument includes any legislative amendments and changes to staff titles and delegates since the last Instrument was adopted by Council in March 2023.

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 Hollingsworth****Seconded Councillor Watson**

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

8 General business

8.1 Leaves of Absence - Councillor Gault, Councillor Franco and Councillor Thompson

Councillor Gault declared a material conflict of interest in Item 8.1 *General Business* in accordance with section 128 of the Local Government Act 2020 and the Governance Rules.

Councillor Gault advised that the nature of their interest is that the request is for a personal leave for the dates requested.

Councillor Gault left the chamber at 8:00pm prior to the consideration and vote on this item.

MOTION

Moved Councillor Parke

Seconded Councillor Watson

That Council resolve to grant:

- Councillor Thompson a leave of absence for 25 September 2023.
- Councillor Franco a leave of absence for 25 September 2023
- Councillor Gault a leave of absence from Council for the period from 10 October 2023 to 20 October 2023.

CARRIED

Councillor Gault entered the chamber at 8:05pm and resumed their seat.

8.2 Councillor Hollingsworth

Councillor Hollingsworth thanked Uncle Shane Charles and Samantha Rudolph for addressing Council in their deputation on the Uluru Statement from the Heart.

8.3 Councillor Sinfield - Blue Ribbon Day

The Mayor, Councillor Sinfield discussed Blue Ribbon Day being marked on 29 September annually, coinciding with National Police Remembrance Day. Councillor Sinfield noted how Blue Ribbon Day is a chance for the community to say thank you to those who protect and serve the community and ensure that those who have fallen are never forgotten. The Blue Ribbon Foundation first launched Blue Ribbon Day in 1999, after the outpouring of community support for Senior Constable Rodney Miller and Sergeant Gary Silk who were tragically killed on 16 August 1998 in Cochranes Road, Moorabbin.

Councillor Sinfield highlighted the City of Boroondara's support for the campaign and paid respect to the 175 Victoria Police Officers who have died in the line of duty, thanking all Victoria Police officers for their work in serving & protecting the community locally and farther afield. It was noted that on Friday, 29 September 2023, The Hawthorn Arts Centre will be lit up in blue to show Council's support, and remember the fallen.

Councillor Sinfield highlighted that October is Community Safety Month, and the range of events planned with Council's partner agencies to showcase community safety, details of these can be found on Council's [website](#).

9 Urgent business

Councillor Parke raised that he had a matter of urgent business.

Motion - Admit a matter of urgent business

Moved **Councillor Addis**

Seconded **Councillor Watson**

That Council resolve to admit Councillor Parke's matter of urgent business.

CARRIED

MOTION

Moved **Councillor Parke**

Seconded **Councillor Watson**

That Council resolve to:

- 1. Write to Electrify Boroondara raising concerns about the level of politically partisan behaviour associated with promotion of the**

upcoming Electrify Boroondara Expo given Council's support for engaging with the group was heavily influenced by the group's submissions advising it is non-partisan.

2. Pending receipt of a satisfactory response to item 1 above, Council suspend its attendance at Electrify Boroondara meetings in the interim.

Division

Councillor Sinfield called for a division.

Affirmative

Councillor Parke
Councillor Watson
Councillor Stavrou
Councillor Hollingsworth
Councillor Addis
Councillor Sinfield

Negative

Councillor Wes Gault
Councillor Gillies

Councillor Sinfield declared the Motion CARRIED

10 Confidential business

Procedural motion - Closure of meeting to the public

MOTION

Moved Councillor Stavrou

Seconded Councillor Watson

That Council resolve to close the meeting to the public in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, to consider Item 10.1 Contract 2020/1 Variation no. 4 - Boroondara Leisure and Aquatic Facilities as information contained within the agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020.

CARRIED

Explanation: the report and resolution contain private commercial information being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)).

That Council meeting was closed to the public at 8:20pm.

Procedural motion - Reopening of meeting to the public

MOTION

Moved Councillor Gillies

Seconded Councillor Biggar

That the Council meeting be reopened to the public.

CARRIED

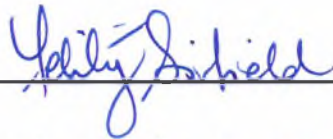
The Council meeting was reopened to the public at 8:35pm with all Councillors present.

The meeting concluded at 8:36pm

Confirmed

Chairperson Councillor Felicity Sinfield

Signature



Date



MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments annexed to the minutes for the following items:

- 4 Informal Meetings of Councillors**
 - 7.1 Proposed discontinuance and sale of right of way (road) - Adjoining 259 - 281 Whitehorse Road and 1A Weston Street, Balwyn**
 - 7.6 Revised Instrument of Appointment and Authorisation - Council to Council Staff**
 - 7.7 Advisory Committee Terms of Reference**
 - 7.8 Revised Instrument of Delegation - Council to Council Staff**

MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments as annexed to the resolution:

4 Informal Meetings of Councillors

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Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
<p>Councillor Briefing & Discussion</p> <p>21 August 2023</p>	<p>Cr Sinfeld Cr Stavrou Cr Hollingsworth Cr Gault Cr Parke Cr Biggar Cr Addis Cr Watson Cr Gillies Cr Franco</p>	<p>Phillip Storer (CEO) Scott Walker (DUL) Kate McCaughey (DCS) Mans Bassi (DCT) Amy Montalti (CFO) Fiona Brown (MCPD) Jim Hondrakis (MTT) Paul Mitchelmore (MCS) Bryan We (MGL) Michael Hutchison (HSPR) Katherine Wright (SCSPR) Kirstin Ritchie (CG) Leo Manca (CHPP) Serena Horg (CPLLAM) Robert Costello (SPP) Yvonne Hill (PPS) Emil Dickson (SP) Cassandra Chatwin-Smith (SIPO) Liam Merrifield (SGO)</p>	<ul style="list-style-type: none"> Heritage Action Plan Review - Outcomes and next steps Draft Disability Access and Inclusion plan 2024-28 Review of Dog Control orders Serpells Lane Strategic Property Project – Update on Negotiations with Swinburne Penalties under Local Laws 	<p>Nil</p>

MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments as annexed to the resolution:

- 7.1 Proposed discontinuance and sale of right of way (road) -
Adjoining 259 - 281 Whitehorse Road and 1A Weston
Street, Balwyn

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TITLE PLAN		EDITION 1	TP960019J	
LOCATION OF LAND PARISH BOROONDARA PART OF EDGARS CROWN SPECIAL SURVEY SECTION - CROWN ALLOTMENT - CROWN PORTION - LAST PLAN REFERENCE TP138570Y DEPTH LIMITATION DOES NOT APPLY TITLE REFERENCE VOL 9796 FOL.266 MGA CO-ORDINATES E 330 760 (APPROX. CENTRE OF LAND IN PLAN) N 5 813 300 ZONE 55		WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND ANY ONE LOT MAY NOT HAVE BEEN CREATED CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION. NOTATIONS THIS PLAN IS NOT BASED ON SURVEY.		
EASEMENT INFORMATION				
LEGEND E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBRANCE A- APPURTENANT EASEMENT R- ENCUMBERING EASEMENT (ROAD)				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1 & E-3	AS PROVIDED FOR IN SEC 207C LGA 1989	SEE DIAGRAM	SEC 207C LGA 1989	BOROONDARA CITY COUNCIL
E-2 & E-3	AS PROVIDED FOR IN SEC 207C LGA 1989	2	SEC 207C LGA 1989	YARRA VALLEY WATER

Diagram showing the land plan with easements (E-1, E-2, E-3) and boundaries. The plan is bounded by Weston Street to the west and Whitehorse Road to the south. A large rectangular area is labeled '1' and '220m²'. Various easements are marked: E-1, E-2, and E-3. Dimensions and bearings are provided for the boundaries and easements. A north arrow is shown in the top left corner.

SCALE 1:200	0 2 4 6 8 10 LENGTHS ARE IN METRES	LICENSED SURVEYOR DAVID JOHN MONAHAN	FILE NO : LGD
SHEET 1 OF 1 SHEET ORIGINAL SHEET SIZE A3		SIGNATURE DATE / /	DEALING CODE : LGA
BARKER MONAHAN A.C.N. 005 394 865 SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 581 GILBERT ROAD, PRESTON 3072 P.O. BOX 2546 REGENT WEST 3072 TELEPHONE 9478 6133 FAX 9470 5189 EMAIL survey@barkermonahan.com.au		REF 13948 VERSION 01 COMPUTER FILE 3948TPDWG DATE 11/05/2018	

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MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments as annexed to the resolution:

- 7.6 Revised Instrument of Appointment and Authorisation -
Council to Council Staff

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Boroondara City Council

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

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

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

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

In this instrument "officer" means -

Aileen Chin	Darshankumar (Darshan) Vachhani	Joel Torresi	Nikhil Shah
Alice Haskett	Daniela Splitgerber	Jon Harper	Scott Lipscombe
Andrew McIlveen	David Barclay	Jonathan Welcome	Simon Elliott
Amaya De Silva	David Cowan	Jordan Schonberg	Scott Walker
Brendan Rea	Edward Howe	Karen Reid	Simon Quinn
Calum Schwindt	Elizabeth Spanjer	Kathy Fletcher	Sofia Skliris
Cassandra Rea	Erin McCarthy	Kelly Caporaso	Stephanie Ng
Cynthia Pizzati	Gregory (Greg) Pocock	Lachlan Waddell	Sylvia Georges
Cheng Chea	Ida LaRocca	Lebon Ferri	Timothy Luckin
Chiara Lorini	Jack Richardson	Lucy Johnson	Toni Johnson
Christopher Spencer	Jessica Nedelkos	Matt Aitken	Vanessa Kwaczynski
Damian Bu	Jennifer Estrada	Michael Burton	Zac Fisher
Daniel Murphy	Jock Farrow	Mridula Krishna	Finbar Harrison
		Nick Hulston	Shane Browne
			David Carlton
			Steven Carroll

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 25 September 2023.

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


 Chief Executive Officer

 Mayor
 25-09-2023
 Date



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MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments as annexed to the resolution:

7.7 Advisory Committee Terms of Reference

Kew Library Redevelopment - *Councillor Steering Committee Terms of Reference*

Responsible Directorate/Department: Community Support
Approval Date: 25 September 2022
Review Date: 25 September 2023

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1 Purpose of the Committee

The Councillor Steering Committee will act as a sounding board for the project team and provide feedback during the redevelopment (planning, design, implementation, and commissioning) of Kew Library.

2 Background

The role of the Steering Committee is to oversee the implementation of the Kew Library redevelopment which is relevant in fulfilling the following themes of the Boroondara Community Plan:

Theme 1 - Your Community, Services and Facilities and

Theme 7 - Civic leadership and Governance:

Strategy 7.2: Ensure transparent decision making through open governance processes.

The Kew Junction Structure Plan (updated 2011) highlights the vision for the area the Kew Library currently operates:

"The Kew Library will expand its role as the 'learning and information' focus of the centre. This will include a broad range of community, cultural and social facilities within an upgraded or redeveloped building. The library will have strong connections to the adjoining open spaces of the Alexandra Gardens and Petrie Square, which will remain as highly valued green spaces. ...The buildings of this precinct will be refurbished or redeveloped to introduce exemplary architecture to house the expanded community role."

3 Composition

The Kew Library Redevelopment Councillor Steering Committee membership will comprise of the following:

- Maximum of ~~three (3)~~four (4) councillors, including the Ward Councillor
- Director Community Support
- Director Places and Spaces
- Manager Capital Projects
- Manager Library Services
- Coordinator Operations and Customer Support

- Coordinator Building Projects
- Library Operations and Customer Service Lead (Kew)
- Community Engagement Specialist
- Other persons may be seconded from time to time to provide input.

The Committee will be convened for the duration of the project.

3.1 Role and selection of Councillor/s

The Steering Committee shall provide feedback to the project team to discuss any issues relating to the project scope, timelines, budget, implementation, and community engagement outcomes prior to reporting to Council (if necessary).

The Steering Committee should:

- Define its information requirements early and ensure that it receives adequate information over the term of the project.
- Receive relevant and timely information on the project from the project team, including progress against schedules, budgets, and milestones, to ensure the committee has sufficient information to offer informed views.
- Prepare for the meetings by reading any background material and asking questions of detailed clarification in advance.
- Provide timely feedback on issues relevant to project decisions.
- Provide guidance regarding translation of key elements of the project brief into the outcomes Council seeks to deliver through the project.
- Discuss items where changes are proposed to the approved project brief or endorsed design.

3.2 Role and selection of Council officer/s

The Community Support Directorate will be responsible for administration of this committee until construction of the project, which will then be convened by the Places and Spaces Directorate.

Officers will be nominated by the Chief Executive Officer or the relevant Director as required to provide advice and administrative support to the Committee.

As the steering committee meeting is considered an 'informal meeting of councillors' under Council's Governance Rules, the officers are responsible for submitting the relevant form to

July 2022 | Terms of Reference - Kew Library Redevelopment Councillor Steering Committee

Council's Governance and Legal Department as soon as practicable, so a record of the meeting can be included in the upcoming Council agenda.

4 Meetings

4.1 Meeting schedule

Meetings will be held on a bi-monthly basis. Additional meetings may be scheduled from time to time as needed.

4.2 Meeting procedure

Meetings will follow standard meeting procedure protocols, in summary:

- Commence on time and conclude by the stated completion time
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member
- Encourage fair and reasonable discussion, participation and respect for each other's views
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

As this is a steering committee, voting on issues is not required. Any recommendations will generally be developed through consensus. Where a matter cannot be agreed, the differing opinions should be clearly expressed in the notes of the meeting, and potentially discussed further at a Councillor Briefing and Discussion meeting if necessary.

4.3 Role and selection of the Chairperson

The ward Councillor shall chair the meetings. In the absence of the ward Councillor, another Councillor present, shall Chair the meeting.

4.4 Reports, agendas and notes

An agenda will be electronically circulated by officers to all Committee members not less than 48 hours prior to each meeting.

Notes of the meetings may be taken by officers. If notes are taken the draft notes must be:

- submitted to the Chairperson for confirmation within 7 days of the meeting
- distributed to all Committee members following confirmation from the Chairperson and within 14 days of the meeting; and
- submitted to the next meeting of the Committee for information

The notes must:

July 2022 | Terms of Reference - Kew Library Redevelopment Councillor Steering Committee

- contain details of the proceedings and recommendations made
- be clearly expressed
- be self-explanatory
- incorporate relevant reports or a summary of the relevant reports considered by the committee; and
- be provided to Committee members as soon as practicable after the meeting.

The notes will be endorsed by the Committee at the subsequent meeting.

Agendas and notes from meetings are not required to be made available to the public, unless required by law or Council's Public Transparency Policy.

4.5 Budget and resources

The Advisory Committee has no budgetary allocation from Council (this includes budget for the payment of fees for external members or presenters).

Any budgetary allocation is at the absolute discretion of the relevant Director who is responsible for the Steering Committee.

5 Conflicts of Interest

In performing the role of Committee member, a person must:

- Act with integrity
- Impartially exercise his or her responsibilities in the interests of the local community
- Not improperly seek to confer an advantage or disadvantage on any person
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons
- Commit to regular attendance at meetings; and
- Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential information

Councillors and officers are required to disclose conflicts of interest in accordance with Part 6, Division 2 of the *Local Government Act 2020* and Chapter 5 of the Governance Rules.

6 Compliance with Council's policies, plans and strategies

Committee members must abide by Council's policies, plans and strategies when conducting themselves in relation to any functions of the Committee.

7 Review and evaluation

The Terms of Reference of the Committee will be reviewed in 12 months after the inception of the Committee to ensure it is operating effectively.

8 Council contact

Position Title	Contact number	Contact email
Manager Library Services	9278 4690	Tina.bourekas@boroondara.vic.gov.au

Civic Awards Assessment Panel

Terms of Reference

Responsible Directorate/Department: Governance and Legal

Approval Date: September 2023

Review Date: September 2024

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1 Purpose of the Assessment panel

The purpose of the Civic Awards Assessment Panel (the **Panel**) is to assess nominations for the following awards:

- Boroondara Citizen of the Year;
- Boroondara Young Citizen of the Year;
- Boroondara Volunteer of the Year; and
- Boroondara Volunteer Program Innovation Award.

2 Background

Much of Boroondara's connected and inclusive community can be credited to locals who dedicate themselves to bringing people together or helping those in need.

One way that the City of Boroondara recognises and shows appreciation for these people is by presenting these awards.

2.1 Boroondara Citizen and Young Citizen of the Year awards

The annual Boroondara Citizen and Young Citizen of the Year awards recognise individuals from the municipality whose service to our community is exceptional - individuals who demonstrate outstanding leadership or commitment towards improving the lives of others in the community.

The contribution could be a single outstanding achievement in the last year or numerous achievements over many years.

Timing

Nominations usually open in September for 8 weeks with selection by the Panel in December. Award winners are announced at the citizenship ceremony held on Australia Day.

2.2 Boroondara Volunteer of the Year and Volunteer Program Innovation awards

The annual Boroondara Volunteer of the Year Award recognises the efforts of volunteers who make an outstanding positive contribution to the Boroondara community.

Timing

Nominations usually open in **February** for 6 weeks, with selection in April. Nominees and Awards winners are announced at a celebration event during National Volunteer Week in May.

3 Composition

The Panel membership comprises:

- The current Mayor - If the Mayor changes during the selection process, both the new Mayor and previous Mayor (if possible) will be a member of the Panel.
- Up to three (3) other Councillor representatives.
- For the Volunteer of the Year and Volunteer Program Innovation Awards - up to two (2) representatives from Boroondara Volunteer Resource Centre member organisations.

All positions on the Assessment Panel are voluntary and do not attract remuneration.

3.1 Selection of the Panel - Councillors and external members

Council will appoint Councillor representatives to the Panel annually by resolution. The Mayor is elected by Council under the Local Government Act 2020.

Eligible community organisations will be invited to express interest in nominating a person to become a Panel member through an expression of interest. The nomination process shall be conducted by Boroondara Volunteer Resource Centre officers.

The Councillor members of the Panel shall select up to two nominees each term to join Panel. The Panel term coincides with the term of Councillor appointments.

3.1 Role of the Panel

The Panel will consider and discuss each valid nomination received and use a consensus model to select a suitable winner or winners. The Panel assesses nominees against the criteria in Attachment 1 for the Boroondara Citizen and Young Citizen of the Year awards and Attachment 2 for the Boroondara Volunteer of the Year and Volunteer Program Innovation awards.

The Panel may decide not to select a winner for any of the awards in each given year. The Panel may also decide to select multiple winners for any of the awards in each given year or may award a special commendation.

3.2 Role and selection of Council officer/s

The Governance and Legal Department is responsible for the Boroondara Citizen and Young Citizen of the Year Awards. The Manager, Governance and Legal and an officer nominated by that Manager shall support the Panel in respect of these two awards.

The Community Planning and Development Department is responsible for the Boroondara Volunteer of the Year Awards and Volunteer Program Innovation Award. The Boroondara Volunteer Resource Centre Volunteer Support and Development Lead, and any officer nominated by that Lead shall support the panel in respect of these two awards.

Council officers are responsible for Panel meetings including by providing administrative support, background information, advice and tools required for assessment. Officers are also responsible to keep minutes of each meeting which note the rationale for decisions to ensure accountability.

Further officers may be nominated by the Chief Executive Officer or the relevant Director to advise and support the Panel.

Where a meeting of the Panel is considered an 'informal meeting of councillors' under Council's Governance Rules, officers are responsible for submitting the relevant form to Council's Governance and Legal Department as soon as practicable, so a record of the meeting can be included in the upcoming Council agenda.

4 Meetings

4.1 Meeting schedule

Meetings will generally be held annually in December to assess the Citizen and Young Citizen of the Year Awards.

Meetings will generally be held annually in April to assess the Volunteer of the Year and the Volunteer Program Innovation Award.

Additional meetings may be required depending on the number of applications received and the need for further information from applicants.

4.2 Meeting procedure

Meetings will follow standard meeting procedure protocols, which are in summary:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and reasonable discussion, participation, and respect for each other's views
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

Any recommendations will generally be developed through consensus after scoring criteria and discussing those scores. Where a matter cannot be agreed the differing opinions should be clearly expressed in the notes of the meeting.

Should disputes occur between members of the Panel, which are unresolvable within a process that the Panel could reasonably be expected to undertake, Council may choose to seek the assistance of independent expertise in order to resolve the dispute.

4.3 Role and selection of the Chairperson

The position of Chairperson will be held by a Councillor and will be selected by the Panel.

The Council officer responsible for the Panel must facilitate the election of the Chairperson. At the first meeting of the Panel, the Council officer will invite nominations for the Chairperson. Voting must be carried out by show of hands.

The Chairperson is responsible for chairing the meetings and collating committee members recommendations for the Awards. If the Chairperson is not present at a meeting, any other Councillor may be appointed as temporary Chairperson.

4.4 Public attendance at meetings

The Panel is not required to give public notice of its meetings which are not open to the public.

4.5 Reports, agendas, and notes

An agenda will be electronically circulated by officers to all Panel members no less than 48 hours prior to each meeting.

Notes of the meetings should be taken by officers. The notes must:

- contain details of the proceedings and recommendations made;
- be clearly expressed;
- be self-explanatory; and
- be provided to Panel members as soon as practicable after the meeting.

Agendas and notes from meetings are not required to be made available to the public, unless required by law or Council's Public Transparency Policy.

4.6 Budget and resources

The Panel has no budgetary allocation from Council (this includes budget for the payment of fees for external members or presenters).

4.7 Assessment criteria

Nominations are assessed for eligibility and merit based on the criteria and guidance contained in:

- Attachment 1 - Boroondara Citizen and Young Citizen of the Year
- Attachment 2 - Boroondara Volunteer of the Year and Volunteer Program Innovation Award

The Panel cannot make recommendations outside the scope of its terms of reference including Attachment 1 and Attachment 2.

5 Compliance with legislation and Council Policies

This part sets out conduct that Committee members agree will contribute to the good governance, integrity and responsible operation of the committee.

5.1 Conflict of Interest

Councillors and officers are required to disclose conflicts of interest in accordance with Part 6, Division 2 of the Local Government Act 2020 and Chapter 5 of the Governance Rules.

In performing their role, a member must:

- aim to work in an honest, respectful, collaborative and solution-focused manner
- encourage fair and reasonable discussion
- respect the confidentiality of documents before the Committee and meeting proceedings
- not make improper use of their position for personal or professional gain.

A Committee member who identifies with a Conflict of Interest or perceived Conflict of Interest in a matter before the Committee must declare their interest prior to discussion of the item.

The declaration and nature of the conflict of interest must be recorded in the minutes of the meeting.

Depending on the nature of the conflict, the member may need to exclude themselves from the discussion, or the Committee may decide to accept and record the conflict.

5.2 Confidential Information

Committee members acknowledge that they may at times have access to confidential or sensitive information. And that this information may not always be marked as being 'confidential' or 'sensitive in nature'.

It is the responsibility of the Committee member to take reasonable steps to inform themselves on the nature of the information before discussion it outside of the committee.

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

5.3 External Communications

Committee members must comply with the Council's Communication Policy and respect that the Mayor is the spokesperson of Council in accordance with the Local Government Act 2020.

As such, committee members are not to make public statements, submissions or announcements to external stakeholders or the media on behalf of the Committee or Council unless prior approval has been granted.

An external committee member who does not adhere to Council's policies will be asked to retire from their position on the committee. If the external member was an organisational member then said organisation will be asked to send an alternate representative.

6 Review and evaluation

These terms of reference will be reviewed in twelve months after adoption to ensure it is operating effectively.

7 Council contacts

Questions about each award should be directed to the following officers:

Boroondara Citizen and Young Citizen of the Year Awards

Position Title	Contact number	Contact email
Bryan Wee Manager Governance and Legal	03 9278 4470	bryan.wee@boroondara.vic.gov.au

Boroondara Volunteer of the Year and Volunteer Program Innovation Awards

Position Title	Contact number	Contact email
Fiona Brown Manager Community Planning and Development Community Support	03 9278 4476	fiona.brown@boroondara.vic.gov.au

Attachment 1 - Boroondara Citizen of the Year and Young Citizen of the Year awards eligibility and assessment criteria

Boroondara Citizen of the Year and Young Citizen of the Year

Eligibility criteria

To be eligible as a nominee, a person:

- must be an Australian Citizen who lives, works or studies in the City of Boroondara;
- must be nominated, within the nomination period, by another person or organisation that lives, works, operates or studies in the City of Boroondara. Self-nominations are not accepted;
- must be nominated with at least one referee who is familiar with the work, contribution and achievements of the nominee. Referee contact details must be provided;
- if nominated for Boroondara Young Citizen of the Year, must be under the age of 26 as at 26 January the year after nomination. Nominees under the age of 18 at the time of nomination must have the consent of their parent or guardian;
- must not be a current serving Councillor or officer of the City of Boroondara.

For clarity:

- An unsuccessful nominee from a previous year can be nominated again. A successful nominee can only be nominated again 6 after years being successfully selected.
- Nominations can attach supporting documents but answers to each criterion are word-limited.
- The Panel can seek more information about one or more nominees including by contacting the nominator, a referee or referees
- The awards are honorary only and bear no official role or obligatory duties.
- The decision of the Panel is final. All nomination information and material submitted remains the property of City of Boroondara.

Assessment criteria

Eligible nominees are initially scored by Panel members against the following criteria and scored out of 50 in total. Scoring is then discussed by the Panel before a final decision.

No	Criteria	Score
1	Made an exceptional contribution* to improving the quality of life for members of the community in the City of Boroondara: (300 words).	/20
2	Demonstrated exceptional leadership that inspired others as a role model: (300 words).	/20
3	Possesses special skills, talents and attributes to stand out: (200 words).	/10
	Total	/50

* The nominee's contribution can be a single outstanding achievement in the past year, or numerous ongoing achievements over many years including the last year. While nominees can contribute as part of their paid vocation, this can be considered when scoring this criterion.

Attachment 2 - Boroondara Volunteer of the Year and Volunteer Program Innovation awards eligibility and assessment criteria

Boroondara Volunteer of the Year

Eligibility criteria

To be eligible as a nominee, a person:

- must be an Australian resident who volunteers in the City of Boroondara for a not-for-profit community organisation ;
- must be nominated, within the nomination period, by another person or organisation that lives, works, operates or studies in the City of Boroondara. Self-nominations are not accepted;
- must be nominated with at least one referee who is familiar with the work, contribution and achievements of the nominee. Referee contact details must be provided;
- must not be a current serving Councillor or officer of the City of Boroondara.

For clarity:

- An unsuccessful nominee from a previous year can be nominated again. A successful nominee can only be nominated again 6 years after being successfully selected.
- Nominations can attach supporting documents but answers to each criterion are word-limited.
- The Panel can seek more information about one or more nominees by contacting the nominator, a referee or referees.
- The awards are honorary only and bear no official role or obligatory duties.
- The decision of the Panel is final. All nomination information and material submitted remains the property of City of Boroondara.

Assessment criteria

Eligible nominees are initially scored by Panel members against the following criteria and scored out of 50 in total. Scoring is then discussed by the Panel before a final decision is made..

No	Criteria	Score
1	Significant contributions made through volunteering in the community.	/20
2	Significant impact and benefit of the nominee's volunteering on the organisation and the wider City of Boroondara Community.	/20
3	Nominee possesses notable skills, talents and attributes demonstrated through volunteering.	/10
	Total	/50

Volunteer Program Innovation award

Eligibility criteria

To be eligible as a nominee, a program or service must be:

- associated with a not-for-profit organisation or group that involves volunteers;
- based in the City of Boroondara; and
- benefit those who live, work or study in the City of Boroondara.

For clarity:

- An unsuccessful nominee from a previous year can be nominated again. A successful nominee can only be nominated again 6 years after being successfully selected.
- Nominations can attach supporting documents but answers to each criterion are word-limited.
- The Panel can seek more information about one or more nominees by contacting the nominator, a referee or referees.
- The decision of the Panel is final. All nomination information and material submitted remains the property of City of Boroondara.

Assessment criteria

Eligible nominees are initially scored by Panel members against the following criteria and scored out of 50 in total. Scoring is then discussed by the Panel before a final decision is made.

No	Criteria	Score
1	The program or service addressed significant challenges and complexities.	/15
2	The program or service demonstrated innovation.	/20
3	The program or service delivered a positive outcome or impact for the wider City of Boroondara Community.	/15
Total		/50

The decision of the Panel is final, and no correspondence will be entered into in respect of the decision. All nomination information and material submitted remains the property of City of Boroondara.

MINUTES ATTACHMENTS



Council

Monday 25 September 2023

Attachments as annexed to the resolution:

- 7.8 Revised Instrument of Delegation - Council to Council Staff

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



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

YS

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:

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

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

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 25 September 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.

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

..... Chief Executive Officer

..... Mayor

25-09-2023..... Date





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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DUL, DPS, DCT, CHP&P, TLHS, MCS, CPLAC	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises.
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of a revocation under s 19(6)(a) if satisfied that an order has been complied with	DUL, MCS, CHP&P, TLHS, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority. <i>Note – sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.</i>

42.

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

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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

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HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	DUL	<p>Must first obtain the Executive Director's written consent.</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.</p>

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

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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co- ordination of planning scheme with these persons	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(1)	Duty to review the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(2)	Duty to review planning scheme at direction of Minister	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(1)	Duty of giving copy amendment to the planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 17(2)	Duty of giving copy s 173 agreement	DUL, MPP, CSTP, PSTP, SSTP, STP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DUL, MPP, CSTP, PSTP, SSTP, STP	Until the proposed amendment is approved or lapsed	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP,	Until the end of 2 months after the amendment comes into operation or lapses	

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PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 21A(4)	Duty to publish notices	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP	Except submissions which request a change to the items in s 22(5)(a) and (b)	
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	DUL, All Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 26(1)	Power to make reports available for inspection	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	DUL, All Planning Officers	During the inspection period	
s 27(2)	Power to apply for exemption if the panel's report not received	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(1)	Duty to notify the Minister if abandoning an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 28(2)	Duty to publish notice of the decision on Internet site	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 28(4)	Duty to make notice of the decision available on Council's	DUL, MPP, CSTP, PSTP, SSTP, STP		

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 30(4)(a)	Duty to say if amendment has lapsed	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 30(4)(b)	Duty to provide information in writing upon request	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 32(2)	Duty to give more notice if required	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 33(1)	Duty to give more notice of changes to an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 36(2)	Duty to give notice of approval of amendments	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 38(5)	Duty to give notice of revocation of an amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 40(1)	Function of lodging a copy of an approved amendment	DUL, MPP, CSTP, PSTP, SSTP, STP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DUL, MPP, CSTP, PSTP, SSTP, STP		
s 42(2)	Duty to make copy of the planning scheme available in accordance with the public availability requirements	DUL & All Planning Officers		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	DUL, MPP, CSTP, PSTP, SSTP, STP	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.	
s 46AW	Function of being consulted by the Minister	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DUL, MPP, CSTP, Supervising Urban Planning Officers,	Where Council is a responsible public entity	
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DUL, MPP, CSTP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a responsible public entity	
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DUL, MPP, CSTP, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	DUL, MPP, CSTP, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DUL, MPP, CSTP, Supervising Urban Planning Officers		

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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 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the development agency	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers		
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	All Planning Officers	Where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DUL, MPP, CSTP, SO, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority.	
s 46GZ(2)(a)	Function of receiving the monetary component	DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.	
s 46GZ(2)(b)	Function of receiving the monetary component	DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.	
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency	
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DUL, MPP, CSTP, Supervising Urban Planning Officers	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(9)	Function of receiving the fee simple in the land	DUL, MPP, CSTP, CFO, CCO, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZA(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DUL, MPP, CSTP, Supervising Urban Planning Officers	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	

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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DUL, MPP, CSTP, CFO, MCP, CRPS, SO, Supervising Urban Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b) Function of receiving proceeds of a sale	DUL, MPP, CSTP, CFO, CRPS. Supervising Urban Planning Officers, CFO, MCP, CRPS	Where Council is the development agency under an approved infrastructure contributions plan Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency	
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DUL, MPP, CSTP, Supervising Urban Planning Officers	Where Council is a collecting agency or development agency	
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCP, CRPS	Where Council is a collecting agency or development agency	
s.46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CFO, MCP, CRPS		
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	DUL, Specific Urban Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DUL, Supervising Urban Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DUL, Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	DUL, Supervising Urban Planning Officers		
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DUL, Supervising Urban Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	DUL, Supervising Urban Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DUL, Supervising Urban Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	DUL, CFO, Supervising Urban Planning Officers		
s 46Q(1A)	Duty to forward to a development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DUL, Supervising Urban Planning Officers		
s 46Q(2)	Duty to apply the levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	DUL, Supervising Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DUL, MPP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DUL, MPP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DUL, CSTP, MPP, Supervising Urban Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DUL, MPP	With the consent of, and in the manner approved by, the Minister	
s 46QC	Power to recover any amount of levy payable under Part 3B	DUL, MPP		
s 46QD	Duty to prepare report and give a report to the Minister	DUL, Supervising Urban Planning Staff	Where Council is a collecting agency or development agency	

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	DUL		
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period			
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it			
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements			
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	DUL, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 49(2)	Duty to make the Register available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 50(4)	Duty to amend applications	DUL, Specific Urban Planning Officers		
s 50(5)	Power to refuse to amend applications	DUL, Specific Urban Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	DUL & Specific Urban Planning Officers, TLPP, PSO		
s 50A(1)	Power to make amendments to applications	DUL, Specific Urban Planning Officers		
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	DUL, Specific Urban Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 51	Duty to make copies of applications available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DUL, Specific Urban Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	DUL, Specific Urban Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DUL, Specific Urban Planning Officers		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	DUL, Specific Urban Planning Officers		
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DUL, Specific Urban Planning Officers		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	DUL, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	DUL, Specific Urban Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DUL, Specific Urban Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DUL, Specific Urban Planning Officers		
s 54(1)	Power to require the applicant to provide more information	DUL, Specific Urban Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DUL, Specific Urban Planning Officers		
s 54(1B)	Duty to specify the lapse date for an application	DUL, Specific Urban Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DUL, MPP, Specific Urban Planning Officers	Power to refuse to extend time is limited to DUL, MPP and Supervising Urban Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	DUL, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	DUL, Specific Urban Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DUL, Supervising Urban Planning Officers		
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	DUL, Specific Urban Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	DUL, Specific Urban Planning Officers		
s 57A(5)	Power to refuse to amend applications	DUL, Specific Urban Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	DUL, Specific Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DUL, Specific Urban Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	DUL, Specific Urban Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	DUL, Specific Urban Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	DUL, MPP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	
s 60	Duty to consider certain matters	DUL, Specific Urban Planning Officers		
s 60(1A)	Duty to consider certain matters	DUL, Specific Urban Planning Officers		
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	DUL, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	DUL, Specific Urban Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral authority has objected to the grant of the permit on any specified ground; or d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act. <p>Before exercising their delegation, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO), and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Planning and Placemaking (MPP) and/or the Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p>	

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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 Planning and Placemaking MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Coordinator (PAC).</p> <p>The exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or twelve (12) or less objections received, or DUL, and Specific Urban Planning Officers for any Council application under Clause 67.</p>	

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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 planning and Placemaking (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), Statutory Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Planning and Placemaking (MPP) and/or the Coordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DUL, Specific Urban Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DUL, Specific Urban Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DUL, Specific Urban Planning Officers		
s62(2)	Power to include other conditions	DUL, Specific Urban Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DUL, Specific Urban Planning Officers		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DUL, Specific Urban Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DUL, Specific Urban Planning Officers		
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DUL, Specific Urban Planning Officers		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DUL, Supervising Urban Planning Officers		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DUL, Specific Urban Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	DUL, Specific Urban Planning Officers		

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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		

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DUL, Specific Urban Planning Officers, TLPP, PSO		If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving applications for extensions of time of permits	DUL, Specific Urban Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	DUL, MPP, Specific Urban Planning Officers		
s 69(2)	Power to extend time	DUL, Specific Urban Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <ul style="list-style-type: none"> · whether the time originally allowed was reasonable; or · whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or · whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or · the probability that a fresh application, if made, would be granted. 	

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Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 70	Duty to make copies of permits available for inspection	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 71(1)	Power to correct certain mistakes	DUL, Supervising Urban Planning Officers		
s 71(2)	Duty to note corrections in the Register	DUL, Specific Urban Planning Officers, TLPP, PSO		

s 73	Power to decide to grant amendments subject to conditions	DUL, MPP, Specific Urban Planning Officers	<p>The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:</p> <ol style="list-style-type: none"> 1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or 2. The original application was: <ol style="list-style-type: none"> a. determined by the Urban Planning Delegated Committee; or b. a permit was issued at the direction of VCAT; and there are: <ul style="list-style-type: none"> · no objections to the application for amendment; or · between one (1) and 12 objections received, inclusive, to the application for amendment. <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Urban Planner (SSP), Urban Planner (SP), Subdivision Officer/ Senior Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Planning and Placemaking (MPP) and/or Co-ordinator Urban Planning (CUP) and/or Planning Appeals Co-ordinator (PAC)before exercising their delegation.</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Urban Planning Officers may make a decision.</p> <p>IMPLEMENTATION GUIDELINES: Compliance with the Boroondara Planning Scheme and adopted Council Policies.</p>
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 74	Duty to issue an amended permit to the applicant if there no objectors	DUL, Specific Urban Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	DUL, Specific Urban Planning Officers, PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DUL, Specific Urban Planning Officers, TLPP, PSO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority	
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DUL, Specific Urban Planning Officers, TLPP, PSO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit	
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DUL, Specific Urban Planning Officers, TLPP, PSO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit	
s 76D	Duty to comply with a direction of the Minister to issue amended permit	DUL, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 83	Function of being the respondent to an appeal	DUL, Specific Urban Planning Officers		
s 83B	Duty to give or publish notice of an application for review	DUL, Specific Urban Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	DUL, Specific Urban Planning Officers	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	DUL, Supervising Urban Planning Officers, SSP		
s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DUL, Specific Urban Planning Officers, TLPP, PSO	<i>Note – "Principal Registrar" means the Principal Registrar of VCAT.</i>	
s 84(6)	Duty to issue permits on receipt of advice within 3 business days	DUL, Specific Urban Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	DUL, Specific Urban Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 business days	DUL, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 87(3)(a)	Power to apply to VCAT for the cancellation or amendment of a permit	DUL, Supervising Urban Planning Officers		
s 87(3)(b)(c)(d) and (e)	Power to make a decision relating to the conduct of an application to amend a permit under section 87 (3)(b)(c)(d) and (e) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • there are twelve (12) or less objector parties to the application; • if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC. 	
s 87A(2)(a) and (b)	Power to make a decision relating to the conduct of an application to amend a permit under section 87A (2)(a) and (b) before VCAT, including a decision to settle a proceeding by consent.	DUL, MPP, Specific Urban Planning Officer	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • there are twelve (12) or less objector parties to the application; • if the permit to be amended has previously been subject to a determination by the Urban Planning Delegated Committee, and the matter is of a minor nature only and the decision is consistent with previous decision of the UPDC 	
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	DUL and Specific Urban Planning Officers	Officers must exercise delegation in accordance with delegations afforded under Section 61(1) in this Instrument	

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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 91(2)	Duty to comply with the directions of VCAT	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	DUL, Specific Urban Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	DUL, Specific Urban Planning Officers, TLPP, PSO		
s 93(2)	Duty to give notice of a VCAT order to stop development	DUL, Supervising Urban Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	DUL, Supervising Urban Planning Officers		
s 95(4)	Duty to comply with an order or direction	DUL, Supervising Urban Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DUL, MPP		
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DUL, MPP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	DUL, MPP, CSTP, Supervising Urban Planning Officers		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	DUL, MPP, CSTP, PSTP, SSTP, STP, Specific Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 96J	Duty to issue permits as directed by the Minister	DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DUL, MPP, CSTP, PSTP, Specific Urban Planning Officers		
s 96Z	Duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	DUL, MPP		
s 97C	Power to request the Minister to decide the application	DUL, MPP		
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	DUL, MPP, Specific Urban Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	DUL, MPP, Specific Urban Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DUL, MPP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DUL, MPP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DUL, MPP		
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	DUL, MPP, Specific Urban Planning Officers		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DUL, MPP, Specific Urban Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	DUL, MPP, Specific Urban Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	DUL, MPP, Specific Urban Planning Officers, TLPP, PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DUL, MPP, Specific Urban Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DUL, MPP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 101	Function of receiving claims for expenses in conjunction with claim	DUL, MPP		
s 103	Power to reject a claim for compensation in certain circumstances	DUL, MPP	<i>Note – refers to small claims, ie: a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.</i>	
s 107(1)	Function of receiving claims for compensation	DUL, MPP		
s 107(3)	Power to agree to extend the time for making claim	DUL, MPP		
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes			
s 114(1)	Power to apply to the VCAT for an enforcement order	DUL, MPP, Supervising Urban Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DUL, MPP, Supervising Urban Planning Officers, SSP, PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DUL, MPP, Supervising Urban Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	DUL, MPP, Supervising Urban Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
S 123(2)	Power to sell buildings, materials, etc. salvaged in carrying out work under s 123(1)			
s 129	Function of recovering penalties	DUL, MPP		
s 130(5)	Power to allow person served with an infringement notice further time	DUL and MPP, Supervising Urban Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	DUL, MPP, Supervising Urban Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DUL, MPP, Supervising Urban Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	DUL, MPP, SSP, SSTP, STP, CSTP, PSTP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	DUL, MPP, MACP		
s 171(2)(g)	Power to grant and reserve easements	DUL, MPP, MACP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DUL, DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DUL, DPS	Where Council is a collecting agency specified in an approved infrastructure contributions plan	
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	DUL, DCT, DCS, DPS, MACP, MPP, MCS	Subject to a prior Council resolution.	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DUL, DCS, MPP, Supervising Urban Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDE, CDM&C, Supervising Urban Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Supervising Urban Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C		
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, CDM&C, DE, CD, SDO, CDM&C, Specific Urban Planning Officers, TLPP, PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, CDM&C, Supervising Urban Planning Officers		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, CSTP, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		

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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		

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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 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

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

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

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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 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		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	DUL, DCT, DCS, DPS, MACP, MPP, MCS, DE, CD, SDO, CDM&C, Specific Urban Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DUL, DCT, DCS, DPS, MPP, MCS		
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DUL, DCT, DCS, DPS, MPP, MCS		
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP and SO		
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DUL, DCT, DCS, DPS, MPP, MCS, CSTP, PSTP, SSTP, STP, Supervising Urban Planning Officers, SSP and SO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	Column 5
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 184G(2)	Duty to comply with a direction of the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP and SO		
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 198(1)	Function to receive application for planning certificate	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 199(1)	Duty to give planning certificate to applicant	DUL, DCT, DCS, DPS, MPP, MCS, Supervising Urban Planning Officers, SSP, SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	DUL, MPP, Specific Urban Planning Officers		

48.

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		

48.

	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	DUL, MPP, Specific Urban Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • there are no objector parties; • all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference; • if the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised. <p>In the event that a decision made under s 61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • DUL, MPP and Supervising Urban Planning Officers if there are no objector parties; • DUL, MPP and Supervising Urban Planning Officers if all objector parties that have served statement of grounds consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference. • If the matter has previously been subject to a determination by the Urban Planning Delegated Committee, can only be exercised if, in the opinion of DUL, MPP or Supervising Urban Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised.
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48.

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.	

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

48.

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

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ROAD MANAGEMENT ACT 2004

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

48.

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	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)	Duty to specify details of discontinuances in the public roads register	DPS, CRPS, MACP	
s 19(5)	Duty to ensure the public roads register is available for public inspection	DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	DPS, MCP, MT&T, MACP, MCS, CPA&PA, CTM, CT, AP&P, DTO, LMPI, PPM, All Traffic and Transport Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	DPS, MCP, MT&T, MACP, MCS, CPA&PA, AP&P	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	DPS, MCP, MT&T, MACP	

48.

ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	DPS, MT&T, MCP, MFW&I, MACP, LMPI, PPM, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, AP&P, CPA&PA, DTE	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DPS, MT&T, MCP, MACP, MFW&I, CPA&PA, AP&P, MCS	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DPS, MT&T, MCP, MACP, MFW&I, CTM, CT, LMPI, CPA&PA, AP&P, MCS	
s 42(1)	Power to declare a public road as a controlled access road	DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies. <i>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42.</i>

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof. <i>Note - "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i>
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road. <i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i>
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff, DTE	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s 49	Power to develop and publish a road management plan	DPS, MCP, MACP	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Power to determine standards by incorporating the standards in a road management plan	DPS, MCP, MACP	
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	DPS, MCP, MACP	
s 54(2)	Duty to give notice of proposal to make a road management plan	DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	DPS, MCP, MT&T, MACP, CT, CTM, LMPI, PPM, All Traffic and Transport Staff, MCS, CPA&PA, AP&P, DTE	Where Council is the coordinating road authority

48.

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	

48.

ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	DPS, MCP, & MACP, AP&P, CPA&PA, MT&T	
s 122(1)	Power to charge and recover fees	DPS, MACP & MCP, AP&P, CPA&PA	<i>Note – fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2020/21, a fee unit is \$14.81.</i>
s 123(1)	Power to charge for any service	DPS, MACP & MCP, AP&P, CPA&PA, P&A, AP&P	<i>Note:</i> <ul style="list-style-type: none"> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> • <i>supplying a service, product or commodity; or</i> <i>giving information.</i>
Sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DPS, MCP, MACP, CP&PA, AP&P	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42</i>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DPS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	DPS, MCP, MACP	
sch 2 cl 5	Duty to publish notice of declaration	DPS, MCP, MACP	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DPS, MCP, MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DPS, MCP, MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DPS, MCP, MACP, AP&P, CPA&PA	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DPS, MCP, MACP, CPA&PA, AP&P	Where Council is the infrastructure manager or works manager

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 cl 12(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

48.

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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DPS, MCP, MACP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DPS, MCP, MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	DPS, MCP MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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

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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"> a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DUL, MPP, CUP, PAC, PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	DUL, MPP, CSTP, PSP, PP, PAC, CUP	Where Council is the responsible authority or planning authority.

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

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

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

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

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