

Attachments

Council Meeting

Monday 9 May 2022

11.1	Tender Evaluation (Contract 30326) Morack Golf Course Redevelopment	
	Attachment 1 Business Case Morack Golf Course.....	3
11.2	Response to Petition for Netball Court at Springfield Park	
	Attachment 1 Proposed Masterplan Submitted by Whitehorse Colts	22
11.3	Review of Council Delegations to Council Staff	
	Attachment 1 Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff	24
	Attachment 2 Attachment 2 - S18 Instrument of Delegation under EPA 2017	138

11.1 Tender Evaluation (Contract
30326) Morack Golf Course
Redevelopment

Attachment 1 Business Case Morack Golf Course

<p>MORACK GOLF COURSE REDEVELOPMENT - BUSINESS CASE</p>
--

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

Table of Contents

MORACK GOLF COURSE REDEVELOPMENT - BUSINESS CASE	1
1. OVERVIEW	3
2. SERVICE NEED AND ALIGNMENT WITH COUNCIL PLAN AND STRATEGIES ..	4
3. INITIATIVE OBJECTIVES AND SCOPE	6
3.1. Objective	6
3.2. Scope	6
4. STAKEHOLDER IDENTIFICATION, ANALYSIS AND CONSULTATION	7
5. STRATEGIC DIRECTIONS	8
5.1. Active Community	8
5.2. Evolving Infrastructure and Environment	9
5.3. Healthy Performance	12
6. FINANCIAL IMPLICATIONS AND OPTIONS	14
7. RECOMMENDATION OF PREFERRED OPTION	15
8. RISK ANALYSIS AND MANAGEMENT	17
9. PROCUREMENT STRATEGY	17
10. PROJECT PLANNING AND DELIVERY PHASES	17
11. PRELIMINARY BUDGET ANALYSIS AND FUNDING STRATEGY	18
12. SIGNOFF	18

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

1. Overview

The feasibility study for Morack Golf Course Redevelopment was completed over five years ago. The purpose of this business case is to provide Council with the most current and up to date market conditions and justification for undertaking a project of this importance during these challenging economic times. We will evaluate the benefits, cost and risk of the preferred design solution and delivery.

Morack Public Golf Course (Morack) is an important community facility that provides recreation opportunities for the residents of Whitehorse and for people from across the eastern region.

The facility features an 18-hole golf course, 20-bay floodlit driving range, two practice putting greens, a comprehensive pro-shop, clubhouse hosting four resident golf clubs, outdoor barbeque and seating areas. All facilities are open to the public.

In 2015/16, Council engaged consultants WellPlayed Golf Business Consultancy, in conjunction with Crafter + Mogford Golf Strategies to develop a strategic plan for Morack Golf Course to guide its future direction. A concept plan was also developed as part of the strategy.

The community consultation was completed later that year and the Morack Public Golf Course Strategic Plan was adopted by Council in 2017.

In 2018, WellPlayed was engaged to conduct a review and update the concept plan. This review involved a briefing with resident golf clubs, conducted in July 2018. Following the session, resident clubs were requested to provide feedback on the development of the golf pavilion and precinct, including identifying their club's 'desirable' requirements for the new shared multipurpose room.

Feedback was received from three of the four resident clubs (Creekside, Morack Ladies and Morack Seniors) with requests for storage, catering and the like.

The strategic plan has established ways in which Morack could be developed into a contemporary golf facility in accordance with three strategic directions. The strategic directions and supporting detail were formed from undertaking a comprehensive situational analysis.

The situational analysis included a review of Council's strategic framework; extensive stakeholder and community consultation, detailed site assessment, review of local population trends, comparing the performance of Morack to similar facilities within Melbourne, obtaining customer and local community insights together with a review of current operations at Morack.

To objectively assess Morack against leading public golf facilities and driving ranges, a comprehensive study of leading high-volume Government and privately-owned publicly accessible golf facilities was undertaken. Focus was on facilities in the immediate competitive market around Morack. The performance of Morack was assessed addressing both qualitative and quantitative measures.

In March 2019, Centrum Architects were appointed to further develop the concept design. An evolved concept design was presented to the resident golf clubs in mid-2019. Further feedback was received and incorporated into the revised design.

The revised design with an estimated budget of \$9.65m exceeded the initial budget of \$7.23m. The cost differences were reflective of cost escalations and some scope changes. Including:

- Initial budget of \$7.23m included refurbishment of existing buildings and facilities. The revised budget includes construction of a new building and facilities to comply with existing site levels and constraints with accessibility and services.
- Additional general store/larger service area for mechanical plant.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

- Building code requirements and functionality i.e. bringing all existing services to the current Building code, DDA access, Section J energy requirements and safety in design standards. Maximising functionality such as including locating golf reception and retail and kitchen in close proximity to each other and locating the golf cart store in view of reception.
- Increased circulation space to complement building profile.
- Ancillary spaces – freezer, dry store, bar store.
- Outdoor dining space to complement building profile.
- Additional car parking.

The revised design also provides an industry competitive customer experience, meets functional requirements and provides Council with a balanced investment return. The additional funds and escalation was subsequently approved by Council in March 2021. Council approved a total project budget of \$9.745m.

In March 2021, an updated Community Engagement Policy was approved by Council. As a result another community consultation and engagement process was carried out on the project between 27 September and 25 October 2021. The purpose of the engagement was to gather feedback from key stakeholders and the wider community about the proposed design and visual renders.

At the conclusion of the community engagement in late 2021, the project went to tender for a suitably qualified head contractor in a highly competitive and unstable market yielding higher than expected escalation costs. A tender evaluation report will go to Council on 9 May 2022 to consider the recommendation to award the project to the proposed head contractor.

2. Service Need and Alignment with Council Plan and Strategies

As part of the research to develop the Strategic Plan, WellPlayed consulted with the operations contractor (GSM), representatives of the resident golf clubs, three local secondary schools which use the facility and Whitehorse staff. A customer and community survey was also conducted to better understand relevant behaviours, opinions and the facility aspirations of current golfers and the local community.

In response to market trends and for golf facilities to remain viable and successful in meeting the needs of a declining, changing and competitive market, key challenges and opportunities was identified for the contemporary golf facility:

- Golf facilities must adapt to stay relevant in today's changing sport, recreation and hospitality market;
- Golf facilities need to become friendlier to women, families, diverse groups and younger generations;
- Golf facilities should introduce short-format and other golf-entertainment participation options;
- Golf facilities will need to consider new business models to ensure greater facility visitation and revenue diversification and;
- Golf facilities will need to actively engage with their local community.

The overall findings from the Strategic Plan report support Morack Public Golf Course as an important community facility that provides recreation opportunities for the residents of Whitehorse and for people from across the eastern region.

To remain viable, Morack must broaden its appeal to better attract women, families, diverse groups and younger generations. Council could also consider new business models to ensure greater facility visitation and revenue diversification i.e.: short format and other golf entertainment participation options.

The redevelopment is an outcome of the Morack Public Golf Course Strategic Plan approved by Council in 2017. This strategic plan was informed by extensive research and consultation with the resident golf clubs of Morack and local community.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

2.1 Background

Morack Public Golf Course (Morack) is an 18-hole (par 70) golf course situated in Morack Road Vermont South. The facility also features a 20 bay floodlit driving range, two practice putting greens, a sealed and lit car park, public toilets, a pro-shop, clubhouse and outdoor barbeque and seating area.

The water supply for the course is based upon a 50 million litre dam. Water is also pumped under licence from the Dandenong Creek so as to maintain adequate supply from the dam. The dam services an extensive automatic watering system designed to keep the tees, green and fairways as green as possible throughout the summer months. The dam together with the billabong alongside the creek and the water feature beside the 2nd fairway attracts a large number of water birds and are features of the course.

The views of the Dandenong Ranges combined with the undulating layout, natural bush along the Dandenong Creek and "an ongoing" landscaping and tree planting program, ensures the course as one of the most picturesque in the Melbourne Metropolitan area.

The golf course is managed under a third party arrangement with a contractor appointed to operate the pro shop, and collect greens fees and other income under a revenue share arrangement. There is a separate contract for the turf maintenance at the golf course.

A small timber clubhouse facility built in 1970 is situated adjacent to the pro shop which currently accommodates five resident golf clubs with a combined membership of 425 players.

The clubhouse's is not fit for purpose and therefore not suitable for use by external groups and corporate functions.

The pro shop and driving range was constructed in the late 1980's and funded by a previous Golf Course Professional in return for a long term lease.

A Morack Public Golf Course Strategic Plan was developed and adopted by Council in July 2000. In 2002 a Morack Public Golf Course Master Plan was then developed detailing a new course layout to address safety issues and improve playability.

Council has invested \$1.9mil in course improvements since 20012/13 and ongoing works is required to bring the course up to a standard that is comparable to nearby competitors.

2.2 Defining the Need

Well Played undertook a situational analysis including a review of Council strategic framework, extensive stakeholder consultation, detailed site assessment, review of local population trends, comparing performance of Morack Golf Course to similar facilities within Melbourne and obtaining customer and local community insights together with a review of current operations.

A review of golf course operations and benchmarking established the following:

- The financial return to Council is significant. Since 2002/03, \$15.6m in gross income has been earned with a net operating contribution of \$4.2m. Capital expenditure over the same period is around \$1.9m (representing 45% of net contribution).
- Total visitation at Morack was well above the mean with benchmarked facilities due to the presence of a driving range, however the course attendances are declining.
- The driving range is close to capacity with waiting lists for bays during peak times.
- Whilst the golf retail sales per visitor are high amongst benchmarked facilities, the merchandising and pro shop infrastructure were not best practice due to the layout of the facility and the age of the building.
- Food and beverage sales were poor. The limited offer and lack of indoor/outdoor eating spaces detrimentally impact sales.
- The presence of a strong and loyal club member base.

The overall findings from the Strategic Plan report support Morack Public Golf Course as an important community facility that provides recreation opportunities for residents of Whitehorse and for people from across the south eastern region.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

2.3 Evidence of the Need

There are a number of trends impacting the golf industry and golf participation.

A review was undertaken of the specific research and reports which are relevant to influencing the future of golf:

- Australian Sports Commission – The Future of Australian Sport
- The Futures Company – Golf's 2020 Vision
- HVS Golf Services – Thoughts from the Golf Industry Show
- Golf Australia – National Golf Participation Report

The relevant key findings identified from the ASC report found that:

- Participation rates in individualised sport and fitness activities are increasing; whilst participation is remaining steady or declining in organised sports; 'sufficient time' and 'cost' are barriers to participation.
- Sports will need to cater for an ageing and diverse population to retain strong participation.
- Governments and communities are recognising the broader benefits of sport to the immediate community and wider population; particularly health and wellbeing.

Golf's 2020 Vision and HVS Golf Services Report identified many issues relevant to the Australian golf market which include strategies and activities to:

- Increase participation in golf by responding to the 'participation barriers' including game difficulty, time commitment to play (short-format options), cost and rigid structure.
- Ensure a golf facility appeals to a wide variety of golfers and non-golfers including women, families, young, diverse groups and the local community.
- Increase diversification of a golf facility's business activities.

National Golf Participation Report confirms:

- Golf is one of Australia's most popular participation sports.
- An estimated 1.17 million people or 6.7% of the Australian adult population aged 15 or over play golf.
- Whilst total golf participation levels in Australia have fallen by approximately 12% since 2002, they have been relatively stable since 2008.
- The club golfer/social golfer mix has remained reasonably consistent over time at 40/60.

3. Initiative Objectives and Scope

3.1. Objective

The redevelopment includes:

- A multi-purpose golf pavilion with inside/outside café overlooking the picturesque golf course, multi-purpose room, commercial kitchen and bushland surrounds;
- A 25-bay driving range with premium bays for group functions and hospitality services; and;
- An 18-hole premium mini-golf facility.

The redevelopment is an outcome of the Morack Public Golf Course Strategic Plan. The plan acknowledges the ageing facilities at Morack and notes the limited social and hospitality offerings not meeting the needs of existing and new patrons.

3.2. Scope

Whitehorse City Council is redeveloping the popular Morack Public Golf Course into a contemporary community facility that will provide diverse leisure and social opportunities for golf enthusiasts and the wider Whitehorse community to enjoy.

The redevelopment is an outcome of the Morack Public Golf Course Strategic Plan. Since this time, Council has worked closely with key stakeholders, including the resident golf clubs, to progress a concept design for the redevelopment. With funding for the project committed in

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

the 2020/21 budget, the proposed concept/design plans were sufficiently advanced to seek feedback from the broader Whitehorse community.

The Strategic Plan acknowledges the ageing facilities at Morack and notes the limited social and hospitality offerings not meeting the current needs of existing and new patrons.

The propose design by Council aims to transform Morack into a facility that:

- Is more inclusive and inviting for families;
- Is attractive to corporate hospitality;
- Has modern technology in line with golfing industry trends and;
- Meets the needs of serious golfers and mini-golfers alike.

Construction is expected to commence in mid-2022 with an anticipated project completion in mid to late 2023.

The golf course will remain open during construction for playing nine or 18 holes; however, the driving range will be closed. Temporary portable buildings, with amenities and limited food/beverage offerings, will be set up on the existing practice putting green. The putting green will be reinstated at the conclusion of the redevelopment works.

4. Stakeholder Identification, Analysis and Consultation

External Stakeholders & Method of Engagement

Stakeholder	Engagement Method
Whitehorse Community	Online Survey via Your Say Whitehorse Portal
Resident Golf Clubs	Stakeholder Information Session 1
Whitehorse Community	Community Information Session 1
Whitehorse Community	Community Information Session 2
Barriburn Preschool	Stakeholder Information Session 2
Whitehorse Community	Community Information Session 3

Communication Purpose

The purpose of the engagement process was to gain input from key stakeholders and the wider Whitehorse community on the proposed design and plans for the Morack Public Golf Course redevelopment.

Feedback received will help shape the works and influence some elements of the design, such as:

- General exterior colours as represented on the 3D images;
- Layout of the car park and access roads;
- Pedestrian access between the car park and building entry;
- Pedestrian access throughout the precinct;
- Signage and;
- Lighting treatments.

The engagement process also aimed to establish a positive foundation for working cooperatively with the user groups, casual golfers and local residents throughout the project.

In light of the golfing facility being known by various names, the online survey also sought feedback on name preferences and the possibility of changing the venue's name in the future.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

5. Strategic Directions

5.1. Active Community

Maintaining and Growing Facility Visitation and Access

Golf is one of Australia's most popular participation sports. It is also popular within the City of Whitehorse. It is estimated that the primary catchment of Morack comprises 34,050 golfers aged 15 years and over.

Morack provides valuable health, social and sporting participation options for the community. Morack experiences high-levels of activity with around 100,000 visitations a year across its golf course and driving range facilities.

Morack customers include many active golfers. They are mostly intermediate golfers, and use the course nearly once a week (47x per year) and the driving range once every 2.5 weeks (20.5x per year). Whilst they are generally loyal to the driving range facility, they play at other golf courses regularly. Ringwood public golf course is the nearest identified competitor.

Analysis of the demographics of the catchment highlights the need to ensure participation programs continue to target females, families, diverse groups, younger generations (including school groups) and people with a disability.

When compared to local-market facilities, Morack is a leader in promoting itself through modern marketing techniques and promoting activities to drive facility visitation. Council should regularly engage with the third-party golf operator to encourage specific low-cost programs to introduce new community members to the facility, focussing on the aforementioned demographic segments.

Given the driving range represents an important asset for introducing new golfers to the game, these programs should focus on non-peak periods of use to minimise cannibalisation of revenue. Council has communication channels available to it that the third-party golf operator does not, enabling new markets to be approached (rather than ongoing campaigning to existing users via the third-party golf operator's proprietary channels).

Council should continue to support the third-party golf operator by co-investing in marketing and promotion activities to drive visitation to Morack. This should be increased as new facilities at Morack are developed.

Traditional trends within sports participation are being challenged and facilities within the golf industry are considering innovative ways to respond. The third-party golf operator should continue to develop and implement complimentary programs and products that respond to golf participation barriers – including game difficulty, time commitment to play, cost and rigid structure. Existing programs in the golf industry may be pursued or new products developed. These development and participation programs will likely require different marketing approaches and Council should co-invest with the third-party golf operator in the promotion of these programs.

The factors that motivate the Morack active golfer to participate in golf activities are a valuable reference point when considering service and facility improvements. Fun and enjoyment, outdoor natural environment, relaxation, health benefits, social experience and the personal challenge should be prioritised when developing visitation activities at Morack. Other complimentary activities that drive visitation to Morack and diversify its offerings should continually be explored.

Customers have expressed a willingness to increase their annual visitation to Morack if upgrades and new facilities were initiated. These include:

- Upgraded course = 17% increase;
- Upgraded driving range = 31% increase and;
- New modern café frequency of purchases = 73%.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

As well as benefitting the community from a health and wellbeing perspective, an increase in visitation will provide an essential contribution to the healthy performance of Morack.

5.2. Evolving Infrastructure and Environment

Maintaining and Developing Relevant Facilities in Connected and Sustainable Open Space.

Infrastructure and environment of Morack is to be maintained and developed to incorporate the following:

- Upgraded 18-hole Golf course;
- Upgraded and expanded 25-bay driving range;
- New 18-hole premium mini-golf facility;
- Upgraded golf pavilion and precinct and;
- Maintaining the land and environment.

Golf Course

Within the last decade a number of course improvements have been undertaken. These works have focused on drainage, conversion of cool-season fairway grass to warm season couch grass, new greens, new tees and structural changes. However, these works have not been continued in recent years.

Customers are 'very' to 'fairly' satisfied with the performance of the golf course overall. Also, when compared to nearby facilities, customers viewed the golf course as 'a little better'. This is positive reinforcement of the current maintenance and presentation standards of the golf course.

As expected, the presentation of the golf course during the 'colder and wet periods' when compared with the 'warmer and dry periods' resulted in a drop in levels of performance, both in terms of satisfaction and competitor comparison. Bunkers, drainage, fairways, greens, surrounds and paths showed the greatest relative decline.

The site assessment conducted by WellPlayed identified many improvement opportunities to tees, paths, greens, fairways, drainage, safety (including errant golf balls), and course strategy and layout.

Improvement works to the golf course should continue in a planned manner, on an annual basis and with a focus on the following priorities as identified in the new Concept Plan:

- Bunkers – improve sand quality, depth, drainage, consistency and maintenance;
- Drainage – fairways and other areas;
- Fairways – continue conversion of fairways to warm-season couch grass;
- Greens and surrounds – reconstruction or resurfacing of areas;
- Paths – installation of new concrete paths;
- Tees – reconstruction of existing tees or construction of new tees and;
- Safety – resolve player accessibility issues and monitor errant golf balls.

There are issues with some of the infrastructure that supports the efficient and effective presentation of the golf course. Detailed assessment of the following issues, and potential funding sources, will be required:

- Course maintenance facility – potential expansion into adjacent residence (owned by Council). A recent assessment by Council has identified the need for the replacement of the existing building in the next 2-3 years, given its poor condition and the presence of asbestos throughout and;
- Course irrigation – assessment of repair and standardisation requirements.

A rolling 9-year capital improvement plan must be implemented to accommodate the course improvement priorities. Consistent annual spending allows works to be planned in a manner to minimise disruption of play. A minimum annual course improvement allocation (on top of current

9

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

maintenance works) of approximately \$140k in Year 1 (then increasing annually by CPI) is required to achieve measurable and effective course improvements.

Driving Range

The driving range is performing very well. It received good levels of satisfaction across its attributes and customers are loyal to it. The site assessment identified the restricted 'aisle width' behind the bays as detracting from amenity comfort.

The following improvements have been identified in the new Concept Plan:

- Significant upgrading of the driving range and supporting infrastructure to contemporary standards and an increase to 25 driving bays (currently 20). 12 x 'premium bays', 11 x traditional bays and 2 x coaching bays;
- New orientation of the building and bays to a centralised outfield axis;
- Retention of existing fencing on the southern boundary and installation of new safety netting (12m in height) to the eastern and northern boundaries. Subject to assessment from additional trajectory study;
- Improved outfield drainage, presentation, targets and lighting and;
- Improved visual connection with the golf shop.

The 'premium bay' concept is a new and innovative feature to encourage non-golfers to the driving range for a 'golf entertainment' experience. Structurally a premium bay is wider (3.6m) and deeper (6m) than a regular bay, to allow for small-group gatherings on adjacent low-level or high-level lounge / hospitality seating. Entertainment screens (sports broadcasts) and specialised range technology (entertainment and game improvement) is incorporated.

A premium bay can generate a greater customer spend per bay. Bays are 'rented by the hour', and as it can comfortably accommodate more than one customer at a time, an increase in complimentary spending e.g. food and beverage will be achieved. Even when operating as a traditional bay (game improvement) it is possible to increase customer spend by utilising and then pricing access to accompanying specialised game improvement technology (via the specialised range technology).

The premium bay concept allows the driving range to be marketed as not just for game improvement or warm-up. Golf entertainment is an emerging industry trend, and together with a high-quality food and beverage service, investment in this feature will differentiate Morack from other nearby facilities and increase the potential customer audience.

The new Concept Plan has created a vision for the driving range infrastructure. The likely cost of the improvements will be substantial and will require a comprehensive investment plan to be developed.

Premium Golf

A new 18-hole premium mini-golf facility is to be incorporated at Morack. Principles that should be considered in the design and development of a new mini-golf facility at an existing golf facility have been identified by the Project Team as follows:

- The mini-golf site should be located adjacent to any main roads to maximise visibility to passing traffic;
- An 18-hole facility (2 x 9-hole courses with 3 flags on each course (easy, medium and hard)) is sufficient, but subject to high quality execution;
- Provide an entertaining and challenging layout (challenge increases from easy, medium and hard flag) that appeals to all age groups;
- Emphasis on contours rather than traditional mini-golf obstacles e.g. windmill and shark's mouth and incorporate signature 'feature' or key memorable features
- Take advantage of site topography to create level changes and variety;
- Develop a high-quality supporting landscape environment that has amplified music and is illuminated at night;
- Customer access should be via a controlled entry/exit point, preferably at the golf shop, but still be in close proximity to food and beverage service and;

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

- Provide more than 1 dedicated area, preferably overlooking the mini-golf facility, to accommodate group gatherings e.g. children's parties or corporate groups.

The Project Team have adopted the term 'premium mini-golf' to describe a facility that incorporates most of the design principles as identified.

With reference to the wider mini-golf market trends, local mini-golf market observations (including main competing facilities) and mini-golf design principles as identified, the Project Team have defined a mini-golf facility that will best suit Morack.

Key features of the proposed new premium mini-golf facility at Morack are:

- 2 x 9-hole premium mini-golf courses with 3 flags on each course (easy, medium and hard);
- Universal access for 1 x 9-hole course;
- Dedicated 'event pads' for private parties overlooking each course;
- Dedicated 'event area' adjacent to the proposed upgraded driving range building providing for group gatherings to enjoy mini-golf or premium driving range bays;
- New and high quality landscape environment to compliment the wider Morack landscape theme (incorporating any existing mature trees) and;
- Customer access via a controlled entry/exit point at the proposed new Golf Pavilion (golf shop counter) and via the proposed new Driving Range building (including passing the new premium driving range bays).

The area proposed for the mini-golf facility is approximately 1,500m². Given the site constraints resulting from an upgraded driving range building, car-park and existing golf course holes 17 and 18, the mini-golf facility expands west from the proposed new car parking area.

Golf Pavilion and Precinct

The buildings and associated hospitality service are the attributes of Morack which are the lowest ranked performers when assessed by customers. The buildings, including the change rooms and clubrooms, are below contemporary standards. In addition, food and beverage sales at Morack achieved poor results in the benchmarking review.

The following improvements have been identified in the new Concept Plan:

- Development of a new Golf Pavilion
 - Demolition of the existing resident club building and construction of a new building to connect to a refurbished current golf building to create an enlarged and combined internal floor-plan;
 - Re-plan layout of enlarged internal floor-plan to accommodate existing uses;
 - Incorporate new modern café facility (indoor / outdoor) and multipurpose space to accommodate the needs of resident clubs, customers and community and;
 - Open up the visual connection to the driving range.
- A new precinct feature entry leading to the golf pavilion entry and golf staging area (including new golf-cart parking area), with connecting pathway from a new bag drop zone and pedestrian pathway;
- Expansion of car-parking spaces to 141 spaces (currently 128) to accommodate increase in visitation arising from facility improvements and development:
 - Given Morack already experiences around 100,000 visitations a year, which may increase to over 154,000 with the addition of a new driving range and premium mini-golf facility, availability of convenient car-parking for customers is likely to be insufficient;
 - Detailed Council evaluation on ways to increase car-parking will be required. There is a potential opportunity to incorporate new car-parks on the East Road reserve adjacent to the existing car park. A detailed traffic analysis will need to be undertaken to identify car park expansion opportunities;
- New Golf Cart storage shed with:
 - 20 carts (plus service and repair) and general storage with environmental wash-down bay adjacent and;
 - Driving range service area included in golf cart storage shed - ball washing and storage of balls, range equipment and access to ball-dispenser.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

Land and Environment

Council's Open Space Asset Management Plan (2019) recommends the following:

- Council to continue to protect the natural wetland values through Morack Public Golf Course and identify opportunities to increase the presence of indigenous vegetation, consistent with the continued sporting use of this reserve;
- The Golf Course is to be retained in its current location with ongoing improvements to the interface between the Golf Course and the Dandenong Creek riparian zone;

With this in mind, the following improvements have been identified in the new Concept Plan:

- Continue with vegetation management (landscaping and tree planting program).
 - Note: the current golf course maintenance contract requires the contractor to reinstate a minimum of 80 trees per year and;
 - Including removing vegetation impacting playing corridors.
- Identify connections to existing and adjacent path/trail networks, including improved sign marking where applicable.
 - Review potential new east/west shared-trail connection through the golf course (adjacent to driving range) to Dandenong Creek and;
 - Monitor the progress of the potential Healesville Freeway Reservation Vision, in particular proposed impact on the 18th tee and discussions with DoT regarding acquisition of land and connecting Morack to the proposed East – West Share Trail.
- Identify ways in which to create habitat connections within the golf course and Dandenong Creek Corridor and potentially Biolink (East - West Share Trail).

5.3. Healthy Performance

Delivering Financial Sustainability and Economic Benefit

Achieving healthy performance outcomes for Morack relies on the following areas:

- Finance and;
- Management and operations.

Finance

Whilst the financial performance of Morack has been identified as 'solid', many facility improvements identified will require a sustained financial investment over several years.

It is recommended Council commit to an annual allocation of funds (via the development of an Asset Management Plan) that can be used for asset maintenance, renewal and development. The priority for this allocation is the golf course, course irrigation system, land and environment, and the accompanying improvement works as identified in the new Concept Plan.

Opportunities to commercialise Morack further should be pursued in the short to medium term with the construction of a new Golf Pavilion including:

- A new contemporary licensed café designed to cater to both golfers (increase secondary spend) and the local community (increase visitation and spend). Please note this has implications on the current liquor licenses each held by resident clubs;
- A new multi-purpose room to provide improved clubrooms to service the resident golf clubs and pursue growth in this important customer segment, and to provide other customers (e.g. social clubs) and community with a dedicated area for private events;
- Enhance the golf shop to grow on successful retail operations with improved integration with the driving range;

These opportunities serve to enhance current operations as well as diversify revenue streams, consistent with the guidelines in particular the identified need for golf facilities to:

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

- Consider new business models to ensure greater facility visitation and revenue diversification and;
- Actively engage with their local community.

Secondly, an investment program should be developed to substantially overhaul the driving range, build a new premium mini-golf facility and incorporate infrastructure improvements. This will facilitate the introduction of new experiences catering for a wider audience (not just golfers) including better customer access, hospitality service and golf entertainment options.

The particular goals of upgrading the driving range and building a premium mini-golf facility would enable Morack to:

- Adapt to stay relevant in today's changing sport, recreation and hospitality market and;
- Introduce short-format and other golf-entertainment participation options.

As the existing infrastructure would require a substantial overhaul, including new protective netting on the eastern and northern boundaries, potential for third-party operator capital investment should be considered.

Management Operations Successful management and operations is critical to the success of Morack.

Consideration of current management activities is required as follows:

- Undertake a review of management reporting to incorporate casual and competition 'member rounds' in order to identify those rounds played by members of resident clubs. This will provide an informed assessment of the relative visitation contribution of resident clubs;
- Introduce an online booking service;
- Ensure the identified course improvements that require a review or change of maintenance practices be implemented by the current golf course maintenance contractor;
- Throughout the process of implementing site improvements, conduct a marketing campaign to leverage the changes and manage consumer perceptions of Morack, in particular focusing on negative perception of comparatively poor conditions in winter months and;
- At the conclusion of any major re-development of a new Golf Pavilion, Driving Range and Premium Mini-Golf, and in conjunction with annual course improvements, consider:
 - Re-branding Morack to a new and more location specific brand;
 - Implement an above-average increase to green fee pricing to reflect the improved facilities and services (subject to detailed pricing local market competitor pricing comparison and review).

The new Concept Plan incorporates an improved food and beverage service via new Café, Driving Range premium bays and Premium Mini-Golf. A suitably experienced hospitality operator should be engaged as part of any redevelopment.

Redevelopment Benefits

The redevelopment will deliver a number of benefits including:

- Will broaden the market appeal beyond the current golfer market to the wider community including women, families and young children.
- Deliver a contemporary golf, entertainment and hospitality experience.
- 65% growth in visitations to over 150,000 visits per annum.
- Diversify and increase sources of revenue. (The redevelopment will increase course revenue from, \$2.2M to approximately \$3.7m to \$4.2m per annum.
- Deliver significant economic benefit.)

Doing nothing will result in continued ageing infrastructure, a decline in golf rounds and declining operating surpluses.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

6. Financial Implications and Options

Morack currently operates under a hybrid management structure. Council controls some minor aspects (predominately asset maintenance), whilst engaging a specialist golf services provider (Golf Services Management), and a specialist golf course and land maintenance provider (All Areas Turf Management). Currently both service providers are contracted annually with annual options up to 30 June 2022.

The Performance Model developed by WellPlayed, incorporates a range of sensitivities which will enable Council to model a range of scenarios and associated forecast performance and financial outcomes.

The Model provides for 7 management structure scenarios which consider a range of variables including:

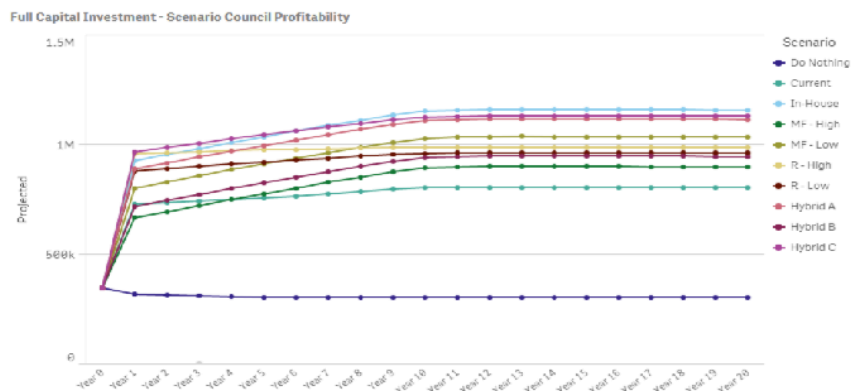
- Fixed Management Fees paid by Council to Operator(s); or
- Rental fee and % of revenue paid from/to Operator(s); or
- A combination of the above.

The table summarises the key pros and cons of each scenario: **Structure**

Structure	Pros	Cons
Internal	<ul style="list-style-type: none"> • Retain all profits • Develop micro understanding of the business operation 	<ul style="list-style-type: none"> • Full exposure to financial risk • Significant resource and time investment • Key person risk
Management Fee	<ul style="list-style-type: none"> • Access relevant intellectual property, know-how and experience • Ability to proactively direct the manager in relation to daily operations 	<ul style="list-style-type: none"> • Full exposure to financial risk • Time investment for daily oversight
Rental	<ul style="list-style-type: none"> • Guaranteed income • No exposure to fall in business profits • Access relevant intellectual property, know-how and experience 	<ul style="list-style-type: none"> • No participation in increased business profits
Hybrid	<ul style="list-style-type: none"> • Access relevant intellectual property, know-how and experience • Share profits and losses with operators 	<ul style="list-style-type: none"> • Complexity in commercial agreements

Assuming full implementation of the proposed capital investment projects, indicative profitability of each management structure scenario, together with an Internal/In-House option, has been developed:

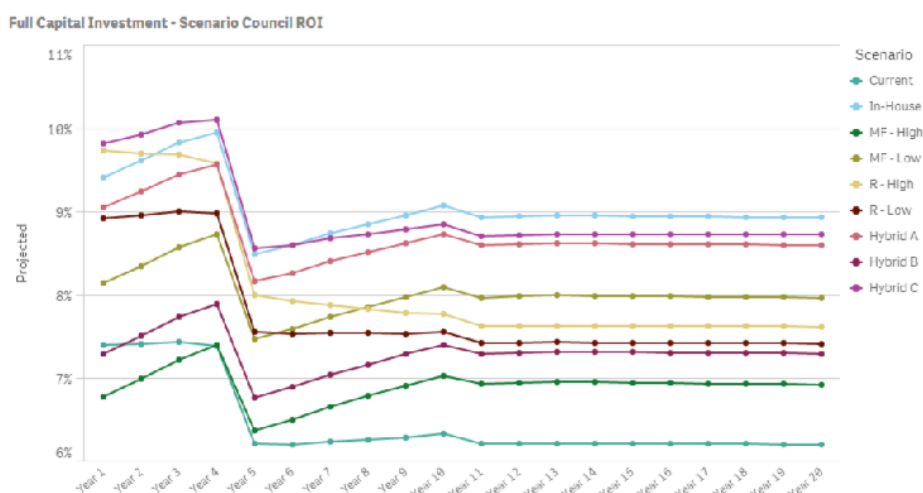
11.1 – ATTACHMENT 1. Business Case Morack Golf Course



7. Recommendation of Preferred Option

WellPlayed has adopted the QS projections for capital project costs. It is assumed these costs do not include fit-out for the driving range, mini-golf, retail or food and beverage areas. These costs should be funded by the future Operator(s). In the event the preferred management structure was to manage the business internally, these fit-out costs would be borne by Council.

Assuming all capital expenditure items are delivered in Year 1, except the Maintenance Facility, which is delivered in Year 5, the Chart below projects the ROI for each management scenario.



WellPlayed project the best returns to Council will be generated by adopting a hybrid or internal management structure.

Assuming the project investment proceeds, WellPlayed recommends the Hybrid C scenario. This would include:

- Appoint a Golf Operator to manage all golf services and facility assets;
- Appoint a Hospitality Operator to deliver hospitality services, who either reports direct to Council or through the Golf Operator via partnership and;
- Retain the existing course maintenance model.

The commercial terms includes:

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

Given that Council is seeking a capital contribution in excess of \$1M from the future operator, the independent commercial advice obtained by Council recommended a long-term lease.

A long-term lease provides the future operator with certainty of tenure thereby enabling the future operator to invest in a Council owned asset confidently.

The lease will include the following key provisions:

- The permitted use will be as operation of the Golf Business;
- The Lease will be for a minimum initial term of 15 years and a maximum term of 20 years (including any further terms);
- The tenant will be required to complete the Tenant's Fitout (proposed fitout of the Premises by the Proponent, including Plant & Equipment).
- The rent will comprise:
 - a base rent, being an amount of not less than \$500,000 plus GST per annum during the first year of the term (then reviewed to CPI annually) and;
 - turnover rent comprising a percentage of all gross revenue generated from the Premises above \$2.2 million (including GST) per annum.
- The tenant will be responsible for all outgoings and services;
- The tenant will be responsible for all upkeep (including irrigation), repairs and maintenance of the golf course, including but not limited to maintenance of all turfed surfaces in accordance with the Turf Maintenance Specification, excluding the following which will be the responsibility of Council:
 - repairs and maintenance of a capital or structural nature, and in relation to any Essential Safety Measure and;
 - maintenance required to any trees at the Premises,
- The tenant is responsible for providing all plant and equipment required to comply with its obligation to upkeep, repair and maintain the golf course in accordance with the Lease, at its own cost.

In accordance with Section 115 of the *Local Government Act 2020* Council advertised its intention to lease Morack Golf Course in the 2021-2022 Council budget.

No objections to Council's intention to lease Morack Golf Course were received during the budget submission process.

The Morack Golf Course Expression of Interest (EOI) for the future operator was launched via Council's eTender Portal on Wednesday 23 February 2022 and submissions close on Friday 29 April 2022.

Since the EOI launch there have been in excess of 30 registrations and on Friday 11 March a number of those registrations attended an optional on-site EOI briefing presented by WellPlayed golf consultancy.

A Council report regarding the lease will be prepared for the June meeting cycle.

Based on the proposed operating model and the actual construction tender prices, the financial modelling for this project has been recalculated.

8. Financial Assessment

The financial modelling, applying a combination of conservative and base case scenarios outlined a likely 60% increase in gross revenue's as a consequence of the overall investment.

Morack's pre-pandemic gross revenue was circa \$2.2m;

Council's current surplus is approximately \$300k per annum;

The business case proposal and inclusion of the operating model and lease conditions will guarantee Council an uplift in revenue of \$200k - \$500k per annum.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

It should be noted the financial outcomes (surplus, cashflow and investment returns) are thereafter determined by the Expression of Interest response which calls for respondents to provide a percentage of revenue to Whitehorse City Council over the \$2.2m.

The financial assessment is as follows:-

- Has been based on the Expression of Interest (EOI) and over the proposed (minimum) 15 year lease;
- Assessed Payback and Internal Rate of Return is based over the 15 years;
- Because the EOI calls for respondents to provide a percentage of revenue to Whitehorse City Council over \$2.2m, there is no "fixed outcome" scenario;

Lease Term (Yrs)	15					
	Scenario's					
	0%	10%	20%	30%	IRR 0%	Payback 10 Yrs
Income Share > \$2.2m					27.0%	70.0%
Annual Surplus \$'000	442	580	717	854	814	1404
IRR %	-6.7%	-3.9%	-1.5%	0.6%	0.0%	7.6%
Payback- Years	31.1	24.6	19.9	16.8	17.6	10.0

Note

- a) Guaranteed Lease Revenue base - \$500kpa
- b) current cross-charge reduced by 50% to \$50kpa
- c) Whitehorse Capital for "on-course" works \$140kpa included

9. Risk Analysis and Management

A Project Control Group has been developed for this project which includes the integration of risk assessment and management into the project governance arrangements for the project.

The Senior Project Manager is responsible for the creation and management of the Project Risk & Issues Register. This will be reviewed and updated on a weekly basis, and is the basis of reports provided to the Project Control Group and other key decision makers in the project governance structure.

The Register identifies and describes all key project risks, will establish ratings of likelihood, consequence and impact, mitigation strategies and residual risks. Mitigation strategies will be assigned to an accountable officer, and will be managed to conclusion through the established project management arrangements.

10. Procurement Strategy

The Council intends (subject to business case approval and funding) to procure a suitably experienced and capable construction contractor to undertake the redevelopment of Morack Golf Course.

A procurement options analysis report will be undertaken and due to the scale of the development a probity advisor will have oversight the procurement process.

11. Project Planning and Delivery Phases

Morack Golf Course Redevelopment to date has included;

- 2015/16 – Industry experts developed a strategic plan and concept design for Morack based on community feedback;
- 2017 – Strategic Plan adopted by Council;
- 2018 and 2019 – Concept plan updated with more input from golf clubs;
- 2020 – Council commits \$9.745m investment for redevelopment and subsequent approval in March 2021 budget;
- 2021 – Proposed design out for community consultation, feedback and discussion and;
- 2022 – Evaluate tenders, recommend and commence works.

11.1 – ATTACHMENT 1. Business Case Morack Golf Course

12. Preliminary Budget Analysis and Funding Strategy

In order to proceed with the recommended option, Council needs to allocate additional capital and recurrent funding for FY 2022/23.

13. Signoff

The information included in this Business Case has been reviewed and is supported by:

<input type="checkbox"/> Infrastructure Director <<name>>	<input type="checkbox"/> Other <<name>>
<input type="checkbox"/> Manager, Major Projects <<name>>	<input type="checkbox"/> Other <<name>>
<input type="checkbox"/> Corporate Services Director <<name>>	<input type="checkbox"/> Other <<name>>
<input type="checkbox"/> Community Services Director <<name>>	<input type="checkbox"/> Other <<name>>

If not supported please describe reasons:

The initiative sponsor supports and endorses this Business Case by:

<<signed>>

<<name>>

<<Title>>

<<DD/MM/YYYY>>

Approvals

This Business Case is endorsed by the Directors:

☐ Yes

☐ No

Approver comments including required next steps

This may include instructions for example relating to:

- ☐ Council briefing processes
- ☐ Community & stakeholder relations activities
- ☐ Budget processes


11.2 Response to Petition for Netball Court at Springfield Park


Attachment 1 Proposed Masterplan Submitted by
Whitehorse Colts

11.2 – ATTACHMENT 1. Proposed Masterplan Submitted by Whitehorse Colts

Key Issues

- The existing playground and carpark configuration is unsafe
- Increased use of the cricket nets has placed the facilities under stress.
- Development of Netball facilities is a strategic priority with no current solution
- The existing Cricket Net Facilities are worn out, unsafe and do not support a broad and diverse participant base in their current format
- Lack of undercover seating
- A walking trail around the perimeter to encourage active lifestyle
- Lack of multi sporting facilities in the reserve
- Lack of scoreboard
- Western Oval is underutilized during Summer
- Club's focus split between grounds due to shared facilities
- Facilities for our sons but not for our daughters
- Limited car parking options





- Multi-purpose training facility
- Realignment of Playground
- Realignment and extend car park
- Walking and exercise trail
- Development of half court basketball hoops
- Installation of scoreboard

“We have a facility for our sons but not for our daughters”

Key directions

- Extend Cricket Nets
- Develop Netball Court
- Re-site and upgrade Playground
- Re-align and expand Carpark
- Bench seating area
- Equipment storage
- Veranda / Shelter on front of pavilion
- Walking / exercise trail around perimeter of facility (incl. exercise equipment)
- Install half-court pads with basketball hoops
- Scoreboard
- Move / redevelop coaching boxes to west side of West Oval
- Install BBQ Facilities
- New Parking on Springfield Rd
- Tiered landscape
- External Storage
- Install Synthetic Wicket

“An Inclusive Community Sporting Hub”

Springfield Park | Facility Master Plan (Issues and directions)
Springfield Park Sports Ground

FMP-01 | Version 1.02
21st October 2020

Club Builder 2035
© 2020 ARWK Management Pty Ltd

11.3 Review of Council Delegations to Council Staff

Attachment 1 Attachment 1 -
S6_Instrument_of_Delegation_-
_Members_of_Staff

Attachment 2 Attachment 2 - S18 Instrument of
Delegation under EPA 2017

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

S6 Instrument of Delegation - Members of Staff

Whitehorse City Council

Instrument of Delegation

to

Members of Council Staff

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_- _Members_of_Staff

Instrument of Delegation

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

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

"AMSTP" means Assistant Manager Statutory Planning

"CEO" means Chief Executive Officer

"CWI" means Civil Works Inspector

"CLO" means Community Laws Officer

"CCL" means Co-ordinator Community Laws

"CCSS" means Co-ordinator Community Safety Support

"CEA" means Co-ordinator Engineering Assets

"CEH" means Co-ordinator Environmental Health

"CGIS" means Co-ordinator GIS

"CG" means Co-ordinator Governance

"CPS" means Co-ordinator Parking Services

"CSTRP" means Co-ordinator Strategic Planning

"DP" means Development Planner

"DCD" means Director City Development

"DCOM" means Director Community Services

"DCOR" means Director Corporate Services

"DI" means Director Infrastructure

"EWC" means Engineering Works Co-ordinator

"EHA" means Environmental Health Administration

"EHO" means Environmental Health Officer

"GO" means Governance Officer

"GPO" means Governance Project Officer

"MCP&D" means Manager City Planning & Development

"MCITY" means Manager City Services

"MCS" means Manager Community Safety

"ME&I" means Manager Engineering & Investment

"MF&CP" means Manager Finance & Corporate Performance

"MH&FS" means Manager Health & Family Services

"MPD&A" means Manager Project Delivery & Assets

"PSO" means Parking Services Officer

"P&BAO" means Planning & Building Administration Officer

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-Members_of_Staff

"PEO" means Planning Enforcement Officer

"PO's" means Planning Officers

"PP" means Principal Planner

"SSTRP" means Senior Strategic Planner

"STRP" means Strategic Planner

"TLPS" means Team Leader Parking Services

"TLSTP" means Team Leader Statutory Planning

"TLSTPE" means Team Leader Statutory Planning Enforcement

"TOS" means Technical Officer Subdivisions

"PO Group" means DP, TLSTP, UP and PP

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on April 2022; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy or strategy, adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed for Whitehorse City Council
by Simon McMillan in his capacity
as Chief Executive Officer pursuant
to authorisation by Council at its
meeting held April 2022.

Date April 2022

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

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

Positions

Abbreviation	Position
AMSTP	Assistant Manager Statutory Planning
CEO	Chief Executive Officer
CWI	Civil Works Inspector
CLO	Community Laws Officer
CCL	Coordinator Community Laws
CCSS	Coordinator Community Safety Support
CEA	Coordinator Engineering Assets
CEH	Coordinator Environmental Health
CGIS	Coordinator GIS
CG	Coordinator Governance
CPS	Coordinator Parking Services
CSTRP	Coordinator Strategic Planning

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Abbreviation	Position
DP	Development Planner
DCD	Director City Development
DCOM	Director Community Services
DCOR	Director Corporate Services
DI	Director Infrastructure
EWC	Engineering Works Coordinator
EHA	Environmental Health Administration
EHO	Environmental Health Officer
GO	Governance Officer
GPO	Governance Project Officer
MCP&D	Manager City Planning & Development
MCITY	Manager City Services
MCS	Manager Community Safety
ME&I	Manager Engineering & Investment
MF&CP	Manager Finance & Corporate Performance
MH&FS	Manager Health & Family Services
MPD&A	Manager Project Delivery & Assets

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Abbreviation	Position
Not delegated	Not delegated
PSO	Parking Services Officer
P&BAO	Planning & Building Administration Officer
PEO	Planning Enforcement Officer
POs	Planning Officers
PP	Principal Planner
SSTRP	Senior Strategic Planner
STRP	Strategic Planner
TLPS	Team Leader Parking Services
TLSTP	Team Leader Statutory Planning
TLSTPE	Team Leader Statutory Planning Enforcement
TOS	Technical Officer Subdivisions

Positions Groups

Positions Group	Position	Positions
PO Group	Planning Officers	DP, TLSTP, UP, PP

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	MCS	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	EHO, CEH	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	EHO, CEH	If s 19(1) applies

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	EHO, CEH	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	MH&FS, CEO, CEH, DCOM	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	EHO, CEH	If s 19(1) applies
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	EHO, CEH	If s 19(1) applies

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Not delegated	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	Not delegated	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, CEH	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, CEH	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, CEH, EHA	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, CEH	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, CEH	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, CEH, EHA	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19N(2)	Function of receiving notice from the auditor	EHO, CEH, EHA	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, CEH	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	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	EHO, CEH	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	EHO, CEH	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	EHO, CEH	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to register or renew the registration of a food premises	EHO, CEH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, CEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	EHO, CEH	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	EHO, CEH	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, CEH	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	EHO, CEH	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, CEH	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, CEH	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, CEH	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, CEH	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, CEH	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, CEH	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	EHO, CEH	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, CEH	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, CEH	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	EHO, CEH, EHA	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	EHO, CEH	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	EHO, CEH	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, CEH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, CEH	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, CEH	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	CEO	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	CEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MH&FS	Where Council is the registration authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	EHO, CEH	
s 40F	Power to cancel registration of food premises	CEH	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, CEH, EHA	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	EHO, CEH	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	EHO, CEH	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, CEH	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	EHO, CEH	Where Council is the registration authority

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

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

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	CEO	

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	MCP&D, DCD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTRP, STRP, SSTRP, MCP&D, DCD	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	P&BAO, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MCP&D, DCD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MCP&D, DCD	
s 8A(5)	Function of receiving notice of the Minister's decision	CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CSTRP, STRP, SSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 12B(1)	Duty to review planning scheme	MCP&D, DCD	
s 12B(2)	Duty to review planning scheme at direction of Minister	MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MCP&D, DCD	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 17(1)	Duty of giving copy amendment to the planning scheme	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 17(2)	Duty of giving copy s 173 agreement	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18	Duty to make amendment etc. available in accordance with public availability requirements	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
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	CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	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	CSTRP, STRP, SSTRP, MCP&D, DCD	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.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, MCP&D, DCD	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CSTRP, STRP, SSTRP, MCP&D, DCD	
s 21A(4)	Duty to publish notice	CSTRP, MCP&D, DCD	
s 22	Duty to consider all submissions	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	AMSTP, CSTRP, MCP&D, DCD	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	AMSTP, CSTRP, STRP,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTRP, MCP&D, DCD	
s 27(2)	Power to apply for exemption if panel's report not received	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DCD	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	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 30(4)(b)	Duty to provide information in writing upon request	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 32(2)	Duty to give more notice if required	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 33(1)	Duty to give more notice of changes to an amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 38(5)	Duty to give notice of revocation of an amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 40(1)	Function of lodging copy of approved amendment	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD, PO Group	
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)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	AMSTP, CSTRP, POs, STRP, SSTRP, MCP&D, DCD	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	AMSTP, CSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	AMSTP, CSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, MCP&D, DCD	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	AMSTP, CSTRP, MCP&D, DCD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	AMSTP, CSTRP, MCP&D, DCD	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	MCP&D, DCD	
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	AMSTP, CSTRP, MCP&D, DCD	
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	MCP&D, DCD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MCP&D, DCD	Only applies when levy is paid to Council as a 'development agency'

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	CEO, MCP&D, DCD	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	MCP&D, DCD	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MCP&D, DCD	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	MCP&D, DCD	
s 46QD	Duty to prepare report and give a report to the Minister	DCD	Where Council is a collecting agency or development agency

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	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	AMSTP, TLSTP, PP, MCP&D, DCD	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	AMSTP, P&BAO,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTRP, POs, MCP&D, DCD	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 50(4)	Duty to amend application	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 50(5)	Power to refuse to amend application	AMSTP, CSTRP, POs, TLSTPE, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(6)	Duty to make note of amendment to application in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 50A(1)	Power to make amendment to application	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(4)	Duty to note amendment to application in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO 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	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
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	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	The SPO 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 DCD, MCP&D, AMSTP, CSTRP, TLSTP and PP.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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	AMSTP, CSTRP, POs, MCP&D, DCD	
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	AMSTP, CSTRP, POs, MCP&D, DCD	
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	AMSTP, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	AMSTP, CSTRP, POs, MCP&D, DCD	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	AMSTP, CSTRP, POs, MCP&D, DCD	
s 52(3)	Power to give any further notice of an application where appropriate	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	
s 54(1)	Power to require the applicant to provide more information	AMSTP, CSTRP, POs, MCP&D, DCD	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 54(1B)	Duty to specify the lapse date for an application	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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 DCD, MCP&D, AMSTP, CSTRP, TLSTP and PP.
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, MCP&D, DCD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 57A(6)	Duty to note amendments to application in register	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57B(1)	Duty to determine whether and to whom notice should be given	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	AMSTP, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57C(1)	Duty to give copy of amended application to referral authority	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 58	Duty to consider every application for a permit	AMSTP, CSTRP, POs, MCP&D, DCD	
s 58A	Power to request advice from the Planning Application Committee	CEO, DCD	
s 60	Duty to consider certain matters	AMSTP, CSTRP, POs, MCP&D, DCD	
s 60(1A)	Duty to consider certain matters	AMSTP, CSTRP, POs,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	The SPO 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	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p> <p>A decision to reuse a permit application must only be exercised by DCD, MCP&D, CSTRP, TLSTRP AND PP, except any application "called in" by a Councillor. The decision to grant a permit with or without conditions or a Notice of Decision with or without conditions, This power cannot be exercised in relation to:</p> <p>a) any application "called in" by a Councillor, whereby a Councillor advises the Director City Development, Manager City Planning and Development, Assistant Manager</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner that the planning application must be reported to Council for determination;</p> <p>b) any major development proposal or any other application where considered to be warranted by the delegate;</p> <p>c) an application where there 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;</p> <p>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</p> <p>e) an application for multiple dwellings where there are 12 or more objector properties;</p> <p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	AMSTP, CSTRP, TLSTP, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	AMSTP, CSTRP, TLSTP, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(2)	Power to include other conditions	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	AMSTP, CSTRP, POs,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO 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	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	AMSTP, CSTRP, POs, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	AMSTP, CSTRP, POs, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	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 application, if a relevant recommending referral authority has objected to the grant of a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	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	AMSTP, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	AMSTP, P&BAO, CSTRP, POs, TLSTP, PP, MCP&D, DCD	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	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	AMSTP, P&BAO, CSTRP, POs,	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

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
s 69(1)	Function of receiving application for extension of time of permit	AMSTP, P&BAO, CSTRP, PP, MCP&D, DCD	
s 69(1A)	Function of receiving application for extension of time to complete development	AMSTP, P&BAO, CSTRP, PP, MCP&D, DCD	
s 69(2)	Power to extend time	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	<p>The power to refuse to extend time must only be exercised by DCD, MCP&D, AMSTP, CSTRP, TLSTRP and PP.</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p> <p>All decisions must be dual signed by the responsible officer and delegate and be in accordance with Delegation Policy.</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	AMSTP, P&BAO, POs, TLSTP, MCP&D, DCD	
s 71(1)	Power to correct certain mistakes	AMSTP, CSTRP, DP, TLSTP, MCP&D, DCD	All decisions must be dual signed by the responsible officer and Delegate and be in accordance with Delegation Policy.
s 71(2)	Duty to note corrections in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	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	AMSTP, CSTRP, DP, TLSTP, PP,	A decision to refuse to grant an amendment to a permit must only be exercised by DCD, MCP&D, AMSTP, TLSTP,

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	<p>CSTRP and PP, except any application "called in" by a Councillor. The SPO is authorised to exercise this for subdivision applications only. The decision to grant with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <p>a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination;</p> <p>b) any major development proposal or any other application where considered to be warranted by the Delegate;</p> <p>c) any application where there 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;</p> <p>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</p> <p>e) an application for multiple dwellings where there are 12 or more objector properties;</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p> <p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>The decision must be dual signed by the responsible officer and delegate and be in accordance with Delegation Policy.</p>
s 74	Duty to issue amended permit to applicant if no objectors	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	AMSTP, CSTRP, POs,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	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	AMSTP, CSTRP, POs,	If the recommending referral authority did not object to the amendment of the permit or the recommending referral

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	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	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 83	Function of being respondent to an appeal	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 83B	Duty to give or publish notice of application for review	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	AMSTP, CSTRP, POs, TLSTP,	For approvals, this power cannot be exercised in relation to:

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	<p>a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination;</p> <p>b) any major development proposal or any other application where considered to be warranted by the Delegate;</p> <p>c) any application where there 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;</p> <p>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</p> <p>e) an application for multiple dwellings where there are 12 or more objector properties;</p> <p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>In addition, the decision to refuse in this instance can be exercised over all applications despite the exemptions above, with the exception of any application "called in" by a Councillor.</p> <p>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,</p> <p>The decision must be dual signed by the responsible officer and delegate and must be in accordance with the Delegation Policy.</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p>
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	AMSTP, CSTRP, POs,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
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	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84AB	Power to agree to confining a review by the Tribunal	MCP&D, DCD	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MCP&D, DCD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 91(2)	Duty to comply with the directions of VCAT	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 93(2)	Duty to give notice of VCAT order to stop development	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 95(3)	Function of referring certain applications to the Minister	CEO, MCP&D, DCD	
s 95(4)	Duty to comply with an order or direction	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MCP&D, DCD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, MCP&D, DCD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, MCP&D, DCD	
s 96F	Duty to consider the panel's report under s 96E	AMSTP, CSTRP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	AMSTP, CSTRP, MCP&D, DCD	<p>For approvals, this power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, STRP, TLSTP or PP that the planning application must be reported to Council for determination; b) any major development proposal or any other application where considered to be warranted by the Delegate; c) any application where there 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; d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties; e) an application for multiple dwellings where there are 12 or more objector properties; f) an application for accommodation where there are 12 or more objector properties;

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p> <p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>In addition:</p> <p>a) in deciding an amendment, the Delegate must not exercise his or her delegation without first conferring with his or her immediate superior; and</p> <p>b) the decision to refuse in this instance can be exercised over all applications despite the exemptions above, 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.</p>

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96H(3)	Power to give notice in compliance with Minister's direction	AMSTP, CSTRP, MCP&D, DCD	
s 96J	Power to issue permit as directed by the Minister	AMSTP, CSTRP, MCP&D, DCD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	AMSTP, CSTRP, MCP&D, DCD	
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	POs	
s 97C	Power to request Minister to decide the application	Not delegated	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	AMSTP, CSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, MCP&D, DCD	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	AMSTP, P&BAO, POs, MCP&D, DCD	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MCP&D, DCD	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	AMSTP, CSTRP, TLSTP, CEO, PP, MCP&D, DCD	
s 97Q(4)	Duty to comply with directions of VCAT	AMSTP, CSTRP, POs,	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, CEO, MCP&D, DCD	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCD	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCD	
s 101	Function of receiving claim for expenses in conjunction with claim	AMSTP, MCP&D, DCD	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.107(1)	function of receiving claim for compensation	CEO, DCD	
s 107(3)	Power to agree to extend time for making claim	CEO, DCD	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, MCP&D, DCD	
s 114(1)	Power to apply to the VCAT for an enforcement order	AMSTP, CEO, TLSTPE, MCP&D, DCD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	AMSTP, CSTRP, PEO, POs, MCP&D, DCD	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	AMSTP, CEO, TLSTPE, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	AMSTP, CSTRP, PEO, POs, MCP&D, DCD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO	Except Crown Land
s 129	Function of recovering penalties	AMSTP, TLSTPE, MCP&D, DCD	
s 130(5)	Power to allow person served with an infringement notice further time	AMSTP, TLSTPE, MCP&D, DCD	
s 149A(1)	Power to refer a matter to the VCAT for determination	AMSTP, CSTRP, CEO, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	AMSTP, CSTRP, CEO, MCP&D, DCD	
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)	AMSTP, CSTRP, MCP&D, DCD	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 171(2)(g)	Power to grant and reserve easements	CEO, MCP&D, DCD	
s 173(1)	Power to enter into agreement covering matters set out in s 174	MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MCP&D, DCD	Where Council is the relevant responsible authority
	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	AMSTP, CSTRP, PEO, POs, TLSTP, CEO, TLSTPE, MCP&D, DCD	
	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	AMSTP, CSTRP, POs, CEO, MCP&D, DCD	
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	CEO	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, MCP&D, DCD	
s 178A(1)	Function of receiving application to amend or end an agreement	AMSTP, P&BAO, POs, TLSTP, CEO, MCP&D, DCD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	CEO, MCP&D, DCD	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	AMSTP, CSTRP, TLSTP, MCP&D, DCD, PO Group	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	If no objections are made under s 178D Must consider matters in s 178B

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(c)	Power to refuse to amend or end the agreement	AMSTP, TLSTP, CEO, MCP&D, DCD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s.178B

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
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	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO	
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	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	AMSTP, POs, TLSTP, MCP&D	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 182	Power to enforce an agreement	AMSTP, PEO, POs, TLSTP, TLSTPE, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	AMSTP, POs, TLSTP, MCP&D, DCD	
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	CEO, MCP&D, DCD	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, MCP&D, DCD	
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	AMSTP, CSTRP, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 184G(2)	Duty to comply with a direction of the Tribunal	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 184G(3)	Duty to give notice as directed by the Tribunal	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 198(1)	Function to receive application for planning certificate	Not delegated	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	Not delegated	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCD	
s 201(3)	Duty to make declaration	AMSTP, CSTRP, POs, MCP&D, DCD	
	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	AMSTP, CSTRP, PEO, POs, TLSTPE, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	AMSTP, CSTRP, POs, MCP&D, DCD	
	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	AMSTP, CSTRP, POs, MCP&D, DCD	
	Power to give written authorisation in accordance with a provision of a planning scheme	AMSTP, CSTRP, TLSTP, MCP&D, DCD	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

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	ME&I, MPD&A, MCITY, DCD, DI	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	GO, GPO, CG	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	ME&I, MPD&A, MCITY, DCD, DI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CG, CGIS	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ME&I, MPD&A, MCITY	
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	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	ME&I, MPD&A, MCITY, DCD, DI	
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	ME&I, MPD&A, MCITY, DCD, DI	
s 17(2)	Duty to register public road in public roads register	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	ME&I, MPD&A, MCITY, DCD, DI	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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	ME&I, MPD&A, MCITY, DCD, DI	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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	ME&I, MPD&A, MCITY, DCD, DI	
s 19(4)	Duty to specify details of discontinuance in public roads register	ME&I, MPD&A, MCITY, DCD, DI	
s 19(5)	Duty to ensure public roads register is available for public inspection	ME&I, MPD&A, MCITY, DCD, DI	
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.	ME&I, MPD&A, MF&CP, MCITY, DCD, DCOR, DI	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(5)	Duty to give effect to a direction under s 22	ME&I, MPD&A, MCITY, DCD, DI	
s 40(1)	Duty to inspect, maintain and repair a public road.	ME&I, MPD&A, MCITY, DCD, DI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MCITY, DCD, DI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	ME&I, MPD&A, MCITY, DCD, DI	
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

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	ME&I, MPD&A, MCITY, DCD, DI	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	ME&I, MPD&A, MCITY	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO	
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	CEO	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(6)	Power to amend road management plan	Not delegated	
s 54(7)	Duty to incorporate the amendments into the road management plan	ME&I, MPD&A, MCITY	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO	
s 63(1)	Power to consent to conduct of works on road	ME&I, MPD&A, CWI, EWC, CEA, MCITY, DCD, DI	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	ME&I, MPD&A, CWI, EWC, CEA, MCITY, DCD, DI	Where Council is the infrastructure manager

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	ME&I, MPD&A, MCS, MCITY, DCD, DCOR, DI	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	MCS	Where Council is the coordinating road authority
s 67(3)	Power to request information	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCS, MCITY, DCD, DCOR, DI	Where Council is the coordinating road authority
s 68(2)	Power to request information	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO,	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCS, MCITY, DCD, DCOR, DI	
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	ME&I, MPD&A, MCS, MCITY	
s 86	Duty to keep register re s 85 matters	MCS	
s 87(1)	Function of receiving complaints	CEO	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCS, MCITY, DCD, DCOR, DI	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DCD, DI	
s 112(2)	Power to recover damages in court	MCS	
s 116	Power to cause or carry out inspection	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCITY, DCD, DI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	ME&I, MPD&A, MCITY, DCD, DI	
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)	ME&I, MPD&A, MCITY, DCD, DI	
s 121(1)	Power to enter into an agreement in respect of works	ME&I, MPD&A, MCITY, DCD, DI	
s 122(1)	Power to charge and recover fees	ME&I, MCS	
s 123(1)	Power to charge for any service	ME&I, MCS	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	ME&I, MPD&A, MCITY, DCD, DI	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO	
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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ME&I, MPD&A, MCITY, DCD, DI	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	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	ME&I, MPD&A, EWC, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DCOR, DI	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	ME&I, MPD&A, EWC, MCITY, DCD, DI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	ME&I, MPD&A, EWC, DCD, DI	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)	ME&I, MPD&A, EWC, DCD, DI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	ME&I, MPD&A, MCITY	Where Council is the coordinating road authority, responsible authority or infrastructure manager

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(5)	Power to consent to proposed works	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	ME&I, MPD&A, CEA, MCITY	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	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	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	ME&I, MPD&A, CEA, MCITY	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	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	ME&I, MPD&A, CEA, MCITY, DCD, DI	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	ME&I, MPD&A, CEA, MCITY, DCD, DI	Where Council is the responsible road authority

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	ME&I, MPD&A, CEA, MCITY, DCD, DI	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	ME&I, MPD&A, CEA, MCITY, DCD, DI	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	AMSTP, CSTRP, MCP&D, DCD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	AMSTP, CSTRP, POs, MCP&D, DCD	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	AMSTP, CSTRP, POs, MCP&D, DCD	where Council is the responsible authority
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 for inspection free of charge	AMSTP, CSTRP, POs, MCP&D, DCD	where Council is not the responsible authority but the relevant land is within Council's municipal district
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	AMSTP, CSTRP, MCP&D, DCD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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	CSTRP, MCP&D, DCD	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSTRP, MCP&D, DCD	
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	POs	

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

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	CEO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	ME&I, MPD&A, MCITY	
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

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_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	ME&I, CEA, MCS, DCD	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	ME&I, MPD&A, MCITY, DCD, DI	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

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CLO, CPS, CCSS, CCL, PSO, MCS, MCITY	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))	CPS, CCSS, CCL, MCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CPS, CCSS, CCL, MCS	

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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act

11.3 – ATTACHMENT 1. Attachment 1 - S6_Instrument_of_Delegation_-_Members_of_Staff

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 22(2)	Power to waive whole or part of fee in certain circumstances	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority

S18 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

WHITEHORSE CITY COUNCIL

INSTRUMENT OF SUB-DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 2017

11.3 – ATTACHMENT 2. Attachment 2 - S18 Instrument of Delegation under EPA 2017

Instrument of Sub-Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - "CLEO" means Community Laws Education Officer
 - "CLO" means Community Laws Officer
 - "CLPO" means Community Laws Project Officer
 - "CSO" means Community Support Officer
 - "CCL" means Coordinator Community Laws
 - "CEH" means Coordinator Environmental Health
 - "EHO" means Environmental Health Officer
 - "MCP&D" means Manager City Planning & Development
 - "MCS" means Manager Community Safety
 - "MH&FS" means Manager Health & Family Services
 - "PEO" means Planning Enforcement Officer
 - "TLSTPE" means Team Leader Statutory Planning Enforcement
3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on April 2022 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
 - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 6.1.2 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;

11.3 – ATTACHMENT 2. Attachment 2 - S18 Instrument of Delegation under EPA 2017

- 6.1.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 6.1.4 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.

Signed for Whitehorse City Council
by Simon McMillan in his capacity
as Chief Executive Officer pursuant
to authorisation by Council at its
meeting held April 2022.

Date April 2022

11.3 – ATTACHMENT 2. Attachment 2 - S18 Instrument of Delegation under EPA 2017

Delegation Sources

- Environment Protection Act 2017

Positions

Abbreviation	Position
CLEO	Community Laws Education Officer
CLO	Community Laws Officer
CLPO	Community Laws Project Officer
CSO	Compliance Support Officer
CCL	Coordinator Community Laws
CEH	Coordinator Environmental Health
EHO	Environmental Health Officer
MCP&D	Manager City Planning & Development
MCS	Manager Community Safety
MH&FS	Manager Health & Family Services
PEO	Planning Enforcement Officer
TLSTPE	Team Leader Statutory Planning Enforcement

11.3 – ATTACHMENT 2. Attachment 2 - S18 Instrument of Delegation under EPA 2017

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

Environment Protection Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 271	Power to issue improvement notice	CLO, EHO, MH&FS, PEO, CCL, TLSTPE, CLPO, CLEO, CEH, MCP&D, MCS	
s 272	Power to issue prohibition notice	CLO, CSO, EHO, MH&FS, PEO, CCL, TLSTPE, CLPO, CLEO, CEH, MCP&D, MCS	
s 279	Power to amend a notice	CLO, EHO, MH&FS, PEO, CCL, TLSTPE, CLPO, CLEO, CEH, MCP&D, MCS	
s 359(2)	Power to give advice to persons with duties or obligations	CLO, CSO, EHO, MH&FS, PEO, CCL, TLSTPE, CLPO, CLEO, CEH, MCP&D, MCS	