

Attachments

Council Meeting

Monday 9 September 2024


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10.1 **Heritage Controls - 2 Peter Avenue, Blackburn North**

Attachment 1 Draft Heritage Citation - 2 Peter Avenue Blackburn North

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North



IDENTIFIER	HOUSE	Citation Number	029
Other name/s		Melway reference	48 A7
Address	2 Peter Avenue BLACKBURN NORTH		
Date/s	c.1905		
Designer/s	Unknown		
Builder/s	Unknown		
Heritage Group	Residential buildings (private)		
Heritage Category	House		



Photograph by Built Heritage Pty Ltd, March 2024

Historical themes	4	TRANSFORMING AND MANAGING THE LAND			
	4.3	Orchards and market gardens			
Significance	<input checked="" type="checkbox"/> Local	Condition	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
	<input type="checkbox"/> State (potential)		Intactness	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair
Recommendation	Include on heritage overlay schedule as individual heritage place				
	<input type="checkbox"/> External paint controls	<input type="checkbox"/> Interior alteration controls	<input type="checkbox"/> Tree controls		
Extent of HO	<input checked="" type="checkbox"/> To title boundaries	<input type="checkbox"/> As indicated on diagram overleaf			

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North**Place History**

The house at 2 Peter Avenue, Blackburn North, was erected in c.1905 for orchardist John Harris, his wife Jane, and their three adult children, including a son who assisted with the orchard.

The site of the house forms part of Section 70 in the Parish of Nunawading, a vast block of 146 acres (59 hectares) that was one of several along the parish's northern fringe that extended from present-day Springfield Road to the Koonung Koonung Creek. Section 70 was initially granted to James Cousens, who also acquired the two flanking blocks, Sections 69 and 71. In 1893, two long strips of Sections 69 and 70, bisected by Koonung Road, were subdivided into 34 farming sites. These comprised a row of smaller two-acre blocks along Springfield Road, larger blocks of four or five acres flanking Koonung Road, ones larger twenty-acre block, and six others blocks, between four and five acres in area, that stretched between two new east-west roads to the creek.

From the turn of the century, the land closest to Springfield Road was acquired by members of the Harris family, orchardists of nearby Junction Road. In August 1901, brothers Alfred John Harris and Arthur Henry Harris acquired Lots 6 and 7, followed in January 1904 by Lots 1, 2, 3, 4 and 5. These lots combined into a 21-acre holding with a frontage of 1,394 feet (424 metres) to Springfield Road by a depth of 1,513 feet (479 metres). A house had already been completed by 1905, when electoral rolls first listed five members of the Harris family in residence. The rate book for 1908-09 (dated 23 December 1908) includes an entry for a timber house on an 11-acre site on Springfield Road, with Net Annual Value of £25 and a population of five. Alfred was listed as principal occupant, and his brother Arthur as owner. The two men were the sons of orchardist John Harris (1848-1938), although only Alfred followed in the family business. He and his father seem to have run the Blackburn North orchard together, occupying the house on Springfield Road with John's wife Jane and their two unmarried daughters, Edith and Miriam. After Alfred was married in 1910, to Hilda Emily Murdoch, she also took up residence in the family farmhouse.

In 1923, the vast property was subdivided for residential redevelopment and offered for sale as the *Blackburn Heights Estate*, comprising 130 "magnificent building sites" with frontage to Springfield Road, Koonung Road and Surrey Road, plus a network of new streets including Harris Street, Hirst Street, Alma Street, Gordon Street, Merle Street and Deane Street (*Argus* 05/12/1923:2). The original farmhouse was retained on a large unnumbered corner allotment with a frontage of 132 feet (40 metres) to Springfield Road and 231 feet (70 metres) to Alma Street, later to be renamed Peter Avenue. With the orchard no longer extant, Alfred Harris and wife Hilda moved elsewhere, while his parents continued to occupy the farmhouse on its reduced curtilage. The surrounding estate, however, barely developed. After Alfred's early death in 1934, his parents relocated to Fuchsia Street, Blackburn, and ownership of the farmhouse on Springfield Road was transferred to Alfred's widow, Hilda, who moved there with their two sons, Leonard and Alfred.

When Hilda Harris remarried in 1936, she and her new husband, orchardist John Stevens, moved elsewhere. However, she retained ownership of the Springfield Road property and leased it to Joseph Tighe, who ran it as a poultry farm. An aerial photograph of 1945 not only shows a group of poultry shed to the immediate north of the house, but also that the surrounding subdivision, the *Blackburn Heights Estate*, had still barely developed in two decades, with only a few scattered houses along its Springfield Road and Surrey Road frontages. In 1947, tenant Tighe purchased the property from Alfred Harris's widow. Subsequently, the *Blackburn Heights Estate* began to develop with new housing, prompting Tighe to subdivide his own large corner block in 1957, forming four small lots (LP 4155 30/07/1955). The farmhouse, retained on Lot 2, consequently lost its frontage to Springfield Road and was re-addressed as 2 Peter Avenue. By 1960, the chicken sheds to the north had been demolished, with new houses built at Nos 4, 6 and 8.

In 1963, the farmhouse was acquired by the Robley family, who owned it for over sixty years.

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North**Physical Description**

The house at 2 Peter Avenue, Blackburn North, is a single-storey Edwardian timber farmhouse. It has a varied roofline, clad in corrugated steel sheeting, comprising a high gambrel roof, with intersecting gables, an integrated skillion to the verandah, and two large red brick chimneys with stepped caps and rendered banding. While the property originally fronted Springfield Road, to the south, the principal elevation of the house is to the east, facing Peter Avenue. It is elongated, asymmetrical and triple-fronted, with an off-centre projecting gabled bay and a verandah to the left. The projecting bay has a half-timbered gable end with diagonal timber straps and roughcast render, and a pair of windows with double-hung sashes, under a bracketed canopy with ripple iron roofing. The verandah has turned posts and decorative frieze, and the front entrance, opening from the verandah, has a timber door with narrow sidelights and highlight windows. The recessed wing to the north (right) side has paired multi-paned windows.

Comparative Analysis

Large tracts of the City of Whitehorse (and particularly the northern fringes, extending beyond Belmore Road, Woodhouse Grove and Springfield Road) were strongly characterised by orcharding activity from the early twentieth century until well after WW2, and this has been identified as a significant theme in the history of the municipality.

The theme is represented by numerous places on the heritage overlay schedule, of which the most notable is *Strathdon* at 449-467 Springvale Road, Forest Hill (HO113). Established in 1893 by William Fankhauser, the original brick farmhouse was built at that time and then altered and enlarged in the later 1910s by Charles Matheson. Still owned by his family in the early 1990s, the property retained an expansive curtilage (2.5 acres) with remnant fruit trees and a large outbuilding. Consequently considered so potently evocative of local fruit-growing activity, it was acquired by the then City of Nunawading. Although the outbuilding was demolished in the early 2000s, the property otherwise retains its expansive curtilage, original tree-lined driveway and remnant fruit trees, combining to present a unique snapshot of this important local theme.

The theme is represented by several key examples in Blackburn North. A double-fronted timber house at 17 Vivian Street (c.1905) (HO86) is similar to but simpler in design than 2 Peter Avenue, while *Harwood* at 17-21 Junction Road (1910) (HO50) has a more expansive homestead-like expression with a broader verandah. These relatively modest timber houses contrast with the larger and grander red brick villa at 48 Shafer Road (1907) (HO72), associated with the Lawford family, who maintained one of the largest orchards in the municipality. A notably intact timber orchard farmhouse at 15 Middlefield Drive (c.1908), comparable to 2 Peter Avenue in its form and date, has been assessed as part of this current review, and recommended for a heritage overlay.

While the 1945 aerial photograph shows a number of early orchard farmhouses along major the thoroughfare of Springfield Road, the example now addressed as 2 Peter Avenue seems to be the only one to remain in a substantially intact state. Its former neighbour to the west, which occupied a large block on the east corner of Koonung Road, survived post-war subdivision and still stands at 15 Harris Street. A simpler hip-roofed weatherboard house with plain brick chimney, it has been much altered, with new windows and projecting flat-roofed porch to the new street frontage. A seemingly earlier red brick farmhouse, further west along Springfield Road, was retained as part of a 1960s villa unit development and still stands, albeit engulfed by additions and not visible from the street, addressed 4/9 Blake Street, Blackburn North. Further west, in Box Hill North, a former orchard farmhouse still retains its original street frontage at 32 Springfield Road, but has also been heavily altered. Several former orchard farmhouses survive at the Nunawading end of Springfield Road, including a large landlocked timber house to the rear of strip shops (now 25 Mountainview Road) as well as a few later ones, dating from the inter-war period, that retain a Springfield Road frontages at Nos 241, 265 (with a packing shed still standing at the rear) and 277.

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North**Statement of Significance***What is significant?*

The house at 2 Peter Avenue, Blackburn North, is a single-storey Edwardian timber house with a gambrel and gabled roofline and asymmetrical triple-fronted façade with projecting gabled bay and verandah. It was erected c.1905 for orchardist John Harris, whose family would retain ownership for over forty years.

Significant fabric is defined as the exterior of the original c.1905 house. Specific elements of significance include the varied roofline, with gambrel gabled and hopped elements, the brick chimneys, the projecting bay with half-timbered gable end (with unusual diagonal strapwork), paired windows and canopy, and the verandah with turned timber posts and lacework frieze.

How is it significant?

The house at 2 Peter Avenue, Blackburn North, satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Whitehorse planning scheme:

- Criterion A: Importance to the course, or pattern, of our cultural history.
- Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The house is historically significant as evidence of the intensive fruit-growing activity that strongly characterised Blackburn North, and the broader northern fringes of the municipality, from the early twentieth century until after WW2. While a number of similar orcharding farmhouses can be found in the area, in various states of alteration, this one is both a remarkably intact example (consequent to having had few owners over a period of more than a century) and a rare survivor along the major thoroughfare of Springfield Road, which marked the southern boundary of the most intensive orcharding activity in the district. The subsequent use of the property as a poultry farm, from the mid-1930s to the later '50s, demonstrates a rare survival of local agricultural activity well into the post-war era. (Criterion A)

The house is aesthetically significant as a fine and intact example of an Edwardian timber villa. It displays the characteristic asymmetrical façade, gabled bays and verandah, combined with an above-average level of embellishment, notably the half-timbered gable end (in a highly unusual diagonal pattern), skillion window canopy and verandah with turned timber posts and lacework frieze. (Criterion E)

References

Certificates of Title: Volume 2830, Folio 926 (5 August 1901; Volume 2970, Folio 901 (19 January 1904); Volume 3389, Folio 795 (10 January 1910); Volume 8430, Folio 221 (8 February 1963).

Shire of Nunawading Rate Books. Microfiche edition, held by Box Hill Historical Society.

Lodged Plan No 41555 (30 July 1957).

Previous Heritage Studies

Andrew Ward & Associates, *City of Whitehorse Heritage Review* (2001)

Coleman Architects, *Whitehorse Heritage Review* (2016) – Schedule 2, graded C

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North



Historical Images

By Public Auction, SATURDAY, 8th DECEMBER, 1923 On the land at 3 o'clock, in a Seated Marquee.

Blackburn Heights Estate

Within 8 minutes walk of Blackburn Railway Station

130 Magnificent Building Sites 130

EXTRAORDINARILY EASY TERMS:
 5 per cent. Discount for Cash or free of Interest if paid within 6 months
 A Home Site for £1 per month, and only 27 minutes from the City.
 The First Class Periodical Ticket is less than 10d per day return.
 Buy now before the boom, and participate in the rise in values.

Advantages of Blackburn Heights

1. The fares are only 3d. per week more than Box Hill.
2. The highest position in Blackburn, 350 feet.
3. Magnificent Drainage.
4. 8 minutes from Electric Train.
5. 27 minutes from City.
6. Electric Light on the Estate.
7. Water Mains adjoining.

FREE RAILWAY PASSES
 Secure a Coupon from the Office of the Auctioneers, which, on presentation to any Railway Booking Office on the Railways line, entitles you to a free First Class return Ticket to Blackburn.

£3 Deposit, £1 PER LOT Per Month
 Balance in 5 Years
 Interest at 6 per cent.

TITLE CERTIFICATE
 Solicitors:
 H. G. GARRA,
 19 Queen Street, Melbourne.
 Surveyor:
 W. J. MEENHARDT,
 382 Collins Street, Melbourne.

Free Motor Cars from Station to Estate
 Trains leave Flinders Street on day of Sale at—
 1.35 p.m., 2 p.m. and 2.50 p.m.

ARTHUR TUCKETT & SON
 Subdivisional Auctioneers,
 58 Queen Street, Melbourne.
 Phone: Central 8008, 11470.

MITCHELL & CO.
 Estate Agents,
 Box Hill.
 Phone: Box Hill 533.

Flyer for auction of Blackburn Heights Estate (1923) showing former orchard farmhouse (outlined in red) with large curtilage on west corner of Springfield Road and Peter Avenue (then known as Alma Street).
 Source: Map Collection, State Library of Victoria



Excerpt from 1945 aerial photograph, showing the house at 2 Peter Avenue (circled in red), with the chicken sheds to the immediate north, the former orchard mostly consumed by shrubland, and a few newer houses further to the east, fronting Surrey Road and Springfield Road.
 Source: City of Whitehorse Maps. <<https://map.whitehorse.vic.gov.au/index.html>>

10.1 – ATTACHMENT 1. Draft Heritage Citation - 2 Peter Avenue Blackburn North



DRAFT

10.4 **Ringwood Activity Centre - Draft Activity Centre Plan**

Attachment 1 Attachment 1 - Draft Ringwood Activity Centre Plan
August 2024

10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



Acknowledgement of Traditional Custodians

We proudly acknowledge Victoria's Traditional Owners and the Wurundjeri Woi-wurrung People of the East Kulin Nation, for their ongoing strength in practising the world's oldest living culture.

We recognise the diversity of Victoria's Traditional Owners as distinctive communities with their own sets of laws, customs and processes built upon tens of thousands of years of knowledge.

We acknowledge the Traditional Owners' lands and waters on which we live and work and pay our respects to their Elders, past and present.

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10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



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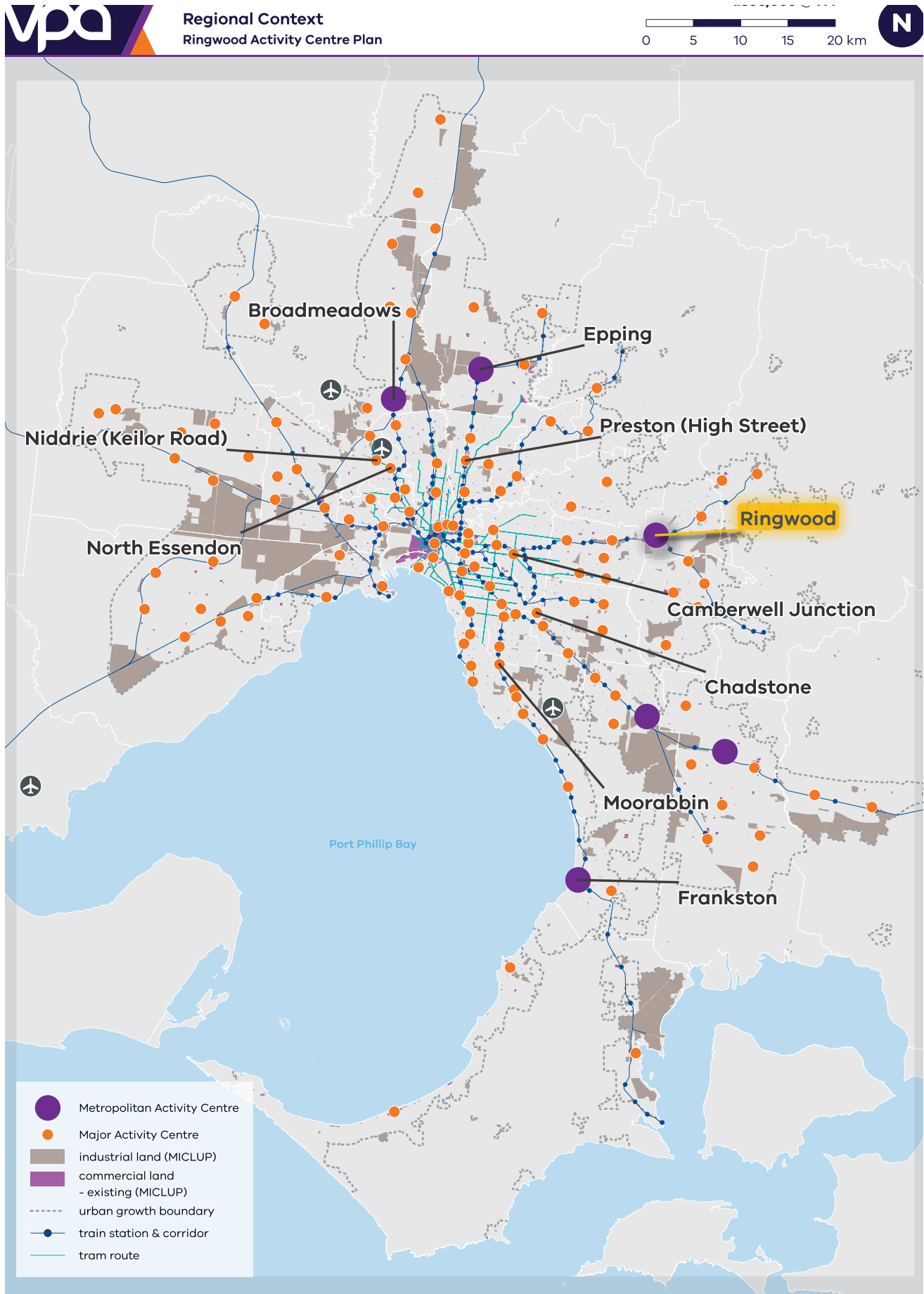
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10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



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10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



1 A network of activity centres

1.1 Strategic context

In September 2023, the Victorian Government released *Victoria's Housing Statement – The Decade Ahead 2024–2034*^{*} which identified 10 activity centres and their surrounds as key locations for a pilot program. The distribution of the centres is shown at [Plan 1 Regional context](#). This builds on existing policy encouraging increased housing diversity and density in activity centres in *Plan Melbourne 2017–2050*^{**} and in the new *Plan for Victoria*^{***} (under development in 2024).

Activity centres are identified as key locations for increased housing supported by additional jobs, services and amenities. This strategic work for activity centres will complement the new *Plan for Victoria* which is currently being developed to reimagine the future of our cities, suburbs, towns, and regions. This will support delivery of new homes in locations with great public transport access and closer to jobs and opportunities.

The pilot program's seven objectives aim to facilitate increased housing supply through:



Built form controls tailored to place with guidance for ensuring place identity (public realm, amenity and heritage)

The Activity Centre Program will deliver a coherent, clear and consistent planning approach. This will include implementing a tailored suite of tools and planning controls to ensure local areas of significance are recognised and enhanced.



A new and simplified approach to infrastructure contributions

The program will deliver a simple approach to infrastructure contributions to contribute to the funding of community infrastructure, open space, walking, cycling and transport infrastructure. The infrastructure will support these growing centres and will include mechanisms to contribute to funding their delivery.



Focus on walkable catchments, encouraging new housing types and diversity

As well as providing clearer controls to facilitate density in the activity centre core areas, the program will provide guidance for the catchment of the centre, supporting greater housing diversity in areas that are within walking distance.



Transparent plans (as an alternative to traditional structure plans) that set out place objectives, local values, built form requirements, growth expectations and future vision

An activity centre plan will be prepared for each activity centre and will have clear planning controls that provide certainty of the built form outcomes. This will drive investment into the centres and provides the community with certainty of the long-term development expected.

Introducing deemed to comply standards will provide greater certainty on the supported built form outcomes in each centre. These built form outcomes have been tailored to the local context and ensure development expectations are known.

^{*} State of Victoria (Department of Premier and Cabinet), *Victoria's Housing Statement – The Decade Ahead 2024–2034*, 2023

^{**} State of Victoria (Department of Environment, Land, Water and Planning), *Metropolitan Planning Strategy: Plan Melbourne 2017–2050*, 2017

^{***} State of Victoria (Department of Transport and Planning), *Plan for Victoria*, 2024



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024**Shorter amendment pathway and streamlined approvals**

Streamlined planning scheme amendment processes ensure development-ready land is available as soon as possible. Coupled with efficient planning permit processes, this means more homes for Victorians sooner.

**Affordable housing**

Activity centre planning will encourage the delivery of affordable housing by being clear on affordable housing needs and giving greater planning certainty when affordable housing is provided.

**Using State Government landholdings to showcase new approaches and deliver housing and services**

Utilising existing State Government landholdings within the centres provides an opportunity for the government to lead the sector in innovative ways to provide greater housing choice and services.



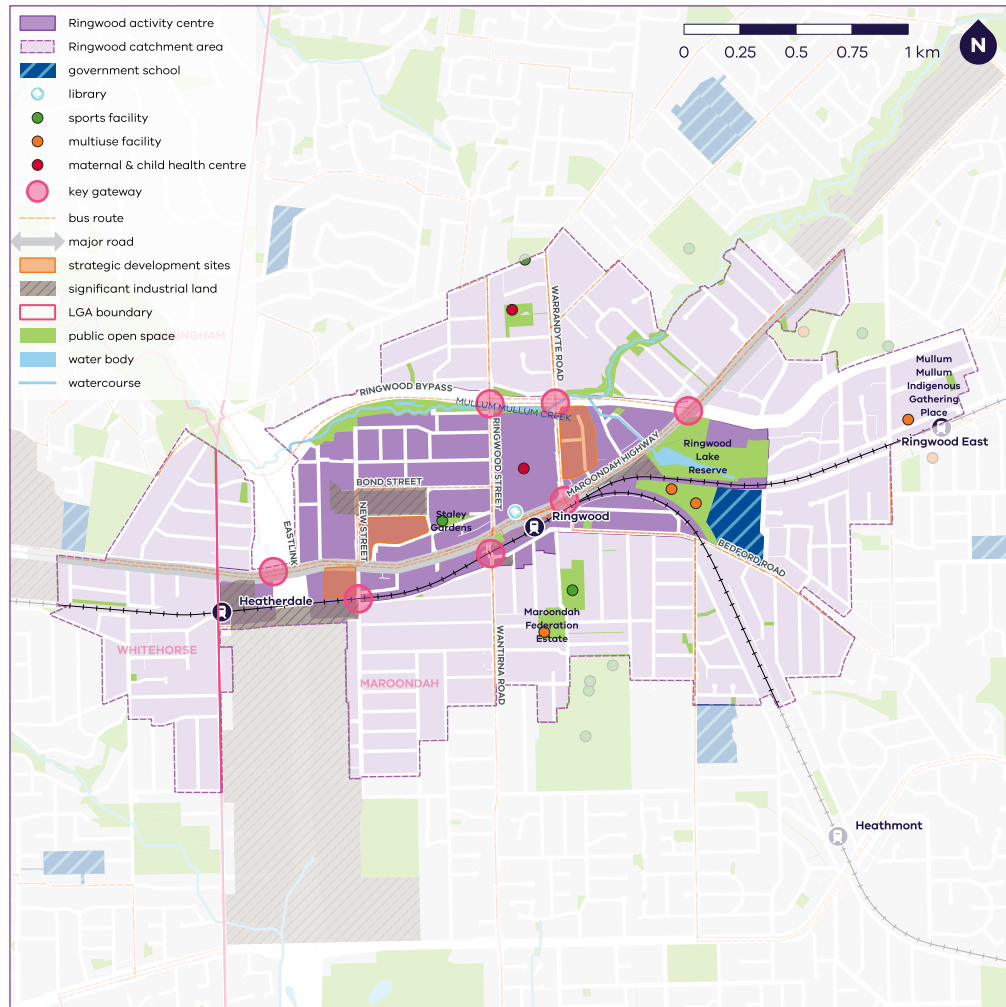
10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



2 Purpose of this document

The *Draft Ringwood Activity Centre Plan* addresses development outcomes within the Ringwood activity centre and in the associated catchment areas, shown in [Figure 1. Ringwood activity centre and catchment area](#). This is a draft plan for consultation and will be refined to inform a planning scheme amendment proposed to be completed by the end of 2024.

Figure 1 Ringwood activity centre and catchment area



2.1 Activity Centre Program

Victoria is the fastest growing state in Australia, with the population to reach 10.3 million by 2051. By the 2050s, Melbourne is expected to be home to more than eight million people. However not enough homes are being delivered to support this growing population*.

The purpose of the Activity Centre Program as identified in *Victoria's Housing Statement – The Decade Ahead 2024–2034* is to unlock 60,000 new homes by 2051. These homes are to be located in the 10 activity centres and their surrounds, having been identified as having great access to services, jobs and transport. This plan outlines how the Ringwood activity centre and catchment area can contribute 8,200 to 12,200 new homes.

* State of Victoria (Department of Premier and Cabinet), *Victoria's Housing Statement – The Decade Ahead 2024–2034*, 2023.

10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



2.2 Ringwood activity centre

The Ringwood activity centre is the commercial core of the precinct. Activity centres are the heart of local businesses, community, transport, leisure, and more intensive styles of housing. They are the places where people come to shop, work, meet, relax and live. State planning policy recognises that activity centres are ideal places to support residential growth.

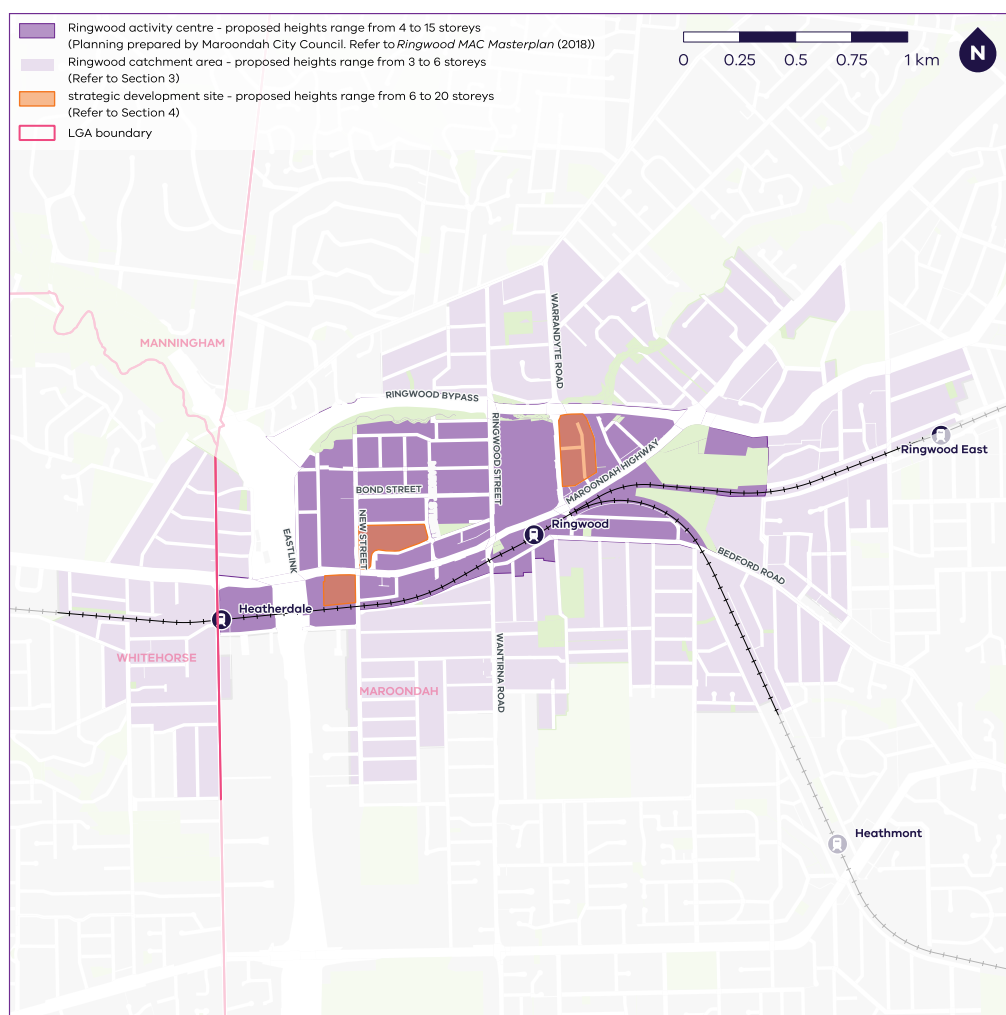
Maroondah City Council has already consulted with the Ringwood community to develop the *Ringwood MAC Masterplan* (2018). The masterplan seeks to enhance the role and function of Ringwood through built form planning controls that will facilitate an increase in population, supported by increased density and better design.

The draft revised *Ringwood MAC Masterplan* is proposed to align with the objectives of the Activity Centre Program. The draft revision of the masterplan focuses on three strategic development sites to support increased housing and employment opportunities and enhanced built form outcomes in these locations (refer Figure 2).

The *Draft Ringwood Activity Centre Plan* builds on the draft revised masterplan by providing additional guidance for the catchment area. Key findings relating to Ringwood activity centre and broader area from phase 1 consultation are detailed in [3.6 Phase 1 community engagement](#).

The revised draft masterplan and this *Ringwood Activity Centre Plan* are proposed to be new background documents at Clause 72.08 in the *Maroondah Planning Scheme*. The revised draft *Ringwood MAC Masterplan* (2024) is available as part of this Phase 2 consultation.

Figure 2 Building heights in the Ringwood activity centre and catchment areas



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



2.3 Catchment area attributes

Housing growth in catchment areas around activity centres is a longstanding state policy. State Government is seeking to give clearer direction on the level of growth needed in these locations in alignment with our housing needs as identified in *Victoria's Housing Statement*.

The *Draft Ringwood Activity Centre Plan* builds on the strategic work undertaken by Maroondah City Council for the activity centre core by focusing on additional guidance for the catchment area. The catchment area is made up of the residential, retail, commercial and industrial neighbourhoods surrounding the Ringwood activity centre. The catchment provides an opportunity to increase accessibility for more people to meet most of their daily needs within a walkable distance to and from their home.

Built form implementation in the catchment is under investigation. The extent of the catchment and the proposed types of housing are described at [3 Catchment area](#).



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



3 Catchment area

The **catchment area** is the area within walking distance of the local jobs, services and public transport of the Ringwood activity centre. Building more homes here is a good way to create a more lively, inclusive and sustainable local community.

The plans will make sure Victoria builds the right types of homes in the catchment, in the places they fit best.

The plans will encourage greater housing diversity to meet the community's changing needs. This will encourage more efficient use of land through site consolidation, creating space for trees and greenery, as well as liveable and sustainable homes and neighbourhoods.

The catchment area is generally up to 800 metres from the edge of the non-residential areas of the activity centre. The extent of the catchment area is shown at [Figure 1 Ringwood activity centre and catchment area](#).

3.1 Defining the catchment area

The catchment area was defined by undertaking a number of steps.

Firstly, the activity centre's residential and non-residential areas were identified.

From the edge of the activity centre's non-residential areas, an 800 metre walkable catchment was identified using streets, rather than "as the crow flies".

This catchment area was then refined to generally apply to whole blocks, and was further reduced where there are:

- Natural and physical barriers
- Limiting planning controls or environmental constraints that make these areas inappropriate for the proposed residential change
- Areas subject to future planning investigations.

Non-residential uses will be removed from future planning approaches within the catchment area.

3.2 Proposed residential change

The catchment area will provide an opportunity for more housing diversity including quality social and affordable housing, focusing on higher-density apartments, medium-density apartments, townhouses and semi-detached homes close to the activity centre.

Over time and on appropriate sites, small apartment buildings may be possible up to three to six storeys, mixed with townhouses and detached, semi-detached houses. Examples of different residential apartment building sizes are shown below.

Only the largest blocks of land in the catchment will be able to build up to five to six storeys. Smaller blocks will only be able to build up to three to four storeys, and some homes and buildings may not change at all.

The size and height of buildings will need to respond to standards to:

- Ensure good internal amenity within the new homes
- Opportunities for planting of canopy trees
- Appropriate provision of car parking and storage facilities
- Minimise impact on neighbours.

Planning controls will be reviewed to create these opportunities.



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024**3.2.1 Examples of four to six storey development precedents:****4 storeys****Aboriginal Housing Victoria**

Developer: Aboriginal Housing Victoria

Architect: Breathe Architecture

**Merri Green**

Developer: MAB

Architect: Six Degrees Architects

5 storeys**122 Roseneath Street**

Developer: Wulff Projects, Icon Developments and Assemble

Architect: Fieldwork Projects

**Averi Apartments**

Architect: Jackson Clements Burrows Architects

6 storeys**Ferrars & York**

Ferrars & York, enabled by HIP V. HYPE, designed in collaboration with Six Degrees Architects and built by Ironside.

Photography: Tess Kelly

**Balfre Park Lane**

Developer: Aspekt

Architect: Kerstin Thompson



10.4 – ATTACHMENT 1. Attachment 1 - Draft Ringwood Activity Centre Plan August 2024



3.3 Non-residential areas

Land in the catchment area that is not currently zoned or used for residential purposes has not been identified for more housing.

Existing planning provisions are proposed to be retained in these areas.

3.4 Key attributes of the activity centre 'catchment' area

Figure 1 Ringwood activity centre and catchment area shows some of the community and transport infrastructure in the activity centre and the catchment. The Ringwood activity centre catchment is divided by EastLink and the Ringwood Bypass. It is serviced by two train stations, Heatherdale and Ringwood. Ringwood East adjoins the catchment and there are bus routes throughout the catchment.

Ringwood has the Mullum Mullum Creek, Mullum Mullum Park, Jubilee Park and the Ringwood Lake Reserve. Jubilee Park has Aquanation and local sport facilities for football, cricket, tennis, croquet and soccer.

The area has varied street network with both a rectilinear and a more organic pattern in parts. There is variation of lot shape and sizes.

3.5 Existing planning provisions

This section outlines existing planning provisions within the catchment area and describes where there is a planning control with a significant relevance to development opportunities.

The General Residential Zone and the Neighbourhood Residential Zone are the predominant zones in the catchment.

In the catchment, there is:

- Transport Zone
- Public Use Zone
- Public Park and Recreation Zone, and
- Commercial 1 Zone.

Maroondah Planning Scheme's General Residential Zone:

- Schedule 1 General Residential Areas has variations to the requirements of Clause 54 and 55.
- Schedule 3 Greyfield Renewal Precincts has no variations to the requirements of Clause 54 and 55 and provides up to 13.5 metres and four storeys.
- Maroondah's planning scheme Neighbourhood Residential Zone:
- Schedule 2 Ridgeline Protection Area B has variations to the requirements of Clause 54 and 55 and to the minimum subdivision area.
- Schedule 3 Canopy Cover Ridgeline Protection has variations to the requirements of Clause 54 and 55.

Whitehorse Planning Scheme's General Residential Zone:

- Schedule 2 Bush Suburban Precinct 2 has variations to the requirements of Clause 54 and 55.
- Whitehorse's planning scheme Neighbourhood Residential Zone:
- Schedule 1 Bush Environment Areas has variations to the requirements of Clause 54 and 55.
- Schedule 3 Traditional Bush Suburban Areas has variations to the requirements of Clause 54 and 55.



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Within the catchment area, there are a number of overlays:

- Bushfire Management Overlay
- Development Contributions Plan Overlay
- Environmental Audit Overlay
- Environmental Significance Overlay
- Land Subject to Inundation Overlay
- Significant Landscape Overlay
- Vegetation Protection Overlay
- Special Building Overlay
- Heritage Overlay.

The Design and Development Overlay applies design objectives and specific requirements relating to the design and built form of new developments in the following areas:

- Schedule 2 Ridgeline Protection Area – B
- Schedule 6 Ringwood East Neighbourhood Activity Centre Commercial Precinct

A Neighbourhood Character Overlay applies specific requirements to ensure that new residential development respects the existing character in the following area:

- Schedule 3 Jubilee Park.

Within the catchment, there is Development Plan Overlay Schedule 7 Ringwood Greyfield Renewal Precinct.

3.6 Phase 1 community engagement

Consultation was undertaken from March to May 2024. The purpose of Phase 1 community engagement* was to:

- Build community understanding about what will change in local neighbourhoods, the new planning controls, and what the community can influence.
- Learn from the community to inform the plans.

Maroondah City Council undertook engagement on its current *Ringwood MAC Masterplan* (2018). The Activity Centre Program intends to use the council's plan for the activity centre, with minor revisions to specific sites to align with the Activity Centre Program.

Community consultation was undertaken, including the establishment of a community reference group for the Ringwood Activity Centre and surrounds. The intent of the community reference group was to allow representatives from the community to provide focused input on the issues and opportunities for the activity centre and surrounding area and build upon existing engagement by council.

We heard:

- The need to balance new homes and key community infrastructure.
- The importance of enhancing the environmental focus in and around the centre.
- The need for improved connectivity in and around Ringwood.
- Balancing development whilst maintaining Ringwood's unique identity, history and culture

* Ringwood Activity Centre Program, *Community Consultation Phase 1: Engagement Summary Report*, August 2024



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4 Implementation

The proposed changes to the land use and development controls on affected land will be implemented via a planning scheme amendment. The activity centre plan will also be implemented through other statutory and non-statutory measures including, but not limited to, identified future strategic work, establishing infrastructure contributions, and infrastructure projects as well as affordable housing requirements. It is intended that the planning scheme amendment/s to implement this activity centre plan be completed by the end of 2024.

The preferred planning tool for the catchments is to be confirmed. It is not proposed to remove heritage overlays through new provisions.

4.1 Built form control – Ringwood activity centre

Built form in the Ringwood activity centre, will be guided by the revised *Draft Ringwood MAC Masterplan* which will be a background document at Clause 72.08 in the *Maroondah Planning Scheme*. This includes focused updates to align the masterplan with the Activity Centre Program and introduce built form controls for strategic development sites.

An update to existing planning controls may be required to align councils strategic work with the broader Activity Centre Program and implement the new built form controls to strategic development sites within the Ringwood activity centre.

4.2 Future strategic planning work

The preparation of this plan has identified additional work to be undertaken by the Victorian Government, Maroondah City Council or other agencies. This includes:

- A new simplified and standardised infrastructure funding approach
- Possible preparation of a Parking Precinct Plan and the introduction of a Parking Overlay
- Possible introduction of updated flood management controls (subject to further work with Melbourne Water).

Other non-statutory work has also been identified. This includes engagement with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation on how to celebrate Aboriginal cultural and values in the design and development process, especially for large opportunity sites and delivery of transport, and community infrastructure including open space.

4.3 Aligning existing controls

4.3.1 Activity centre

No further proposed changes, other than those described in Section 4.1 above, apply to the Activity Centre.

The planning controls proposed to be retained in the activity centre are:

- All heritage protection (HO)
- Special Building Overlay (SBO)
- Vegetation Protection Overlays (VPO1)
- Development Contributions Plan Overlay (DCPO1)
- Development Plan Overlay (DPO2)



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4.4 Infrastructure delivery

The population of the Ringwood activity centre and surrounding catchment is expected to increase with additional housing required to accommodate the growing population. The additional dwellings required is anticipated to be between 8,200 to 12,200 dwellings by 2051.

As more people call Ringwood home, it is important that the local schools, services and infrastructure have the funding they need to grow. During consultation the community has been clear that vibrant places with green parks and local community facilities are important to support housing growth.

4.4.1 An innovative approach to infrastructure contributions

The State Government is exploring options for a simplified infrastructure funding mechanism to fund the things the future suburb needs.

This mechanism could provide direct contributions for councils and State Government to deliver essential infrastructure like roads, community centres and local sporting facilities to support growing and changing communities.

The activity centre plan will guide investment in the things a growing suburb needs like community facilities, bike paths and upgrading parks and open spaces.

We are consulting with the community on their priorities for investment in infrastructure.

4.5 Affordable housing

Affordable housing is defined in the *Planning and Environment Act, 1987* (The Act) as “housing, including social housing, that is appropriate for the needs of very low-, low- and moderate-income households.” The Act specifies annually updated income range classifications for very low- to moderate-income households.

Applications for residential subdivision and development should consider how they contribute to meeting the need for affordable housing.

Where affordable housing is provided, it should contribute to meeting the needs of very low- to moderate-income ranges.

This contribution can be delivered via the following options:

- Discounted sale or gifting of homes to a Registered Housing Agency or Homes Victoria which provides affordable housing
- A cash contribution equivalent to the above to the Social Housing Growth Fund or nominated trust account to the satisfaction of the responsible authority.
- Any other delivery method that provides for affordable housing, subject to the approval of the responsible authority.

This is in conjunction with the other local, state and federal government initiatives aimed at delivering more affordable housing such as:

- Unlocking surplus government land (State)
- The *Development Facilitation Program* (State)
- The *Short Stay Levy* (State)
- The *Regional Housing Fund* (State)
- The *Big Housing Build* (State)
- The *Public Housing Renewal Program* (State)
- The *Affordable Housing Investment Partnership* (State)
- The *Social Housing Accelerator* (Federal); and
- The *National Housing Accord* (Federal)

In addition, government is seeking feedback on the “Big ideas for Victoria’s future” through the *Plan For Victoria* consultation process. Ideas include setting a minimum amount of social and affordable housing in new developments.



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4.6 Identification of environmental constraints

To ensure that future residents are afforded a high-quality environment where potential risks of harm to amenity and human health are avoided or mitigated, the activity centre plan highlights the need to consider potential contamination, noise and vibration, as well as amenity and buffers at the permit application stage.

4.6.1 Potentially contaminated land – catchment

Identifying contamination is important because it can cause harm to human health and the natural environment. Where a site is contaminated, the local environment, including the soil, indoor or outdoor air, and/or surface water or groundwater may be unsafe for site occupants. Immediate and longterm health effects may occur where people are exposed to harmful levels of contamination.

It is anticipated that council's own strategic work will address matters related to potentially contaminated land within the Ringwood activity centre. However, the approach to planning for housing supply in the catchment area does not require any changes to the underlying residential zoning and will not change existing land use arrangements. As such, across the catchment, council's assessment of an application for a planning permit is the appropriate time for the proponent to address the potential for contamination and mitigate risks posed to human health or the environment, having regard to Section 60 of the *Planning and Environment Act 1987* (the Act).

Section 60 of the Act requires a responsible authority, before deciding on a permit application, to consider 'any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development'. Section 60 is applicable to potentially contaminated land, which may affect, or be affected by, use or development*.

4.6.2 Noise

Consideration of noise (and vibration) is important to ensure that future residents are able to undertake normal activities in and around their home and have access to an adequate sleeping environment.

To accommodate future growth, development should where possible seek to incorporate:

- Appropriate building siting
- Appropriate design, including orientation and internal layout
- Urban design, and
- Land use separation techniques appropriate to the functions and character of the area.

4.6.3 Amenity and buffers

It is important to ensure that intensification of existing residential use and the associated development of land is compatible with adjoining and nearby land uses, particularly where there is potential for off-site impacts from commercial, industrial and other uses, such as dust or odour.

Where appropriate, development proposals will be required to demonstrate that the amenity and human health of future residents will not be adversely affected by these uses.

* State of Victoria (Department of Transport and Planning), *Planning Practice Note 30: Potentially Contaminated Land*, updated May 2024.



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10.7 Audit and Risk Committee Charter

Attachment 1 Audit Risk Committee Charter - for Council approval



WHITEHORSE
CITY COUNCIL

Audit and Risk Committee Charter

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Audit and Risk Committee Charter

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<p>This Charter is prepared and approved by the Council pursuant to Section 54(1) of the Act.</p>



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Audit and Risk Committee Charter

1. PURPOSE

Whitehorse City Council has established an Audit and Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* (the Act).

The Committee supports Council to fulfil its corporate governance and oversight responsibilities in the following areas:

- financial and performance reporting,
- risk management,
- integrity framework, including fraud and corruption prevention systems and controls;
- maintenance of a sound internal control environment,
- assurance activities including internal and external audit; and
- Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

It acts in this capacity by monitoring, reviewing and advising on the above matters as set out in this Charter.

2. AUTHORITY

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council and will operate within the prescriptions of its Charter. Matters that may arise from time to time outside the Committee's Charter but which require the Committee's involvement, may be addressed by the Committee with Council consent. The Council authorises the Committee within the scope of its role and responsibilities to:

- Provide advice and make recommendations to Council on matters within its areas of responsibility;
- Retain counsel of relevant independent experts, including legal advice where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;
- Seek any relevant information it requires from Council, Council Officers (who are expected to cooperate with the Committee's requests) and external parties;
- Perform activities within its role and responsibilities as described in this Charter, including consideration of any request by Council or the Chief Executive Officer that is consistent with this Charter; and
- The Committee will, through the Chief Executive Officer, have access to appropriate management and secretariat support to enable it to discharge its responsibilities effectively.



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Audit and Risk Committee Charter

3. COMPOSITION AND TERMS OF OFFICE

3.1 Composition

3.1.1 The Committee comprises of five members, two Councillors and three independent members, appointed by Council.

3.1.2 In accordance with section 53(3) of the Act, the Committee must:

- Include members who are Councillors of the Council (3a);
- Consist of a majority of members who are not Councillors of the Council and who collectively have:
 - expertise in financial management and risk (3b i),
 - expertise in public sector management (3b ii);
- Not include Council staff (3c).

3.1.3 A committee quorum shall be three members, with at least one Councillor and two independent members.

3.1.4 Council's internal and external auditors cannot be appointed to the Committee.

3.2 Chair

3.2.1 The Chair of the Committee must be one of the independent members.

3.2.2 The Chair is appointed by all Committee members annually by election at the conclusion of the Committee's meeting, at which it receives Council's annual statements.

3.2.3 The election of the Chair shall take place in accordance with Appendix B.

3.2.4 If the Chair is unable to attend a meeting, the members in attendance at the meeting will appoint a Chair for that meeting from among the attending independent members.

3.2.5 Where two Councillors and two independent members attend a committee meeting, the Chair of the Committee shall have a casting vote if required.



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Audit and Risk Committee Charter

3.3 Terms of Office

3.3.1 Independent Members

- 3.3.1.1 Recruitment of independent members shall be made by way of public advertisement and will leverage a skills and experience matrix assessment that identifies the particular blend of skills and experience required for the role.
- 3.3.1.2 Independent members' terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership.
- 3.3.1.3 Should the resignation/retirement of more than one Independent Member coincide, the Council may extend the term of the remaining Independent Members by not more than one year to ensure continuity.
- 3.3.1.4 Independent members will be appointed for an initial period not exceeding three (3) years after which they will be eligible for an extension or re-appointment, for a further three (3) year term after a formal review of their performance, such review to be undertaken by the Chief Executive Officer with the two Councillor Committee members and two independent Committee members, and final approval by Council.
- 3.3.1.5 At the conclusion of a member's authorised term, the member may reapply for Committee membership.

3.3.2 Councillors

- 3.3.2.1 Councillor members of the Committee will be appointed by the full Council on an annual basis, with Councillor Appointees to be generally rotated after a minimum period of two years. The intent of the rotation system is to expose as many Councillors as possible to the Committee membership and proceedings.
- 3.3.2.2 Other Councillors may attend the meetings as observers, without comment or voting rights. The Committee Chair has discretion to invite comments. Other Councillors should inform the Committee Chair of their intention to attend through management.
- 3.3.2.3 Should an appointed Councillor member not be able to attend a committee meeting, the Mayor or Deputy Mayor may attend the meeting as an alternate in such circumstances. The Chair of the Committee may defer the meeting where there are insufficient members present.



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- 3.3.2.4 Where a Councillor member is unable to attend committee meetings for the remainder of their term of appointment, the member must resign from the Committee and Council elect a replacement.

3.4 Fees

- 3.4.1 Pursuant to section 53(6) of the Act, the Council will pay a fee to independent Committee members. Independent members are to be remunerated in accordance with rates periodically set by Council resolution.
- 3.4.2 Increases in the remuneration of Committee members will be limited to increases as per the Council Rate Cap and adjusted annually on 1 July.
- 3.4.3 No less than once every Council term (4 years), the fee paid to Independent Members will be benchmarked against no less than five other like councils to provide the Council with the information required to fully review fees. Following the benchmarking exercise, an increase to the remuneration of Committee members may exceed Council's Rate Cap if needed.
- 3.4.4 Time spent on performing any special task deemed necessary by the Committee will be paid for at an agreed rate to be negotiated, depending upon the requirements of the task and professional expertise of the independent members and approved by Manager Governance and Integrity.
- 3.4.5 The fee payment will be made after each meeting following receipt of a Tax Invoice from the external member (including the purchase order number provided by Council) after each scheduled meeting.

3.5 Induction

- 3.5.1 All new Committee members will receive material and information to ensure they are cognisant with the administrative environment, operational profile and risk management processes of Council.

4. COMMITTEE'S RESPONSIBILITIES

The Committee's responsibilities as per section 54(2) of the Act are outlined as follows:

- (a) monitor the compliance of Council policies and procedures with—
 - (i) the overarching governance principles; and
 - (ii) this Act and the regulations and any Ministerial directions;
- (b) monitor Council financial and performance reporting;
- (c) monitor and provide advice on risk management and fraud prevention systems and controls;
- (d) oversee internal and external audit functions.



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4.1 Compliance of Council policies and procedures

- 4.1.1 Monitor the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment and achieving compliance with the overarching governance principles.
- 4.1.2 Monitor significant changes to compliance obligations, systems and controls to assess those changes and the impacts on Council's risk profile.
- 4.1.3 Obtain updates on any significant compliance issue.
- 4.1.4 Ensure that a program is in place to test compliance with systems and controls.
- 4.1.5 Consider the findings and recommendations of relevant audits undertaken by the Victorian Auditor General's Office or other integrity agencies and ensure that Council considers and applies any relevant recommendations.
- 4.1.6 Note biannual reporting on Chief Executive Officer and Councillor expenses.

4.2 Financial and Performance Reporting

- 4.2.1 Monitor Council's financial and performance reporting for compliance with external obligations and to assist the Committee keep up to date with Council's financial and operational performance.
- 4.2.2 Review significant accounting and reporting issues, including complex or unusual transactions and areas requiring significant judgement. Additionally, examine recent accounting, professional, and regulatory pronouncements, as well as legislative changes, to understand their impact on the annual financial report. This is to include a review of accounting papers on asset valuations and changes to methods/assumptions.
- 4.2.3 Review with management and the external auditors the results of the audit, including any difficulties encountered.
- 4.2.4 Review the annual financial report and performance statement of the Council and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles.
- 4.2.5 Recommend the adoption of the annual financial report and annual performance statement to Council.



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4.3 Risk Management

- 4.3.1 Review the effectiveness, annually of Council's risk management framework to ensure Council's risk exposure is managed appropriately.
- 4.3.2 Monitor Council's risk appetite and the changes occurring in the risk profiles.
- 4.3.3 Monitor Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans.
- 4.3.4 Monitor the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.
- 4.3.5 Note the placement of annual insurance renewal program.

4.4 Integrity Framework

- 4.4.1 Monitor Council's Fraud and Corruption Control Framework including policy, plan, fraud and corruption risk assessments and mitigation actions.
- 4.4.2 Receive updates from management of any suspected cases of fraud, corruption, legislative breach or serious misconduct impacting Council. Matters of potential fraud or corruption may be verbally reported to the Committee Chair depending on their materiality and potential consequence.
- 4.4.3 Monitor and provide advice on fraud prevention systems and controls.
- 4.4.4 Review whether Council and senior management have taken steps to embed a culture which is committed to ethical and lawful behaviour, adding to the credibility of Council through adherence with ethical standards.

4.5 Internal Audit

- 4.5. 1 Act as a forum for communication, and resolution of any issues, between the Chief Executive Officer, senior management and internal audit.
- 4.5. 2 Review the internal audit coverage and annual work plan, ensure the plan achieves appropriate coverage of Council's risks, compliance obligations, and any other matters brought to the Committee's attention by Council or the Chief Executive Officer, and recommend approval of the plan by the Chief Executive Officer for adoption by Council.
- 4.5. 3 Advise the Council and Chief Executive Officer on the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan.



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- 4.5. 4 Receive and review all internal audit reports and provide advice to the Council and Chief Executive Officer on significant issues identified and action taken on issues raised, including identification and dissemination of good practice.
- 4.5. 5 Monitor management's implementation of internal audit recommendations.
- 4.5. 6 Review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
- 4.5. 7 Monitor the internal auditor's progress made in achieving the annual audit plan.
- 4.5. 8 Monitor any non-audit services provided by the internal auditors to Council to ensure the services are appropriate and do not jeopardise the independence of the internal auditors.
- 4.5. 9 Meet with the internal auditors 'in camera', at least once a year.

4.6 External Audit

- 4.6. 1 Act as a forum for communication, and resolution of any issues, between the Council, Chief Executive Officer, senior management and external audit.
- 4.6. 2 Review the external auditor's proposed audit scope, approach, and gain an understanding of the 'materiality' yardstick to be applied and coordination of external audit with internal audit activity.
- 4.6. 3 Review reports from the external auditor and discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 4.6. 4 Monitor management's implementation of external audit recommendations.
- 4.6. 5 Meet with the external auditors 'in camera', at least once a year.

4.7 Organisational and Culture Update

- 4.7.1 Receive updates from the Chief Executive Officer on significant organisational changes and culture. Consider the impacts of these on the risk, governance and control framework.



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5. MEETINGS

- 5.1 The Committee meets five times a year, with authority to convene additional meetings, as circumstances require, after discussion between the Committee Chair and the Chief Executive Officer. Committee members and the internal and external auditors may request the Chair to convene additional meetings to address unexpected matters that may have arisen.
- 5.2 A schedule of meetings will be developed annually and agreed by members.
- 5.3 All Committee members are expected to attend each meeting in person, although in special circumstances members may attend virtually.
- 5.4 In accordance with Section 54(3) of the Act, the Committee will develop and adopt an annual work plan and monitor progress against the work plan at each Committee meeting.
- 5.5 The Chief Executive Officer, Executive Leaders, Manager Governance and Integrity, Coordinator Audit and Assurance, and Coordinator Risk and Insurance shall be required to attend all meetings of the Committee, unless otherwise directed by the Committee. Other Council staff may be requested to attend meetings of the Committee by the Chief Executive Officer in collaboration with the Committee Chair or by the Committee in consultation with the Chief Executive Officer, to provide information on matters impacting on their areas of responsibility.
- 5.6 The internal auditor will be required to attend and present at meetings of the Committee, unless otherwise agreed with the Committee Chair. The external auditor may attend all meetings of the Committee, and must also be present at any Committee meeting on request. At the request of the Committee, auditors may be requested to leave the meeting while the Committee discusses confidential matters.

6. REPORTING TO COUNCIL

- 6.1 In accordance with Section 54(5) (a) and (b) of the Act, the Committee will prepare a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations; and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.
- 6.2 The Chair of the Committee will, if requested by the Mayor or CEO, brief Councillors.
- 6.3 The Committee will also prepare and present, in Council's Annual Report, a report on its operations and activities during the year.



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- 6.4 The Committee may, at any time, report to the Chief Executive Officer or Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive Officer.

7. PERFORMANCE EVALUATION

In accordance with section 54(4) (a) and (b) of the Act, the Committee must undertake an assessment of its performance against the Audit and Risk Committee Charter annually prior to the appointment of Councillors in November each year and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement.

8. COMMITTEE MEMBER REGULATORY OBLIGATIONS

Committee members are expected to be aware of their obligations under Section 53 (5) of the Act. These obligations relate to (refer to Appendix A for further detail):

- misuse of position as a member of the Committee (Section 123);
- confidential information (Section 125); and
- conflict of interest (Sections 126 to 131).

8.1 Misuse of Position

- 8.1.1 A committee member must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or to cause, or attempt to cause, detriment to the Council or another person.

8.2 Confidentiality

- 8.2.1 A committee member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

8.3 Conflict of Interest

- 8.3.1 Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic and will need to leave the meeting until after the relevant agenda item has been deliberated.

- 8.3.2 Details of any conflicts of interest should be appropriately included in the minutes.

8.4 Members are also expected to:

- 8.4.1 Contribute the time needed to study and understand the papers provided and apply good analytical skills, objectivity and good judgement.



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- 8.4.2 Express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.
- 8.4.4 Be cognisant of a number of actions and regulatory requirements that may impact the Committee over the life of a Council including 'Governance, Internal Control and Compliance'. These may include –
- Part 4 Division 1 (S91 Financial Plan, S92 Asset Plan)
 - Part 4 Division 4, Financial Management, Investments, Borrowings etc.
 - Part 5 S108 and 109 Procurement policies etc.
 - Part 6 Division 2 COI, Division 4 Gifts, Division 5 Code of Conduct
 - Governance Rules developed by Council.
- 8.4.5 The responsibilities of the Committee may be revised or expanded at the time of the Charter's review.

9. ADMINISTRATION

- 9.1 In accordance with section 54(6)(a) of the Act, the Chief Executive Officer will appoint an officer to provide secretariat support to the Committee.
- 9.2 The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least 10 days before the meeting, and ensure the minutes of the meetings are prepared and maintained.
- 9.3 Minutes must be approved by the Chair and circulated within two weeks of the meeting.

10. REVIEW OF CHARTER

- 10.1 The Charter of the Committee shall be reviewed every four years or earlier if decided by the Committee.
- 10.2 All Committee members, the Director Corporate Services and Manager Governance and Integrity shall be consulted during the Charter review process.

Responsible Manager:	Manager Governance and Integrity
Date endorsed by the Audit and Risk Committee:	August 2024
Date Adopted by Council	September 2024



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APPENDIX A**Committee Member Regulatory Obligations
Guidance to Members**

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ul style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ul style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ul style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p style="text-align: center;">Please Note</p> <p>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</p>	

10.7 – ATTACHMENT 1. Audit Risk Committee Charter - for Council approval

Audit and Risk Committee Charter

APPENDIX B

PROCESS FOR ELECTION OF THE CHAIR OF AUDIT AND RISK COMMITTEE

The *Local Government Act 2020* and the *Audit and Risk Committee Charter* are silent on the process for election of the Chair of the Committee.

Therefore, it is recommended that the process to be followed to elect the Chair of the Committee be similar as that for Election of Mayor and Deputy Mayor; as outlined in Council's Governance Rules. The process is detailed below, adjusted where necessary for the Audit and Risk Committee structure.

CHIEF EXECUTIVE OFFICER AS RETURNING OFFICER

The Chief Executive Officer will be the Returning Officer at which the election of Chair of the Audit and Risk Committee is to be conducted but will have no voting rights.

The Chief Executive Officer must facilitate the election of the Chair of the Committee.

The Chief Executive Officer will be assisted in this role by Manager Governance and Integrity.

NOMINATIONS FOR CHAIR OF THE AUDIT AND RISK COMMITTEE

The Returning Officer invites nominations for the position of Audit and Risk Committee Chair.

The election of the chair will be carried out as follows:

- The election of the Chair of the Audit and Risk Committee must be carried out by a show of hands.
- Any independent member of the Audit and Risk Committee is eligible for election (or re-election) to the office of Chair of the Audit and Risk Committee.
- Whilst Councillor Members of the Audit and Risk Committee are ineligible for election to the position of Chair, they can move or second a nomination, and have voting rights.
- Independent members can self-nominate.
- Any independent member may accept or decline the nomination.
- If there is only one nomination, that candidate will be declared Chair of the Audit and Risk Committee for a 12 month term.



10.7 – ATTACHMENT 1. Audit Risk Committee Charter - for Council approval

Audit and Risk Committee Charter

WHERE MORE THAN ONE NOMINATION IS RECEIVED

If there is more than one nomination, the Returning Officer must conduct a vote, by show of hands, with voting to take place for each candidate in turn, **in the order in which his or her nomination was received**.

MAJORITY OF VOTES RECEIVED

The Returning Officer must declare elected as the Audit and Risk Committee Chair the candidate receiving an absolute majority of votes.

CHAIR OF THE AUDIT AND RISK COMMITTEE TO ASSUME THE ROLE

The Returning Officer will announce the name of the member elected as Chair of the Audit and Risk Committee, who must take the Chair for the remainder of the meeting.

DEFINITION: *An absolute majority of votes means a number of votes greater than one half of the total number of votes lawfully cast in the vote.*

10.8 Councillor Expense and Support Policy

Attachment 1 Councillor Support and Expense Policy

10.8 – ATTACHMENT 1. Councillor Support and Expense Policy



Councillor Expense and Support Policy

September 2024



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

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10.8 – ATTACHMENT 1. Councillor Support and Expense Policy**1. Definitions**

<i>Councillor – Role of</i>	<p>Section 28 of the <i>Local Government Act 2020</i>:</p> <ol style="list-style-type: none"> 1. The role of every Councillor is— <ol style="list-style-type: none"> a) to participate in the decision making of the Council; and b) to represent the interests of the municipal community in that decision making; and c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan. 2. In performing the role of a Councillor, a Councillor must— <ol style="list-style-type: none"> a) consider the diversity of interests and needs of the municipal community; and b) support the role of the Council; and c) acknowledge and support the role of the Mayor; and d) act lawfully and in accordance with the oath or affirmation of office; and e) act in accordance with the standards of conduct; and f) comply with Council procedures required for good governance. <p>The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer</p>
<i>Councillor duties</i>	<p>Means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies. Such duties include, but not are not limited to, attendance</p> <ul style="list-style-type: none"> • at meetings of the Council: • attendance at briefing sessions, workshops, civic or ceremonial functions convened by the Mayor or Council; • attendance at approved conferences, workshops, or training programs related to the role of Councillor, Mayor or Deputy Mayor; • attendance at meetings arising as a result of a Councillor being appointed by the Council to an external body; or • a meeting, function or other official role as a representative of the Mayor or Council.

10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

<i>Carer</i>	<p>Means in a care relationship within the meaning of section 4 of the <i>Carers Recognition Act 2012</i>. Meaning of a care relationship:</p> <ol style="list-style-type: none"> For the purposes of this Act, a person is in a care relationship if they provide another person, or receives from another person, care because one of the persons in the relationship: <ol style="list-style-type: none"> has a disability; or is older; or has a mental illness; or has an ongoing medical condition (including a terminal or chronic illness or dementia). Despite subsection (1), the following relationships are also care relationships for the purposes of this Act: <ol style="list-style-type: none"> a relationship where an individual has custody and guardianship of a child under a permanent care order made under Part 4.10 of the Children, Youth and Families Act 2005; and a relationship where a child is placed with an individual who provides care to that child under a child care agreement made under Part 3.5 of the Children, Youth and Families Act 2005; and a relationship where a child is placed with an individual who provides care to that child under a protection order made under Part 4.9 of the Children, Youth and Families Act 2005. For the purposes of this Act, a person is not in a care relationship with another person merely because they: <ol style="list-style-type: none"> are the spouse, or the domestic partner within the meaning of the Children, Youth and Families Act 2005, of the other person; or are the parent, child or other relative of the other person; or live with the other person. Despite anything to the contrary in this section, a person is not in a care relationship for the purposes of this Act if they provide care to another person: <ol style="list-style-type: none"> under a contract of service or a contract for the provision of services; or under an employment contract; or in the course of doing voluntary work for a community organisation; or as part of the requirements of an education course or training. <p>A person described in subsection (1) or (2) may be in a care relationship even if the person receives funding from either the Commonwealth or State Government in relation to carrying out the role of a carer.</p>
<i>Expenses</i>	Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a Council's policy and may be either reimbursed to a Councillor or paid directly by a Council for something that is deemed to be a necessary expense to enable them to perform their civic functions
<i>Facilities</i>	Equipment and services that are provided by councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
<i>Functions of civic office/civic functions</i>	Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or local Whitehorse Community and is consistent with Council's objectives.

10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

2. Overview

Purpose

The Local Government Act 2020 (the Act) requires Council to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors. The purpose of this policy is to:

- Ensure Councillors are provided with the necessary resources to enable them to perform their role
- Describe the out-of-pocket expenses for which Councillors will be eligible to seek reimbursement
- Specify the procedure to be followed by Councillors in applying for reimbursement of expenses
- Describe how Council will comply with any requirements prescribed by the Act and associated regulations in relation to the reimbursement of expenses.
- Outline reporting obligations and requirements.

Objectives

- Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their official duties
- Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their role
- Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- Ensure facilities and expenses provided to Councillors meet community expectations
- Support a diversity of representation
- Fulfil the Council's statutory responsibilities

Scope

The policy applies to all Whitehorse Councillors.

For the purposes of this policy, the term 'Councillors' includes the Mayor, Deputy Mayor and all other Councillors of the Council unless otherwise specified.

Expenses and facilities provided by this policy are in addition to allowances paid to Councillors.

3. Guiding principles

Council commits to the following principles:

Proper conduct	Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
Reasonable expenses	Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
Participation and access	Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
Equity	There must be equitable access to expenses and facilities for all Councillors.
Appropriate use of resources	Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
Accountability and transparency	Clearly stating and reporting on the expenses and facilities provided to Councillors.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

4. Expenses

Expenditure incurred conducting official Council duties

Councillor support expenses are those costs necessarily incurred by Councillors (out-of-pocket), in conducting Council business. Any costs incurred by a Councillor which are not covered specifically within the policy will not be met, unless the Councillor has received prior authorisation from the Council or, if delegated to do so, from the Chief Executive Officer.

Councillors will act in accordance with the Councillor Code of Conduct and this policy when seeking reimbursement of expenses and use of Council allocated resources.

Councillors need to exercise appropriate prudence in the use of Council resources and ensure they are used solely in the public interest. This includes:

- Maintaining appropriate security over Council property, facilities and resources provided to assist them in performing their role; and adhering to any guidelines or policies that have been established for the use of Councillor resources and facilities
- Not using public funds or resources in a manner that is improper or unauthorised
- Not using Council resources, including staff, equipment and/or intellectual property for electoral or other purposes
- Ensuring that all expense claims are accurate and supported by the relevant documentation and strictly relate to Council business.

Carer and dependent related expenses

The care of family members is the responsibility of individual Councillors. However, in certain circumstances Councillors will be able to seek reimbursement for bona fide care expenses.

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role. This applies to the care of a dependent whilst the Councillor undertaking their official duties.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor who is in a 'care relationship' with another person, incurs reasonable expenses in the performance of their official duties.

The definition of 'care relationship' is as per section 4 of the *Carers Recognition Act 2012*. (Refer to Definitions to this policy.)

Care Expenses are defined as hourly fees, agency booking fees, reasonable travelling expenses for a carer other than an immediate family member of the Councillor.

Payments for carer and childcare services are not eligible for reimbursement if paid for a service provided by a person who:

- Normally or regularly resides with the Councillor or delegated committee member
- Has any financial or pecuniary interest with the Councillor or delegated committee member
- Is immediate family (e.g. partner, parent, sibling or in-law) of the Councillor or delegated committee member
- Has a relationship with the Councillor, delegated committee member or their partner.

For the purposes of this policy, a child shall be defined as up to, but not including 16 years of age.

Claims for childcare and care expenses are to be submitted on a monthly basis. Each care expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided, and the Councillor shall show why the care was needed on each occasion.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

Support for a Councillor with a disability

The Chief Executive Officer or delegate will assess and approve the reasonable support required by way of additional facilities and expenses in order to allow that Councillor to perform their duties.

Health and wellbeing

Councillors may be able to access Council's Employee Assistance Program (EAP) counselling service – Councillor Support, to assist with their health and wellbeing during their term of office. Access to this program can be requested through the Chief Executive Officer or delegate.

Interstate and overseas travel

Councillors should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. Council will evaluate the value and need for Councillors to undertake overseas travel. This includes travel to sister and friendship cities.

When it is suitable for Councillors to undertake in interstate or international travel on behalf of the Council, such representation at national or international levels can play a crucial role in shaping, communicating, and implementing Council policy. This includes:

- Travel to investigate issues, projects or activities of relevance to actions contained in the Council Plan and other policies and programs
- Attendance at conferences, workshops and forums as either a presenter or a delegate on topics relating to Council's policies, aims and projects or on areas of professional development for Councillors.

Councillors may claim the reasonable costs of:

- Meals (excluding alcohol) for the duration of any travel in the course of performing Official Council Business. This does not include the cost of meals for partners, guests or families of Councillors
- Appropriate accommodation when interstate or overseas, all accommodation is to be booked by the Mayor and Councillor Support Team. Accommodation will be provided from the day prior to commencement of the conference, event etc. each day on which events involving official Council Business are held. This does not include any additional costs of accommodation for partners, guests, or families of Councillors.

Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the Mayor and Chief Executive Officer prior to travel.

Councillors seeking approval for any overseas travel must submit a case to Council, all overseas travel requires approval in advance by Council resolution.

The request should outline the:

- Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's duties
- Who is to take part in the travel
- Duration and itinerary of travel
- A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

In assessing a request, the consideration of the following factors include:

- Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's duties
- Cost of the conference or seminar in relation to the total remaining budget
- Policy parameters

Any Councillor who is offered sponsorship in the form of conference registration or other costs in an official capacity, wholly or partly by any government agency, external organisation or person, shall immediately make this known to the Mayor and Chief Executive Officer.

A written report shall be prepared for the information of Council by every Councillor (subject to the exception below) who has travelled overseas or interstate in an official capacity.

The report shall provide comment on the value of the conference/visit, benefit to Council and provide recommendations for further action (if applicable). This report will be circulated to all Councillors. In the event that two or more Councillors attend the same conference, for the purposes of this policy, only one written report is required which may be a joint report.

Procedure for claiming

A Councillor must:

- Submit claims for out-of-pocket expense reimbursements on the relevant Councillor expense claim form, supported by receipt or other suitable documentation
- Outline in the application for reimbursement that the out-of-pocket expense is a bona fide expense which has been reasonably incurred in the performance of their duties.

Reimbursements will be provided by electronic funds transfer.

The basic test to determine whether or not an expense is lawful/lawfully incurred is whether the expenditure is necessary or appropriate for the purposes of achieving the objectives of Council having regard to the Act, or any other relevant Act, regulations, Ministerial Guidelines or Council Policies.

Council will not reimburse Councillors for any infringements incurred for road traffic or parking violations.

Timeframe for claims

Councillors should submit their claims for reimbursement within one (1) month of the claim being incurred to ensure reasonable public reporting of expenses, and management within Council's financial cycle.

To maintain transparency and probity, all reimbursements will be paid directly into the Councillor's nominated bank account. A remittance of payment will be provided to the Councillor.

Accountability

A biannual report of all Councillor expenses will be provided to Council's Audit and Risk Committee by the Director Corporate Services and communicated to all Councillors. The report to include expenses incurred/reimbursements made during the previous six months.

Councillor expenses are recorded in the Annual Report.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

5. Support, resources and facilities

Administrative support and facilities - Mayor

Administrative support will be provided to the Mayor for work directly related to the duties of office, acknowledging the responsibilities and greater level of commitments and expectations placed on the Mayor. All support will be overseen by the Manager Governance and Integrity and undertaken by the Councillor Support Team.

A fully maintained vehicle will be provided in accordance with the requirements and provisions of Council's Fleet Policy.

The Mayor will be provided with a perpetual Mayoral medallion for use at official functions and at the end of the Mayoral term will be presented with a replica medallion in recognition of their services.

Due to the special role of the Mayor, a separate office is provided at the Whitehorse Civic Centre, 379-397 Whitehorse Road Nunawading events (Civic Centre), including associated equipment required for the Mayor to carry out Council business.

Administrative support and facilities – Councillors

Limited administrative support is available to Councillors for work directly related to their duties of the office. All support will be overseen by the Manager Governance and Integrity and undertaken by the Councillor Support Team.

Support to the Mayor and Councillors will be provided during normal office hours and broadly includes:

- Diary management
- General follow up and preparation of correspondence
- Constituent/community contact activities
- Relevant bookings on behalf of Councillors including meeting rooms, civic events and conferences
- Responding to invitations
- Speech notes
- Resource requests (including stationery and equipment) in accordance with this policy
- Processing Councillor requests for reimbursement of expenditure

Councillors have access to the Councillor's lounge provided at the Civic Centre. The lounge is equipped with workstations (3), a multifunction device and provision of tea, coffee and biscuits. The shared space is suitable for office work, reading and research. No visitors are allowed into the Councillor's lounge.

The multifunction device is provided for Councillors to undertake small amounts of printing/photocopying directly related to carrying out Council business. Photocopying on behalf of external groups or organisations is not permitted. Photocopying is a reportable expense. Councillors will not use for any personal, business, political or election-related material.

Communication Equipment

Each Councillor is entitled to the following facilities equipment and access:

- Mobile phone
- Laptop or tablet – equipped with internet access
- Email access
- Home printer (on request)



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

Council will cover connection fees and all Council business call charges, with accounts being sent directly to Council. In the case of mobile phones, it will be at Council's discretion whether to repair or replace damaged phones. If a phone is lost or stolen, the Councillor should immediately report the loss or theft to the Councillor Support Team, and to Victoria Police if the loss or theft is discovered outside office hours.

Councillor issued mobile devices are to be used for related Council business activities, but it is accepted that, on occasions, reasonable incidental personal calls will be made. Charges incurred in excess of the monthly telephone service plan in place, will be subject to reimbursement by the respective Councillor.

The equipment remains the property of Council and is recorded on Council's Assets Register and must be returned at the end of a Councillor's term of office. Councillors are expected to adhere to Council's policies as adopted from time to time.

Stationery/Mail

When communicating with constituents, Councillors are encouraged to use electronic formats. Where a small number of postage services are required on Council business related matters, Councillors shall have access to postal services which will be arranged through Mayor and Councillor Support.

Standard Council stationery is available to all Councillors on request. Stationery will include business cards, paper, writing implements and a diary. Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of the civic office and must not to be used for election purposes.

The Mayor will be provided with personalised letterhead inclusive of their photograph to be used for official Council correspondence only.

Name Badge

Each Councillor will be provided with a name badge for use while undertaking Council business.

Apparel/Uniform

Councillors will be able to access limited uniform for use while carrying out Council business. The items would include similar to a:

- Broad brim hat
- Cap
- Polo shirt
- Bomber jacket

All uniform items will include the Whitehorse City Council logo. All items will be organised by the Councillor Support Team in consultation with the Councillor. Uniform items will be a reportable expense.

Other protective clothing required to assist in carrying out Council business will be provide on request or loaned to the Councillor for that purpose. This clothing will be limited to wet weather and protective clothing such as waterproof apparel, hard hat etc.

Meals and refreshments

The part-time and voluntary nature of the role of a Councillor necessitates a Councillor attending meetings outside normal business hours. In many instances the timing of meetings renders it impractical for Councillors to make their own meal arrangements prior to attending such meetings.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

In recognition of these situations and to facilitate timely attendance at meetings, it is considered appropriate to provide Councillors attending Council meetings and Councillor Briefing sessions with a meal. The meal is to take the form of buffet style together with non-alcoholic beverages.

Councillor resource and information hub

Councillors have a dedicated resource and information hub. This is the primary portal to receive relevant and necessary information and will provide access to:

- Council Business papers - meeting agenda, minutes, attachments
- Councillor Briefing presentations
- Correspondence directed to multiple Councillors or the Council
- Information and updates about projects, achievements, and data of Council's operations
- Policies and reference or resource materials (including reference material and reports from other agencies or organisations)
- Latest news and updates relevant to Council
- Forms relevant to Councillors
- Useful website links

Room Use

Councillors can book meeting rooms at Council-managed venues, subject to availability, for meetings where the primary purpose is for the Councillor to carry out their duties. The Councillor must be in attendance at the meeting.

Where booking fees are applicable, these will be a reportable Councillor expense.

Where free use of meeting rooms is available for use by Councillors, this does not extend to community or other groups who would be subject to Council's policy on the use of Council facilities, including community and other organisations where Councillors are nominated as the Council representative or delegate.

Building Access and Parking

Each Councillor will receive a security access fob/card allowing access to the Civic Centre. Loss or theft of this fob/card must be reported immediately to the Councillor Support Team.

Designated parking spaces for Councillors will be available at the Civic Centre. A 'Councillor' sticker will be issued to Councillors for their vehicle/s providing that the Councillor has nominated the vehicle registration number/s to the Councillor Support Team.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

6. Professional development and training

Councillor induction

Councillors will be supported in their role through the provision of a comprehensive induction program.

Professional development

Council allocates budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies

Councillors can seek guidance to analyse their particular requirements and identify appropriate professional development to meet their needs.

Councillors may attend professional development opportunities that:

- Relate directly to the duties and responsibilities of the role of being a Councillor
- Are organised by a Local Government peak body/association - MAV, VLGA, ALGA, ALGWA, etc.
- Are a governance and leadership course approved by the Chief Executive Officer, such as the Australian Institute of Company Directors (AICD) course; or as per other training providers such as the Governance Institute of Australia
- Are specific needs-based training approved by the Chief Executive Officer, including media, chairing, public speaking and social media use.

Conferences and seminars

Conferences and seminars are organised by local government related organisations, professional bodies and private sector providers on issues and events that impact the role of Councillors and the Council in general.

Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community and the sector.

Training courses

Council supports the enhancement of skills required by Councillors to assist in carrying out their role. This includes participating in a range of one-off or short-term training courses, seminars and activities in a variety of areas of professional and personal development. These may be provided internally or by professional bodies, private organisations and educational institutions.

Professional or personal development needs which require or involve on-going, longer-term support, guidance or mentoring should first be discussed with the Chief Executive Officer or delegate.

Memberships and subscriptions

Councillors will be provided with:

- An internally produced media monitoring record (Media Watch)
- Copies of key local government industry publications
- Memberships to local government bodies (on request)



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Requests/Approval process

All requests under this section for professional development and training is subject to a prior written request to Councillor Support Team who will seek approvals from the Chief Executive Officer and Manager Governance and Integrity. The request should outline the:

- Details of the proposed professional development / training
- Relevance to Council priorities and business
- Relevance to the exercise of the Councillor's duties.

In assessing a request, the consideration of the following factors include:

- Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's duties
- Cost of the conference or seminar in relation to the total remaining budget
- Policy parameters

Courses nearing end of Council term

Any professional development courses undertaken by a Councillor should provide a demonstrable benefit to the Whitehorse community. To reflect this commitment, all courses that incur a cost greater than \$500 must be completed at least three months prior to the commencement of the election period for a Local Government General Election.

For courses that incur a cost greater than \$5,000, such as Australian Institute of Company Directors (AICD), to ensure benefit to the community, Councillors will only be able to undertake these courses in the first three years of each Council term.

Annual budget

Council will allocate specified amounts per Councillor in the annual budget, expenditure in excess of the allocation will require Council approval prior to expenditure occurring. All expenses incurred are reportable.

Budget allocations

The main expenses are shown in the table below, all monetary amounts are exclusive of GST. Councillors may only utilise one third of the budget allocation in the new financial year of the last term before the general election.

Expense	Maximum amount per financial year
Professional development, Training and seminars (includes travel and accommodation expenses)	\$7,500
Events	\$1500
Guests/Partner	\$250
Ward Meetings	\$500
Mobile Phones	\$700
Travel/Mileage/Ride share/Cabs	\$500



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

7. Civic representation and engagement

Events and functions

Attendance at local events and functions is a key part of a Councillor representative role.

Councillors will carefully consider if their attendance at an event or function truly relates to the duties of office, and whether community resources should be used to pay for their attendance and how it aligns with Council's strategic objectives and the Council Plan.

Councillors will avoid actual or perceived conflicts of interest that may arise as a result of their attendance at events and functions, including the disclosable gifts threshold.

Hospitality is classified as a gift where a Councillor attends an event or function:

- From free tickets received, and they have no official duties to perform
- With free membership
- Where the hospitality is generous.

Any invitations to attend an event or function, which are related and relevant to the 'duties of a Councillor', must be received in writing i.e. formal invitation by name, from the event organiser in order for Council to cover this expense (note: 'in writing' is inclusive of email and social media messages).

Councillors when requesting to attend an event or function need to outline how it relates to their role and must act in accordance with the Act, the Councillor Gift Policy and the Councillor Code of Conduct.

Events covered

If invited, Councillors will be supported to attend paid/non-paid events that are:

- Council-organised or Council-sponsored
- Held by Council, groups or organisations in Whitehorse or the Metropolitan Region and have a benefit to the local community
- Melbourne-based events hosted by key community partners/stakeholder organisations, departments or agencies, where an official invitation is received, and the Councillor has been invited in an official capacity
- Not conflicting with any Council policies or resolutions
- A ticketed event for Councillors invited by written invitation to attend local fundraiser/charitable events, where the event benefits Whitehorse City Council and the community directly.

Accompanying partner/guest

Council will cover the cost of a Councillor's partner/guest for a function, dinner or lunch where the Councillor and partner/guest have been specifically invited to the event as representatives of the Council. A partner or guest may accompany a Councillor to functions where other attendees are generally accompanied by partners.

The payment of expenses for partner/guest at an appropriate function is limited specifically to the ticket and meal. The cost of Councillors' partners (other than the Mayor's partner) attending functions outside of authorised Whitehorse Council activities will be borne by Council up to the value of \$250 per year.

Council will meet the reasonable expenses of the Mayor's partner when accompanying the Mayor to invited functions. Peripheral expenses such as special clothing, transport is not covered.

The ticket of a Councillor's partner or guest may constitute a disclosable gift under the Act for the Councillor if accepted free of charge.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

The Round tickets

Councillors are entitled to two (2) complimentary house seat tickets for performances at The Round per year. These tickets are for use by the Councillor and one guest only and cannot be transferred.

Requests for tickets need to be sent to the Councillor Support Team, this does not include purchasing tickets for family members and other guests.

Tickets received are a reportable Councillor expense.

8. Travel and transport

Travel expenses private vehicle use

Councillors using their private vehicles outside of the municipality to carry out their official Council functions will be reimbursed reasonable expenses as per the applicable kilometre rate where such costs are incurred as part of official Council duties.

Travel within the municipality is deemed to be covered by the Councillor allowance.

Claims for reimbursement of travel must be submitted within one (1) month of the date from which they are incurred.

Use of taxis/ride share

Councillors may use taxis, or an equivalent registered ride share service to assist them to carry out their functions as Councillors. Costs will be reimbursed, and claims should be submitted within one (1) month of the trip, accompanied by a receipt and claim form stating the nature of Council business and date and time of activity.

Public transport

Myki cards are issued upon request for appropriate Council business use.

Car parking fees

Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts/other relevant details regarding the purpose, date and time of the meeting or function.

9. Insurance

Council purchases several policies to protect its core business operations. The following policies will provide coverage whilst a Councillor is carrying out Council business:

- Public liability/professional indemnity
- Councillors' and officers' liability
- Corporate travel (including partners)
- Workers' compensation
- Motor (fleet) – for those fleet drivers
- Crime

Council is required to pay an excess following lodgment of a claim for the above policy lines. Applicable excess payable will depend on the insurance policy triggered. All claim decisions are made by the insurer.

Councillors are provided with equipment to perform their role as Councillors. There is an expectation due care will be exercised in protecting the equipment from damage or theft.



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy**10. Exclusions**

This section sets out the exclusions to reimbursement of expenditure by Councillors:

- Any expenditure not specified in this policy.
- Any claims made outside of the timeframes specified. If a Councillor does not claim a particular expense within the designated timeframe, this cannot be claimed as an additional amount for another expense.
- Any expenses arising from a breach of road, traffic, parking or other regulations or laws
- Any expenses relating to insurance, as set out in Section 7.
- Any expenses arising from the attendance of immediate family members/associates attending conferences, seminars, training, planning sessions, or corporate hospitality or events, except as provided for in the policy.

11. Policy details

Title	Councillor Expense and Support Policy
Date Adopted	9 September 2024 (Council meeting for adoption)
Responsible Department	Governance and Integrity
Review History	August 2021
Review Date	August 2026
Reference	24/175477
Human Rights	This policy has been reviewed for compliance with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (assessment completed on next page). A gender impact assessment was not required.
Related legislation	<i>Local Government Act 2020</i> <i>Carers Recognition Act 2012</i> <i>Equal Opportunity Act 2010</i> <i>Gender Equity Act 2020</i>
Related policies	<i>IT Acceptable Use Policy</i> <i>IT Security Policy</i> <i>Mobile Devices Policy</i> <i>Public Transparency Policy</i> <i>Social Media Guide – Councillor</i> <i>Councillor Code of Conduct</i>



10.8 – ATTACHMENT 1. Councillor Support and Expense Policy

Appendix: Charter of Human Rights and Responsibilities Act 2006 compliance assessment

Policy Title	Councillor Expense and Support Policy	
Department	Governance and Integrity	
Purpose of Policy	To ensure Councillors are provided with the necessary resources to enable them to perform their roles and specify the procedure for Councillors to follow in applying for reimbursement of expenses.	
Applicable human right impacted	<p>Are human rights supported? OR Are human rights limited by the policy? If so, how?</p>	Is the limitation on the right reasonable and justifiable? If so, how?
Right to privacy and reputation Section 13 - Your right to privacy and reputation Victorian Equal Opportunity and Human Rights Commission	<p>Council has many various public reports and registers in support of public transparency, this includes reporting of Councillor expenses in the Annual Report in accordance with legislative requirements.</p> <p>As part of the role of a Councillor providing transparency and confidence to the community that Councillors are acting with integrity and honesty and not misusing resources.</p>	This policy provides clear guidance and obligations of all Councillors regarding the provision of resources and balances this right with the requirements of Overarching Governance Principles in the Local Government Act 2020 relating to transparency and use of Council resources.
Right to take part in public life Section 18 - Your right to take part in public life Victorian Equal Opportunity and Human Rights Commission	<p>The policy provides Councillors an opportunity to attend training and events in support of their diverse roles to perform their duties without disadvantage.</p> <p>The policy supports a diversity of representation and encourages Councillors in their learning and development.</p>	The policy encourages and supports Councillors in professional development and undertaking their role balanced with transparency of expenses and support and guidelines of appropriate expenditure.



10.9 **Councillor Gift Policy**

Attachment 1 Draft Whitehorse City Council Councillor Gift Policy



Councillor Gift Policy

September 2024



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

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10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy**1. Definitions**

<i>Benefit</i>	Something of value to the receiver, such as invitations to sporting, cultural or social events, access to discounts and loyalty programs, honorary memberships, accommodation or leisure holidays, access to confidential information, or other advantage offered to an individual, their friend, associate or relative.
<i>CEO</i>	The Chief Executive Officer of Whitehorse City Council including any person acting in this role.
<i>Conflict of interest</i>	A 'general conflict of interest' and/or a 'material conflict of interest' as those terms are defined in the Act.
<i>Council</i>	Whitehorse City Council
<i>Family Member</i>	A spouse or domestic partner of the relevant person, a parent, grandparent, sibling, child, grandchild, stepparent, stepsibling, or stepchild of the relevant person or of their spouse or domestic partner; or any other relative that regularly resides with the relevant person.
<i>Gift</i>	Defined in section 3 of the Act as "any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including: a) the provision of a service (other than volunteer labour); and b) the payment of an amount in respect of a guarantee; and c) the making of a payment or contribution at a fundraising function."
- <i>Appreciation gift</i>	A gift presented to express thanks and a feeling of goodwill on behalf of the giver where there is no expectation of repayment.
- <i>Monetary gift</i>	Means cash, gifts cards, cheque, direct deposit or other financial facility that will financially benefit the receiver.
- <i>Official gift</i>	A gift presented to a Councillor as representative of the Council from a Sister City, organisation or corporation bestowing a corporate gift (e.g., plaques, plates, trophies, artwork) to the City, or as a token of appreciation for a contribution to a conference or industry event.
- <i>Token gift</i>	A gift, benefit or hospitality with a face or estimated value of less than \$50.
<i>Gift Register</i>	Council register that captures all offers of gifts, benefits and hospitality received, accepted and declined and is accessible on Council's website.
<i>Gift Disclosure Threshold</i>	\$500 or a higher amount or value prescribed by the <i>Local Government (Governance and Integrity) Regulations 2020</i> .
<i>Hospitality</i>	The friendly reception and entertainment of guests that may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
<i>Impartiality</i>	Councillors have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual, bias or preferential treatment.
<i>Official capacity</i>	A Councillor is acting in an official capacity if they are exercising their powers or performing their responsibilities under the Act and their attendance at the event or function is related to providing good local governance for the municipality.
<i>Policy</i>	Councillor Gift Policy.
<i>Value</i>	Means the face value or estimated retail value.



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

2. Overview

Purpose

The *Local Government Act 2020* (the Act) requires a Council to adopt a Councillor Gift Policy. The policy must include procedures for the maintenance of a gift register and any matters prescribed in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).

This policy establishes guidelines for the acceptance of gifts, benefits or hospitality by Councillors. The giving and receiving of gifts, benefits and hospitality from a person or organisation may result in a potential conflict of interest or breach of the Act.

Under Council's Public Transparency Policy and the Act's public transparency principles, Councillors must publicly declare the offers and /or the acceptance of certain gifts, benefits or hospitality. This policy serves to guide Councillors to apply sound judgement when dealing with offers of gifts, benefits and hospitality, so as to not compromise their decision-making by always acting impartially.

Objectives

The objective of this policy is to:

- a) Limit the number of gifts made to, or accepted by, Councillors to promote public confidence in the integrity of Council
- b) Provide clear direction and guidance to Councillors on gifts, benefits and hospitality that may be accepted and those that may not
- c) Ensure that members of the Whitehorse community and other key stakeholders have full confidence in the conduct of Councillors as it relates to gifts, benefits and hospitality
- d) Further strengthen Council's ongoing commitment to developing a highly transparent, ethical and legislatively compliant entity

Scope

The policy applies to elected Councillors of the City of Whitehorse and operates in conjunction with Council's adopted Councillor Code of Conduct and relevant provisions provided in the Act.

3. Guiding principles

- a) Councillors must not solicit, demand or request gifts, benefits or hospitality for themselves or another person by virtue of their position.
- b) Where practicable, any offer of a gift, benefit or hospitality, irrespective of value, should be declined politely in the first instance.
- c) Monetary gifts of any value are not to be accepted (election donations excluded). Any incidences where a bribe is offered must be reported in accordance with Council's Public Interest Disclosure Procedures.
- d) A Gift Registration Form must be lodged within seven days of any offer of a gift, benefit or hospitality, whether accepted, returned or declined, regardless of value (other than official gifts).
- e) Completed Gift Registration Forms will be entered into Council's Gift Register, which is published on Council's website.
- f) Ensure that any gift, benefit or hospitality that is accepted is done so for a legitimate business purpose, furthering the business goals, policy objectives and priorities of Council and within reasonable community expectations.



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

4. Gifts and benefits

Token vs non-token gifts

A gift is either token or non-token in nature.

Token gifts

Whilst not encouraged, Councillors may accept token gift offers.

A token gift, benefit or hospitality is offered as a courtesy or is of inconsequential or trivial value (up to \$50) to both the person making the offer and the individual receiving the offer. Such a gift would not be reasonably perceived within or outside the Council as influencing a Councillor or Council or raising an actual, potential or perceived conflict of interest. Examples of token gifts include a box of chocolates, homemade goods, a small souvenir, a cup of coffee.

If the combined total value of token gift offers in the past 12 months from the same individual or organisation exceeds \$50 then it becomes a non-token gift.

Non-token gifts

A non-token gift is a gift, benefit or hospitality offered with a value of more than \$50.

It is preferable that non-token gift offers be politely declined in the first instance. If a non-token gift is to be accepted, it must be managed in accordance with this policy.

A gift can be any item of value — money, voucher, entertainment, travel, commodity, services, property — that a person or organisation provides. All non-token gifts, benefits and hospitality offered must be recorded in the Gift Register.

When deciding whether to accept a gift, benefit or hospitality, Councillors should give consideration to the GIFT and HOST tests outlined at Section 5 of this policy.

Types of gifts and benefits

Councillors may be exposed to a range of circumstances where different types of gifts may be transacted.

Appreciation

Councillors are required to decline any appreciation gift exceeding \$50 in value.

If a Councillor is offered a gift in an open or public setting, where refusing it might seem impolite and accepting it doesn't pose any potential perceived or actual compromise or conflict of interest the gift may be accepted. However, it should be reported to the CEO for guidance on how to administer it appropriately.

Hospitality

From time to time, Councillors may receive invitations of hospitality to attend various functions and events. Invitations may include and be classified as follows:

Modest and networking opportunity

Where hospitality is only modest in nature (incidental refreshments at meetings, working lunches, community events or similar) and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.

Notwithstanding the nature of this type of hospitality, it is the responsibility of the Councillor to be attentive to the cumulative value of any such offers and to avoid the likely creation of unwanted perceptions, whether real or contrived, by members of the community and others, regarding the activities, actions and conduct of a Councillor.



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

Social, Cultural and Sporting Events (External sponsored events/tickets)

Any offer of hospitality that is likely to compromise the impartiality of a Councillor or be perceived as a conflict of interest should be politely declined.

Councillors are also encouraged to avoid potential perceptions being created either presently or at a future time, involving Councillor patronage and/or regular attendance at events or close association with certain organisation/s.

Loyalty program points and rewards

Councillors must not collect points or rewards for personal use via loyalty programs from any Council-related transactions (e.g. Flybuys or frequent flyer programs).

Official

From time to time, individuals or organisations may offer gifts of goodwill to the Council and the CEO will ensure that such gifts are recorded (not in Gift Register).

Official gifts are deemed to be Council property; however, where the item is not suitable for public display or the gift is of a personal nature to the recipient, the CEO will use their discretion as to the appropriate use of the official gift.

Situations not classed as a gift or benefit

This Policy does not apply in the following instances:

Items not classed as gifts or benefits

- a) Those gestures deemed to have no monetary value, such as flowers cut from a person's garden or homemade baking are not deemed to be a gift or benefit.
- b) Door or raffle prizes at a function or conference, where the individual has paid for their attendance or the raffle ticket.
- c) Recognition/promotional items (e.g., pen, tie or mug) handed to a Councillor, as a result of attending a conference held, conducted or sponsored by an organisation.

Council-related events

The attendance and participation of Councillors at Council sponsored events is often an expectation of respective roles, and this is addressed in Council's *Councillor Expense and Support Policy*.

Where payment or reimbursement made

In some circumstances, at the discretion and as approved by the Chief Executive Officer, a Councillor may attend an event, if the Council either fully reimburses the organisation for the full cost of the hospitality or if the Councillor personally pays for their own attendance.



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

5. Other relevant guidance

The GIFT and HOST tests

When deciding whether to accept a gift, Councillors should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the gift, the more likely that a conflict of interest or reputational risk exists.

The GIFT test outlines what to consider when deciding whether to accept or decline a gift, benefit or hospitality:

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made repeat offers of gifts or hospitality? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family or associates think?

The HOST test is a reminder of what to consider when deciding whether to provide an offer of a gift, benefit or hospitality:

H	Hospitality	To whom is the gift, benefit or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

Local Government Act 2020

Material conflict of interest

Section 128(4) of the Act states in part that – a disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the five years preceding the decision on the matter –

- a) If the relevant person held the office of Councillor, at the time the gift was received; or
- b) If the gift was, or gifts were or will be, required to be disclosed as an election campaign donation –

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor.

Anonymous gifts not to be accepted

Section 137 of the Act states –

- 1) Subject to subsection 2), a Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor the amount or value of which is equal to or exceeds the gift disclosure threshold unless –
 - a) the name and address of the person making the gift are known to the Councillor; or
 - b) at the time when the gift is made –
 - i) the Councillor is given the name and address of the person making the gift; and
 - ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.
- 2) If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach of subsection 1) if the Councillor disposes of the gift to the Council within 30 days of the gift being received.
- 3) In addition to the penalty specified in subsection 1), a Councillor who is found guilty of a breach of that subsection must pay to the Council the amount or value of the gift accepted in contravention of that subsection.

Local Government (Governance and Integrity) Regulations 2020

Biannual Personal Interests Return - Gifts received

Councillors are to provide details of any gift received in the period since their last interests return, where the value equals or exceeds \$500 or the gifts in form of goods or services and multiple gifts equal or exceed that amount.

This does not include gifts from family members or any gifts you may have declared in an election campaign donation return under section 306 of the Act.



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy**6. Policy details**

Date Adopted	9 September 2024 (Council meeting for adoption)
Responsible Department	Governance and Integrity
Documents and Form/s	Gifts & Hospitality Declaration Form – Councillors (Doc ID 22/127374) Gift Register (Doc ID 22/281540)
Review History	April 2021
Review Date	August 2026
Human Rights	This policy has been reviewed for compliance with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (assessment on next page). A gender impact assessment was not required.
Related legislation	<i>Local Government Act 2020</i> <i>Local Government (Governance and Integrity) Regulations 2020</i>
Related Council policies	<i>Councillor Code of Conduct</i> <i>Councillor Expenses and Support Policy</i> <i>Interaction with Developers Policy</i> <i>Fraud and Corruption Control Policy</i> <i>Public Transparency Policy</i>



10.9 – ATTACHMENT 1. Draft Whitehorse City Council Councillor Gift Policy

Appendix: Charter of Human Rights and Responsibilities Act 2006 compliance assessment

Policy Title	Councillor Gift Policy	
Department	Governance and Integrity	
Purpose of Policy	To provide guidelines regarding the acceptance of gifts, benefits and hospitality by Councillors.	
Applicable human right impacted	Are human rights supported? OR Are human rights limited by the policy? If so, how?	Is the limitation on the right reasonable and justifiable? If so, how?
Right to privacy and reputation Section 13 - Your right to privacy and reputation Victorian Equal Opportunity and Human Rights Commission	Councillors may feel as though their privacy is infringed as Council officers and members of the public may access details regarding gifts and hospitality received.	<p>Limitation reasonable.</p> <p>The giving and receiving of gifts, benefits and hospitality by Councillors may result in a potential conflict of interest or breach of the Act.</p> <p>Under Council's Public Transparency Policy and the Act's public transparency principles, Councillors must publicly declare offers and /or acceptance of certain gifts, benefits or hospitality.</p> <p>Public confidence in fair and impartial decision-making by Council must be maintained.</p> <p>The limitation can be mitigated by avoiding situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from Councillors or Council.</p>
Right to take part in public life Section 18 - Your right to take part in public life Victorian Equal Opportunity and Human Rights Commission	Councillors may feel limited by the policy in their ability to accept invitations to certain events.	<p>Limitation reasonable.</p> <p>Council must provide transparency to maintain community trust that Councillors will not misuse their position to receive hospitality where it is inappropriate or develop close associations with particular organisations.</p> <p>This policy provides guidance regarding situations where it is appropriate to accept hospitality. Councillors wishing to attend events where the acceptance of hospitality is not appropriate may still do so provided that they cover the cost of their attendance.</p>



10.10 **S6 Instrument of Delegation from Council to
Members of Council Staff**

Attachment 1 S6 Instrument of Delegation from Council to Members
of Council Staff

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff



S6 Instrument of Delegation – Members of Council Staff

Instrument of Delegation

to

Members of Council Staff



10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff**Preamble****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. declares that:
 - 2.1 this Instrument of Delegation is authorised by resolution passed on 9 September 2024 and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately upon the Instrument of Delegation being signed by the Chief Executive Officer;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 revokes the previous Instrument of Delegation signed on 25 March 2024;
 - 2.2.4 is subject to any conditions and limitations set out in sub-paragraph 2.3 and 2.4, and the Schedule; and
 - 2.2.5 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 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;
 - 2.3.2 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 policy or strategy adopted by Council;
 - 2.3.3 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
 - 2.3.4 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. declares that the powers delegated under sections 61(1), 73, 84(1) and 96G(1) of the Planning and Environment Act 1987 must not be exercised in relation to:
 - any application 'called in' by a Councillor, whereby a Councillor advises that the planning application must be reported to Council for determination;
 - any major development proposal or any other application where considered to be warranted by the delegate;
 - an application where it is considered by the delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the planning scheme;
 - an application for a single dwelling, dwelling addition, multiple dwellings, accommodation, or non-residential use and/or development within a residential zone where there are 12 or more objector properties;
 - an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties.

**10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of
Council Staff**

SIMON McMILLAN
Chief Executive Officer
Whitehorse City Council
Date:

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Whitehorse City Council

Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- 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

Position Groups

Position Group	Positions
Planning Leadership Group	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Team Leader Statutory Planning Principal Planner
All Planning Group	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Planning & Building Administration Coordinator Strategic Planning Team Leader Statutory Planning Team Leader Statutory Planning Enforcement Principal Planner Senior Strategic Planner Strategic Planner Planning Enforcement Officer Liaison Officer Construction Management Plans Planning & Building Administration Officer Technical Officer Subdivisions
Planning Officers Group	Team Leader Statutory Planning Principal Planner Development Planner Urban Planner

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff**S6 Instrument of Delegation - Members of Staff**

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	Manager Community Safety	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	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	Chief Executive Officer Director Community Services Manager Health & Family Services Coordinator Environmental Health	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	Coordinator Environmental Health Environmental Health Officer	If s 19(1) applies

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Coordinator Environmental Health Environmental Health Officer	If s 19(1) applies
s 19CB(4)(b)	Power to request copy of records	Coordinator Environmental Health	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	Coordinator Environmental Health	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	Coordinator Environmental Health Environmental Health Officer Environmental Health Administration	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	Manager Health & Family Services Coordinator Environmental Health	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	Manager Health & Family Services Coordinator Environmental Health	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	Manager Health & Family Services Coordinator Environmental Health	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	Coordinator Environmental Health Environmental Health Officer Environmental Health Administration	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	Coordinator Environmental Health Environmental Health Officer Environmental Health Administration	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	Coordinator Environmental Health Environmental Health Officer	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	Not delegated	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Not delegated	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
	Power to register or renew the registration of a food premises	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the Chief Executive Officer (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
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	Coordinator Environmental Health Environmental Health Officer	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)	Not delegated	Where Council is the registration authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer Environmental Health Administration	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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	Coordinator Environmental Health Environmental Health Officer	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	Coordinator Environmental Health Environmental Health Officer	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	Coordinator Environmental Health Environmental Health Officer	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Coordinator Environmental Health Environmental Health Officer	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 Public Health and Wellbeing Act 2008	Chief Executive Officer	Only if absolutely necessary
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	Coordinator Environmental Health	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	Manager Health & Family Services	Where Council is the registration authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	Coordinator Environmental Health Environmental Health Officer	
s 40F	Power to cancel registration of food premises	Coordinator Environmental Health	Where Council is the registration authority
s 43	Duty to maintain records of registration	Coordinator Environmental Health Environmental Health Officer Environmental Health Administration	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 registration of a component of a food business	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Coordinator Environmental Health Environmental Health Officer	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 45AC	Power to bring proceedings	Coordinator Environmental Health Environmental Health Officer	
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	Coordinator Environmental Health Environmental Health Officer	Where Council is the registration authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	Director City Development	Must first obtain Executive Director of the Heritage Council's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	Chief Executive Officer	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions		If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	Director City Development Manager City Planning & Development	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Director City Development Manager City Planning & Development	
s 8A(5)	Function of receiving notice of the Minister's decision	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
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	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	
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	Chief Executive Officer Director City Development Manager City Planning & Development, Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 12B(1)	Duty to review planning scheme	Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12B(2)	Duty to review planning scheme at direction of Minister	Director City Development Manager City Planning & Development	
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay	Director City Development Manager City Planning & Development	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	Chief Executive Officer Director City Development Manager City Planning & Development, Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 17(1)	Duty of giving copy amendment to the planning scheme	Director City Development Manager City Planning & Development, Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 17(2)	Duty of giving copy s 173 agreement	Director City Development Manager City Planning & Development, Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Director City Development Manager City Planning & Development	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	Director City Development Manager City Planning & Development, Assistant Manager Statutory Planning	Until the proposed amendment is approved or lapsed

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
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	Chief Executive Officer Director City Development Manager City Planning & Development, Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	May give notice to the Minister. May give notice to a public authority or a Council.
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Director City Development Manager City Planning & Development, Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	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 Minister for exemption from the requirements of s 19	Chief Executive Officer Director City Development Manager City Planning & Development	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	Director City Development Manager City Planning & Development, Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	Director City Development Manager City Planning & Development Coordinator Strategic Planning	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	Except submissions which request a change to the items in s 22(5)(a) and (b)

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Director City Development Manager City Planning & Development Coordinator Strategic Planning	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	During the inspection period

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 27(2)	Power to apply for exemption if panel's report not received	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Chief Executive Officer Director City Development	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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 30(4)(a)	Duty to say if amendment has lapsed	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strategic Planner	
s 30(4)(b)	Duty to provide information in writing upon request	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 32(2)	Duty to give more notice if required	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 33(1)	Duty to give more notice of changes to an amendment	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 36(2)	Duty to give notice of approval of amendment	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 40(1)	Function of lodging copy of approved amendment	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strategic Planner	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
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)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Senior Strategic Planner Strategic Planner	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	Director City Development Manager City Planning & Development	
s 46Q(1A)	Duty to forward to 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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 46Q(2)	Duty to apply 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.	Director City Development Manager City Planning & Development	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Director City Development Manager City Planning & Development	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to 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)	Chief Executive Officer Director City Development Manager City Planning & Development	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	Director City Development Manager City Planning & Development	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Director City Development Manager City Planning & Development	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	Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QD	Duty to prepare report and give a report to the Minister	Director City Development	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not delegated	
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	Not delegated	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Not delegated	
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	Not delegated	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Not delegated	
s 47	Power to decide that an application for a planning permit does not comply with that Act	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning Principal Planner	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 50(4)	Duty to amend application	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 50(5)	Power to refuse to amend application	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 50(6)	Duty to make note of amendment to application in register	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 50A(1)	Power to make amendment to application	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 50A(4)	Duty to note amendment to application in register	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. In case of a decision not to give notice of an application, this delegation must only be exercised by the Planning Leadership Group

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s 52(3)	Power to give any further notice of an application where appropriate	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Planning Leadership Group Development Planner	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Planning Leadership Group Development Planner	
s 54(1)	Power to require the applicant to provide more information	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1B)	Duty to specify the lapse date for an application	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. A decision to refuse to extend time in response to any request pursuant to Section 54A(1) must only be exercised by the Planning Leadership Group.
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Director City Development, Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning, Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Chief Executive Officer Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 57A(5)	Power to refuse to amend application	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 57A(6)	Duty to note amendments to application in register	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57B(1)	Duty to determine whether and to whom notice should be given	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 57C(1)	Duty to give copy of amended application to referral authority	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 58	Duty to consider every application for a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 58A	Power to request advice from the Planning Application Committee	Chief Executive Officer Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 60(1A)	Duty to consider certain matters	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	Director City Development Planning Leadership Group Development Planner Technical Officer Subdivisions	<ul style="list-style-type: none"> Decisions must be consistent with point 3 of the Preamble in this instrument. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Planning Leadership Group	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Planning Leadership Group	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Assistant Manager Statutory Planning Coordinator Strategic Planning Team Leader Statutory Planning Principal Planner	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Assistant Manager Statutory Planning Coordinator Strategic Planning Team Leader Statutory Planning Principal Planner	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 62(2)	Power to include other conditions	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
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)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> This provision applies also to a decision to grant an amendment to a permit - see s 75 The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 64(5)	Duty to give each objector a copy of an exempt decision	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. This provision applies also to a decision to grant an amendment to a permit - see s 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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application, if a relevant recommending referral authority has objected to the grant of a permit	Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> 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 s 57	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning, Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. 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

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. 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 application for extension of time of permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 69(1A)	Function of receiving application for extension of time to complete development	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	Planning Leadership Group Development Planner Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. The power to refuse to extend time must only be exercised by Planning Leadership Group. The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy.
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Planning Officers Group Planning & Building Administration Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 71(1)	Power to correct certain mistakes	Planning Leadership Group	The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy.
s 71(2)	Duty to note corrections in register	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	Note – "Register" means a register of Applications pursuant to s 49 of the Act.
s 73	Power to decide to grant amendment subject to conditions	Planning Leadership Group Development Planner Technical Officer Subdivisions	<ul style="list-style-type: none"> Decisions must be consistent with point 3 of the Preamble in this instrument. The decision must be dual signed by the responsible officer and delegate and be in accordance with Delegation Policy.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 74	Duty to issue amended permit to applicant if no objectors	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. 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

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. 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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only. 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 direction of Minister to issue amended permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 83	Function of being respondent to an appeal	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 83B	Duty to give or publish notice of application for review	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning Officers Group Technical Officer Subdivisions	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	<ul style="list-style-type: none"> Decisions must be consistent with point 3 of the Preamble in this instrument. In addition, the decision to refuse in this instance can be exercised over all applications despite the exemptions in condition 3.4, with the exception of any application "called in" by a Councillor. This does not apply if there is insufficient time for the matter to be reported to Council whereby the decision will be discussed with the ward Councillors prior to it being made, The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy. The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 84AB	Power to agree to confining a review by the Tribunal	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Director City Development Manager City Planning & Development	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s 91(2)	Duty to comply with the directions of VCAT	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 93(2)	Duty to give notice of VCAT order to stop development	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Liaison Officer Construction Management Plans Planning & Building Administration Officer Planning Enforcement Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 95(3)	Function of referring certain applications to the Minister	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 95(4)	Duty to comply with an order or direction	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning Officers Group	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Director City Development Manager City Planning & Development	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Chief Executive Officer	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Chief Executive Officer Director City Development Manager City Planning & Development Coordinator Strategic Planning	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Chief Executive Officer Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
s 96F	Duty to consider the panel's report under s 96E	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner Strategic Planner	
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	<ul style="list-style-type: none"> Decisions must be consistent with point 3 of the Preamble in this instrument. In addition: <ul style="list-style-type: none"> a) in deciding an amendment, the Delegate must not exercise his or her delegation without first conferring with his or her immediate superior; and b) the decision to refuse in this instance can be exercised over all applications despite the exemptions above, with the

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			exception of any application "called in" by a Councillor. This does not apply if there is insufficient time for the matter to be reported to Council whereby the decision will be discussed with the Ward Councillors prior to it being made.
s 96H(3)	Power to give notice in compliance with Minister's direction	Director City Development Manager City Planning & Development Coordinator Strategic Planning Senior Strategic Planner, Strategic Planner	
s 96J	Duty to issue permit as directed by the Minister	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
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	All Planning Coordinator Strategic Planning Planning Officers Group Senior Strategic Planner Strategic Planner	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 97C	Power to request Minister to decide the application	Not delegated	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Planning Officers Group Planning & Building Administration Officer	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	Director City Development Manager City Planning & Development	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Planning Leadership Group	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Planning Leadership Group	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Planning Leadership Group	
s 97Q(4)	Duty to comply with directions of VCAT	Chief Executive Officer Planning Leadership Group	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Chief Executive Officer Director City Development	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Chief Executive Officer All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 101	Function of receiving claim for expenses in conjunction with claim	All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 103	Power to reject a claim for compensation in certain circumstances	Chief Executive Officer Director City Development	
s.107(1)	Function of receiving claim for compensation	All Planning Planning Officers Group	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 107(3)	Power to agree to extend time for making claim	Chief Executive Officer Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Chief Executive Officer Director City Development Manager City Planning & Development	
s 114(1)	Power to apply to the VCAT for an enforcement order	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning Enforcement	Ward Councillor to be advised of the decision
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Team Leader Statutory Planning Enforcement Liaison Officer Construction Management Plans Planning Enforcement Officer	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning Enforcement	
s 123(1)	Power to carry out work required by enforcement order and recover costs	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Team Leader Statutory Planning Enforcement	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	Chief Executive Officer	Except Crown Land
s 129	Function of recovering penalties	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning Enforcement Liaison Officer Construction Management Plans Planning Enforcement Officer	
s 130(5)	Power to allow person served with an infringement notice further time	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning Enforcement Liaison Officer Construction Management Plans Planning Enforcement Officer	
s 149A(1)	Power to refer a matter to the VCAT for determination	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149B	Power to apply to the Tribunal for a declaration.	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), 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) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planning Officer Strategic Planning Officer	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Senior Strategic Planning Officer Strategic Planning Officer	
s 171(2)(g)	Power to grant and reserve easements	Chief Executive Officer Director City Development Manager City Planning & Development,	
s 173(1)	Power to enter into agreement covering matters set out in s 174	Chief Executive Officer Director City Development Manager City Planning & Development,	
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	Chief Executive Officer Director City Development Manager City Planning & Development	Where Council is the relevant responsible authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Team Leader Statutory Planning Enforcement Planning Enforcement Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Team Leader Planning Enforcement Planning Enforcement Officer	
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	Chief Executive Officer Director City Development Manager City Planning & Development	
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	Chief Executive Officer Director City Development Manager City Planning & Development	
s 178A(1)	Function of receiving application to amend or end an agreement	Chief Executive Officer All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 178A(5)	Power to propose to amend or end an agreement	Chief Executive Officer Director City Development Manager City Planning & Development	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	detrimentally affected by decision to amend or end	Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	
s 178C(4)	Function of determining how to give notice under s 178C(2)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178E(2)(c)	Power to refuse to amend or end the agreement	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178E(3)(d)	Power to refuse to amend or end the agreement	Chief Executive Officer Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Team Leader Statutory Planning	
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	Chief Executive Officer Director City Development Manager City Planning & Development	
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Team Leader Statutory Planning	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General – need to clarify	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Planning & Building Administration Officer	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 182	Power to enforce an agreement	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Planning Officers Group Team Leader Statutory Planning Enforcement Liaison Officer Construction Management Plans Planning Enforcement Officer	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
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	Chief Executive Officer Director City Development Manager City Planning & Development	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made	Chief Executive Officer Director City Development Manager City Planning & Development	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to VCAT for review of a failure to amend or end an agreement		
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	Chief Executive Officer Director City Development Manager City Planning & Development	
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	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 184G(2)	Duty to comply with a direction of the Tribunal	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
s 184G(3)	Duty to give notice as directed by the Tribunal	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
s 198(1)	Function to receive application for planning certificate	Not delegated	
s 199(1)	Duty to give planning certificate to applicant	Not delegated	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201(1)	Function of receiving application for declaration of underlying zoning	Chief Executive Officer Director City Development Planning Officers Group	
s 201(3)	Duty to make declaration	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning	
	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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Team Leader Statutory Planning Enforcement Liaison Officer Construction Management Plans Planning Enforcement Officer Technical Officer Subdivisions	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
	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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Senior Strategic Planner Liaison Officer Construction Management Plans	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Senior Strategic Planner Liaison Officer Construction Management Plans	
	Power to give written authorisation in accordance with a provision of a planning scheme	Director City Development Manager City Planning & Development Assistant Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group Team Leader Statutory Planning Enforcement Planning Enforcement Officer	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment, Manager Project Delivery & Assets	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	Not delegated	
s 11(9)(b)	Duty to advise Registrar	Coordinator GIS	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Director City Development Director Infrastructure Manager Engineering & Investment Manager Project Delivery & Assets Manager City Services	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	Coordinator GIS	Where Council is the coordinating road authority
s12(10)	Duty to notify of decision made	Coordinator GIS	Duty of 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 Government Gazette	Not delegated	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	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	Not delegated	
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	Not delegated	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Not delegated	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(2)	Duty to include details of arrangement in public roads register	Manager Engineering & Investment Manager Project Delivery & Assets Manager City Services Director City Development Director Infrastructure	
s 16(7)	Power to enter into an arrangement under s 15	Not delegated	
s 16(8)	Duty to enter details of determination in public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 17(2)	Duty to register public road in public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	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	Director City Development Director Infrastructure	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 19(4)	Duty to specify details of discontinuance in public roads register	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 19(5)	Duty to ensure public roads register is available for public inspection	Director City Development Director Infrastructure	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 21	Function of replying to request for information or advice	Not delegated	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	Not delegated	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Engineering & Investment Manager Finance & Corporate Performance Manager Project Delivery & Assets	
s 22(5)	Duty to give effect to a direction under s 22	Director City Development Director Infrastructure Manager Engineering & Investment Manager City Services Manager Project Delivery & Assets	
s 40(1)	Duty to inspect, maintain and repair a public road.	Director City Development Director Infrastructure Manager Engineering & Investment Manager City Services Manager Project Delivery & Assets	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	Director City Development, Director Infrastructure Manager City Services	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	Director City Development Director Infrastructure Manager Engineering & Investment Manager City Services	

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Manager Project Delivery & Assets	
s 42(1)	Power to declare a public road as a controlled access road	Not delegated	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	Not delegated	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	Not delegated	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	Not delegated	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
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)	Director City Development Director Infrastructure Manager Engineering & Investment Manager City Services Manager Project Delivery & Assets	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets,	
s 49	Power to develop and publish a road management plan	Not delegated	
s 51	Power to determine standards by incorporating the standards in a road management plan	Not delegated	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Chief Executive Officer	
s 54(2)	Duty to give notice of proposal to make a road management plan	Not delegated	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	Chief Executive Officer	
s 54(6)	Power to amend road management plan	Not delegated	
s 54(7)	Duty to incorporate the amendments into the road management plan	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets,	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	Chief Executive Officer	
s 63(1)	Power to consent to conduct of works on road	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets Engineering Works Coordinator Civil Works Inspector	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets Engineering Works Coordinator Civil Works Inspector	Where Council is the infrastructure manager

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to comply with cl 13 of sch 7	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	Manager Community Safety	Where Council is the coordinating road authority
s 67(3)	Power to request information	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Community Laws Coordinator Parking Services Team Leader Parking Services Community Laws Officer Parking Services Officer	Where Council is the coordinating road authority
s 68(2)	Power to request information	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Manager Project Delivery & Assets Coordinator Community Laws Coordinator Parking Services Team Leader Parking Services Community Laws Officer Parking Services Officer	
s 71(3)	Power to appoint an authorised officer	Not delegated	
s 72	Duty to issue an identity card to each authorised officer	Not delegated	
s 85	Function of receiving report from authorised officer	Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets	
s 86	Duty to keep register re s 85 matters	Manager Community Safety	
s 87(1)	Function of receiving complaints	Chief Executive Officer	
s 87(2)	Duty to investigate complaint and provide report	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Community Laws Coordinator Parking Services Team Leader Parking Services Community Laws Officer Parking Services Officer	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	Director City Development Director Infrastructure	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 112(2)	Power to recover damages in court	Manager Community Safety	
s 116	Power to cause or carry out inspection	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Community Laws Coordinator Parking Services Team Leader Parking Services Community Laws Officer Parking Services Officer	
s 119(2)	Function of consulting with the Head, Transport for Victoria	Chief Executive Officer	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
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)	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 121(1)	Power to enter into an agreement in respect of works	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
s 122(1)	Power to charge and recover fees	Manager Community Safety Manager Engineering & Investment	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to charge for any service	Manager Community Safety Manager Engineering & Investment	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not delegated	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Not delegated	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	Chief Executive Officer	
sch 2 cl 5	Duty to publish notice of declaration	Not delegated	
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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the location of any non-road infrastructure and technical advice or assistance in conduct of works		
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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	Director City Development Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	Director City Development Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	Director City Development Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Engineering Assets Engineering Works Coordinator	
sch 7 cl 12(5)	Power to recover costs	Director City Development Director Corporate Services Director Infrastructure Manager City Services Manager Community Safety Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Engineering Works Coordinator	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	Director City Development Director Infrastructure Manager Engineering & Investment Manager Project Delivery & Assets Engineering Works Coordinator	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)	Director City Development Director Infrastructure Manager Engineering & Investment Manager Project Delivery & Assets Engineering Works Coordinator	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	Director City Development Director Infrastructure Manager Engineering & Investment Manager Project Delivery & Assets Manager City Services	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Engineering Assets Civil Works Inspector	
sch 7 cl 16(4)	Duty to consult	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets Civil Works Inspector	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Civil Works Inspector	
sch7 cl 19(1)	Power to give notice requiring rectification of works	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets Civil Works Inspector	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	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets Civil Works Inspector	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the responsible road authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator Engineering Assets	
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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	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	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets Coordinator Engineering Assets	Duty of Council as 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			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	All Planning	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. The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written	Director City Development	

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	Assistant Manager City Planning & Development Manager Statutory Planning Coordinator Strategic Planning Planning Officers Group	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	All Planning	<ul style="list-style-type: none"> Where Council is the responsible authority The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	All Planning	<ul style="list-style-type: none"> Where Council is not the responsible authority but the relevant land is within Council's municipal district The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.
r.42	Function of receiving notice under section 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	All Planning	<ul style="list-style-type: none"> 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. The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

10.10 – ATTACHMENT 1.S6 Instrument of Delegation from Council to Members of Council Staff

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	Director City Development Manager City Planning & Development Coordinator Strategic Planning	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Director City Development Assistant Manager Statutory Planning Manager City Planning & Development Coordinator Strategic Planning	
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	All Planning	The Technical Officer Subdivisions is authorised to exercise this for subdivision applications only.

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	Chief Executive Officer	
r 9(2)	Duty to produce written report of review of road management plan and make report available	Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	Not delegated	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	Not delegated	
r 13(1)	Duty to publish notice of amendments to road management plan	Not delegated	Where Council is the coordinating road authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	Not delegated	
r 16(3)	Power to issue permit	Director City Development Manager Community Safety Manager Engineering & Investment Coordinator Engineering Assets	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	Not delegated	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	Manager City Services Manager Community Safety Coordinator Community Laws Coordinator Community Safety Support Coordinator Parking Services Community Laws Officer Parking Services Officer	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))	Manager Community Safety Coordinator Community Laws Coordinator Community Safety Support Coordinator Parking Services	Where Council is the responsible road authority

10.10 – ATTACHMENT 1. S6 Instrument of Delegation from Council to Members of Council Staff

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	Manager Community Safety Coordinator Community Laws Coordinator Community Safety Support Coordinator Parking Services	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	Director City Development Director Infrastructure Manager City Services Manager Engineering & Investment Manager Project Delivery & Assets	Where Council is the coordinating road authority

**10.11 S11A Appointment of Authorised Officers under the
Planning and Environment Act 1987**

Attachment 1 Draft S11A Instrument of Appointment and
Authorisation - Planning and Environment Act 1987 - 9
September 2024

**10.11 – ATTACHMENT 1. Draft S11A Instrument of Appointment and Authorisation -
Planning and Environment Act 1987 - 9 September 2024**

S11A Instrument of Appointment and Authorisation



Whitehorse City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)



10.11 – ATTACHMENT 1. Draft S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - 9 September 2024

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

In this Instrument '**officers**' means -

Jeff Green	Kim Marriott	Jacqui Hansen
Daniel Allen	Sam Allen	Sarah Aloï
Ashlee Bailey	Helen Bainbridge	Gert Bothma
Craig Burns	Jesse Cardamone	Edward Dumaresq
Allison Egan	Ronan Hamill	Alan Harrison
Man Sze Ho	Anne Hollensen	Fiona Little
Yinghuan Liu	John Lovelock	Vanessa McLean
Karen Mealyea	Belinda Moody	Craig Neville
Benjamin Page	Kirsten Raynor	Daniel Sibonis
Patrick Sutton	Stuart Taylor	Christos Varvaris
Lachlan Waddell	John Wignall	Cameron Willcox
Aminath Zeena	Lisa Zhao	

By this Instrument of Appointment and Authorisation, Whitehorse 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:

- Revokes the instrument authorised by a resolution of Whitehorse City Council on 13 May 2024;
- Comes into force immediately upon its execution; and
- Remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on 9 September 2024.

SIMON MCMILLAN

**Chief Executive Officer
Whitehorse City Council**

Date:

