

Instrument of Delegation
to the
Urban Planning Special Committee

Boroondara City Council (**Council**) delegates to the committee established by resolution of Council passed on 20 December 1999 and known as the "**Urban Planning Special Committee**" (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 27 February 2017;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with regard to the guidelines or policies which Council from time to time adopts.
3. all members of the Committee have voting rights.

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



(Mayor)



(Chief Executive Officer)

27/2/17
(Date)



SCHEDULE

Powers and functions

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* and the *Building Act 1993* having regard to relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated, namely:
 - 1.1 the power of delegation;
 - 1.2 the power to declare a rate or charge;
 - 1.3 the power to borrow money;
 - 1.4 the power to enter into contracts for an amount exceeding an amount previously determined by the Council;
 - 1.5 the power to incur any expenditure exceeding an amount previously determined by the Council; and
 - 1.6 any other prescribed power which cannot lawfully be delegated.
2. exercise the powers which, by force of section 188 of the *Planning and Environment Act 1987* cannot be delegated, namely:
 - 2.1 the power of delegation;
 - 2.2 the powers of a planning authority to abandon or adopt amendments contained in sections 28 and 29;
 - 2.3 the power of a planning authority or responsible authority to appoint a committee to hear submissions under section 191;
 - 2.4 the powers of a responsible authority to apply for an injunction under section 125;
 - 2.5 the powers of a responsible authority to purchase, hold, lease and dispose of land by public auction, private treaty or otherwise under section 171(2)(b);
 - 2.6 the powers of a responsible authority to exchange land for other land and make any financial adjustment required as a result under section 171(2)(c);
 - 2.7 the powers of a responsible authority to consolidate, subdivide, re-subdivide and develop land for any purpose consistent with the planning scheme for which it is the responsible authority under section 171(2)(d);
 - 2.8 the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.