



**ORDINARY COUNCIL (TOWN PLANNING) MEETING OF  
THE HUME CITY COUNCIL**

**MONDAY, 22 MARCH 2021**

**7:00PM**

**TO BE LIVESTREAMED VIA  
[WWW.HUME.VIC.GOV.AU](http://WWW.HUME.VIC.GOV.AU)**

**OUR VISION:**

*Hume City Council will be recognised as a leader in achieving social, environmental and economic outcomes with a common goal of connecting our proud community and celebrating the diversity of Hume.*

An audio recording of this meeting of the Hume City Council will be recorded and published in accordance with Council's Audio Recordings of Council Meetings Policy. The live stream of this meeting will not be recorded or published.



# HUME CITY COUNCIL

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**Notice of an  
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL**  
to be held on Monday, 22 March 2021  
**at 7:00PM**  
to be livestreamed via [www.hume.vic.gov.au](http://www.hume.vic.gov.au)

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To: a: Council	Cr Joseph Haweil Cr Jack Medcraft Cr Jarrod Bell Cr Trevor Dance Cr Chris Hollow Cr Jodi Jackson Cr Naim Kurt Cr Sam Misho Cr Carly Moore Cr Jim Overend Cr Karen Sherry	Mayor Deputy Mayor
b: Officers	Ms Roslyn Wai Mr Hector Gaston Mr Michael Sharp Mr Joel Farrell  Mr Peter Waite Mr Daryl Whitfort	Interim Chief Executive Officer Director Community Services Director Planning and Development Acting Director Communications, Engagement and Advocacy Director Sustainable Infrastructure and Services Director Corporate Services

## ORDER OF BUSINESS

### 1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

*"Hume City Council recognises the rich Aboriginal heritage within the municipality and acknowledges the Wurundjeri Woi Wurrung, which includes the Gunung Willam Balluk clan, as the Traditional Custodians of this land.*

*Council embraces Aboriginal and Torres Strait Islander living cultures as a vital part of Australia's identity and recognises, celebrates and pays respect to the existing family members of the Wurundjeri Woi Wurrung and to Elders past, present and future."*

### 2. PRAYER

*"Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Hume City."*

Amen

### 3. APOLOGIES

**4. DISCLOSURE OF INTEREST**

Councillors' attention is drawn to the provisions of the Local Government Act 2020 and Council's Governance Rules in relation to the disclosure of conflicts of interests. Councillors are required to disclose any conflict of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the Chamber during discussion and not vote on the relevant item.

**5. CONDOLENCE MOTIONS****6. OFFICER'S REPORTS**

The Mayor will ask the Councillors and gallery at the commencement of this section, which reports they wish to speak to. These reports will then be discussed in the order they appear on the notice paper. Reports not called will be dealt with in a block resolution at the end.

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**7. CLOSURE OF MEETING**

**ROSLYN WAI**  
**INTERIM CHIEF EXECUTIVE OFFICER**

**18/03/2021**

<b>REPORT NO:</b>	CC127
<b>REPORT TITLE:</b>	Proposal to revoke Events and Festivals Bond Policy 2014
<b>SOURCE:</b>	Peter Hiransi, Manager Customer Service, Events and Venues
<b>DIVISION:</b>	Communications, Engagement and Advocacy
<b>FILE NO:</b>	HCC20/677
<b>POLICY:</b>	Events Bond Policy
<b>STRATEGIC OBJECTIVE:</b>	3.3 Strengthen community connections through local community events and the arts.
<b>ATTACHMENT:</b>	1. <i>Events Bonds Policy 2014</i>

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**1. SUMMARY OF REPORT:**

- 1.1 That current Events and Festivals Bond Policy was adopted by Council on 14 April 2014.
- 1.2 During the review of the Events and Festivals Bond Policy, Council officers have assessed the policy as not essential for the effective management of Council land for events.
- 1.3 The management of Council land for events is executed through application of the External Events Guide which includes imbedded processes and procedures for the management of event sites.

**2. RECOMMENDATION:**

- 2.1 That Council revokes the Events and Festival Bond Policy 2014.**

**3. LEGISLATIVE POWERS:**

- 3.1 Local Government Act 2020

**4. FINANCIAL IMPLICATIONS:**

- 4.1 Based on management of Council land for events since the introduction of the policy in 2014 the financial implications are low. Of the 194 bonds collected during this time 190 bonds have been fully reinstated and four partially reinstated to address damage to land. This information is presented in table at 9.6 in this report.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

- 5.1 There are no environmental sustainability considerations arising from this report

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

- 6.1 There are no climate change adaptation considerations arising from this report

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

- 7.1 Hume City Council's Events Bond Policy considers the Hume City Council Social Justice Charter (2014) and the *Charter of Human Rights and Responsibilities Act 2006*.

**8. COMMUNITY CONSULTATION:**

- 8.1 There has been no community consultation since the policy was adopted in 2014.

REPORT NO: CC127 (cont.)

9. DISCUSSION:

- 9.1 The Events and Festivals Bond Policy was introduced to ensure that Council land used for events is kept in its pre-event condition, and that bonds applied for events are done so with consistency.
- 9.2 The Events and Festivals Bond Policy does not apply to indoor facilities including halls, conference rooms and neighborhood houses which are the subject to a separate community facilities and halls bonds and surcharges.
- 9.3 The value of the bond charged under the Events and Festivals Bond Policy is based on a risk assessment that includes the number of people expected to attend the event, the amount and type of infrastructure on site, and the nature of the event (whether it is being held for a community, commercial/private or government purpose).
- 9.4 A Bond Value Matrix guides officers in the value of the bond to be charged. Bonds charged range from \$100-\$14000 dependent on fee category, size of event and number of pieces of infrastructure to stage the event.
- 9.5 Event organisers must pay the bond in advance of the event and Council refunds the bond within four to six weeks of the event if the land is returned in pre-event condition. There is an estimated two hours of officer administration associated with processing of each event bond.
- 9.6 Since the introduction of the Event and Festivals Bond Policy its application is outlined in the following table:

Year	Total external event applications	Bonds not paid (Late applications and in-kind sponsorships)	Bonds paid and fully reinstated	Bonds partially reinstated	Bonds forfeited
2019/20	28	17	11	0	0
2018/19	45	23	20	2*	0
2017/18	35	11	23	1**	0
2016/17	24	9	14	1^	0
2015/16	37	19	18	0	0
2014/15	25	14	11	0	0

\*Turf damage \*\*Additional power usage

- 9.7 The policy permits Council officers to convert the cost of a bond to a sponsorship for not-for-profit community events. There is no record of Council incurring costs for any restoration of land where a bond has been sponsored by Council.
- 9.8 Event organisers are required to submit event applications four to 12 weeks in advance of events. To protect the reputation of Council, officers process late applications where events meet all Council criteria. In some of these instances an event bond is not collected as the risk to Council land is assessed as low. There is no record of Council incurring costs for any restoration of land where a bond has not been collected Council.
- 9.9 Processes and procedures for the managing of event sites is contained within an operational document called the External Event Guide. The processes and procedures within the guide have been assessed by Council officers as effective in the management of Council sites without the need to additionally apply a bond policy.
- 9.10 As part of the event management processes, event organisers are required to read and agree to Event Terms and Conditions that state *“the hirer will be responsible for any costs to repair council reserve / facilities that have been caused by the hirer”*.
- 9.11 As part of the approval for the event to proceed on Council land, the event organiser is issued an ‘Event Permit’ that is subject to a range of conditions including a clause stating: *“Any damage to Council property must be reported to Council immediately. The person/group whose name appears on this permit will be responsible for any costs associated with the repair of damaged caused by the hire of the venue”*.

**REPORT NO: CC127 (cont.)**

**10. CONCLUSION:**

- 10.1 It is proposed that Council revokes the Events and Festivals Bond Policy, as the policy intent of protecting Council's assets is imbedded in Council events management practices and within processes and procedures.

**REPORT NO: CC127 (cont.)**

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# EVENTS AND FESTIVALS BOND POLICY

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<b>Policy Reference No.</b>	POL/164
<b>File No.</b>	HCC13/183
<b>Strategic Objective</b>	3.3 Strengthen community connections through local community events and the arts
<b>Adopted by council</b>	14 April 2014
<b>Re-Adopted</b>	
<b>Date for Review</b>	March 2019
<b>Responsible Officer</b>	Manager Communications and Events
<b>Department</b>	Communications and Events

**EVENTS AND FESTIVALS BOND POLICY**

**1 POLICY STATEMENT**

Council will obtain a bond for all outdoor activities on Council land. The value of the bond shall be determined by reference to the Bond Value Matrix (attachment one).

**2 PURPOSE**

This policy is to ensure an equitable and consistent bond management process.

**3 SCOPE**

**3.1** This policy applies to those submitting an event application to hold an event on Council land.

**3.2** This policy does not apply to indoor facilities such as halls, conference rooms or neighbourhood houses. These facilities have their own fee structure, which may include a bond.

**4 OBJECTIVE**

To ensure Council land that is used for events and festivals is retained in its pre-event condition.

**5 POLICY IMPLEMENTATION**

**5.1** The Bond Policy provides equity and consistency to those being charged a bond and ensures the appropriate management of the bond.

**5.2** The Bond Policy recognises that the value of a bond can be determined by looking at the specifics of the event and ascertaining the degree of risk to the site.

**5.3** Risk is determined by consideration of the number of people expected to attend, the amount and type of infrastructure on site, and the nature of the event (whether it is being held for a fundraising, community, commercial, private or a corporate purpose).

**5.4** To determine the value of the bond, a Bond Value Matrix (attachment one) has been devised to provide a sliding scale where the value of the bond increases in line with the level of event risk.

**5.5** A bond may be waived for not-for-profit community events that are unlikely to negatively impact the condition of the site or residential amenity, and where there is mutual benefit to Hume City Council and specific acknowledgement of the cultural heritage of Hume City. An application must be in writing and will be decided by the Director Organisation and Community Learning.

**5.6** Any waiving of the bond will be considered as sponsorship by Hume City Council and in line with Council's Sponsorship Policy, an acknowledgement of the contribution must be made.

<b>Policy Reference No:</b>	POL/164	<b>Responsible Officer:</b>	Manager Communications & Events
<b>Date of Re/Adoption:</b>	14 April 2014	<b>Department:</b>	Communications & Events
<b>Review Date:</b>	March 2019		

**EVENTS AND FESTIVALS BOND POLICY**

- 5.7 It is intended that the bond will be refunded if the land is returned in pre-event condition. However, if the site is damaged or not left in its pre-event condition, the bond will be used to cover the cost of reparation.
- 5.8 If additional costs are incurred, Council will enter into discussions with the event organiser to recover the costs to repair the site to its pre-event condition. In circumstances where the bond is insufficient to cover the cost of reparation, in line with the agreed conditions of use of the site, Council will send an invoice for an additional amount.
- 5.9 Reparation costs include, and are not limited to, those associated with clearing litter; fixing damage to the site’s irrigation, roads and kerbs; grass and turf; and other repairs to Council property.
- 5.10 The decision to return or revoke the bond will be informed by reports from departments across Council depending on which land is being used.
- 5.11 If Council makes the decision not to return the bond and the event organiser would like to dispute this decision, then a written appeal is required to be sent to the Coordinator Events and Festivals.
- 5.12 The written appeal in relation to the return or revoking the bond will be reviewed and an outcome will be determined by the Director, Organisation and Community Learning within Hume City Council.
- 5.13 This policy is available to the public and the organisation via the External and Internal Event Guides on Council’s internet and intranet. An Events and Festivals Bond Management Procedure has also been developed as an internal working document that outlines the process to be undertaken by Council staff to ensure the requirements of the policy are met.
- 5.14 The Bond Value Matrix is to be reviewed annually through Council’s budget process and the Bond Policy will be reviewed every five years.

**6 DEFINITIONS AND ABBREVIATIONS**

- 6.1 **Bond** – monies paid as part of a financial agreement to protect against any damage to the land and ensure it is reinstated to its pre-event condition.
- 6.2 **Council land** – a park, reserve or any other site/land which is owned by Hume City Council.
- 6.3 **Pre-event condition** – the condition or state that the site/land should be in once the event is complete.
- 6.4 **Bond Management Procedure** - the process for which Council determines and manages bonds for those applying to hold an event on Council land.
- 6.5 **Damage** – any loss of condition or value.
- 6.6 **Infrastructure** – Equipment that is being brought onto the land including, and not limited to, marquees/tents, stages, generators, toilets, carnival/amusements, vehicles or skip bins.

<b>Policy Reference No:</b>	POL/164	<b>Responsible Officer:</b>	Manager Communications & Events
<b>Date of Re/Adoption:</b>	14 April 2014	<b>Department:</b>	Communications & Events
<b>Review Date:</b>	March 2019		

**EVENTS AND FESTIVALS BOND POLICY**

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**7 RELATED DOCUMENTS**

- 7.1 Bond Management Procedure
- 7.2 Internal Events Guide
- 7.3 External Events Guide

<b>Date Adopted</b>	14 April 2014
<b>Date Re-Adopted</b>	
<b>Review Date</b>	March 2019

<b>Policy Reference No:</b>	POL/164	<b>Responsible Officer:</b>	Manager Communications & Events
<b>Date of Re/Adoption:</b>	14 April 2014	<b>Department:</b>	Communications & Events
<b>Review Date:</b>	March 2019		
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<b>REPORT NO:</b>	CC128
<b>REPORT TITLE:</b>	Naming Community Centres
<b>SOURCE:</b>	Cathy Marshall, Executive Officer Community Services
<b>DIVISION:</b>	Community Services
<b>FILE NO:</b>	HCC19/716
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	3.2 Enhance community pride and sense of place
<b>ATTACHMENTS:</b>	Nil

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**1. SUMMARY OF REPORT:**

This report seeks Council's consideration and endorsement for the naming of two new multi-purpose community centres which will open in the northern growth corridor in mid-2021.

**2. RECOMMENDATION:**

That Council

**2.1 approves the following names for its two future multi-purpose community facilities to be delivered in 2021.**

**2.1.1 Kalkallo Community Centre – Toyon Road Kalkallo.**

**2.1.2 Mickleham North Community Centre – Cnr St. Georges Boulevard and Blackmores Road Mickleham.**

**2.2 authorises the establishment a set of guiding principles to support the future naming of all community infrastructure across the City.**

**3. LEGISLATIVE POWERS:**

3.1 The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

3.2 Council is a naming authority under the Geographic Place Names Act 1998 (the Act). The Act outlines requirements and responsibilities for the naming and registering place names. This Act does not extend to the naming of community infrastructure and therefore Council has the powers to determine the name of community buildings.

**4. FINANCIAL IMPLICATIONS:**

4.1 There are no new direct financial implications for Council associated with this report.

4.2 The development of a signage package and associated building signage for new community centres are incorporated in the overall project delivery expenses for each building.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

There are no direct implications for environmental sustainability as a result of this report.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no direct implications for climate change adaptation as a result of this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The rights protected in the Charter of Human Rights and Responsibilities Act 2006 were considered and it was determined that no rights are engaged in this naming proposal.

REPORT NO: CC128 (cont.)

8. COMMUNITY CONSULTATION:

There has been no community consultation in relation to this matter.

9. DISCUSSION:

- 9.1 The naming of the 2021 forthcoming community centres presents an opportunity to seek Council's input and endorsement in the naming of two future community centres set to open in mid-2021.
- 9.2 Whilst Council has a Place Names Policy which was originally adopted by Council in 2002 and reviewed again in 2017, the naming of community infrastructure sits outside this policy framework. It has not been the practice of Hume City Council, to formally register the names of community centres with Geographic Names Victoria.
- 9.3 In the absence of a clear policy framework, Council officers have sought to apply the principles of the naming rules for places in Victoria, ensuring that the facility name is easily identifiable to the community and links the function of the facility to the locality.
- 9.4 During the past 10 years the following community centres have been developed and named accordingly.
  - 9.4.1 Broadmeadows Community Hub – Named after the location (Broadmeadows)
  - 9.4.2 Newbury Child and Community Centre – Name of street which the centre was located (Newbury Blvd)
  - 9.4.3 Aitken Hill Community Centre – Named after a geographical feature (Aitken Hill)
  - 9.4.4 Greenvale West Community Centre – Named after the location (Greenvale West)
  - 9.4.5 Cleveland Drive Community Centre – Name of street where building is located (Cleveland Drive)
- 9.5 The establishment of a set of clear guidelines and protocols will assist in formalising Council's approach to the naming of all future community infrastructure and will help to ensure a transparent and consistent approach is applied across the City.
- 9.6 Unfortunately, due to time limitations and the need to finalise building signage packages ahead of the mid-year anticipate opening dates, Council's input and endorsement is being sought to name the 2021 community facilities.
- 9.7 **Kalkallo Community Centre** - (Interim working name) is located in Toyon Road Kalkallo.
  - 9.7.1 The future building is currently being delivered in two separable portions with separable portion one scheduled for completion in late April 2021.
  - 9.7.2 The Lockerbie Precinct Structure Plan (2012) will have three multi-purpose community centres in total – servicing an estimated population of 30,000. Two multi-purpose community centres will be delivered by Hume Council and the third community centre will be located in the north of the estate and will be delivered by Mitchell Shire Council.
  - 9.7.3 In the absence of a clear policy position, it is proposed that the naming of the soon to open community centre should give consideration to;
    - (a) Its location – The centre is being constructed in the suburb of Kalkallo;
    - (b) The adjacent future state primary school – school placeholder name is Kalkallo Common Primary School. The school is under construction and is expected to be open in 2022. The name of the school is yet to be confirmed;
    - (c) Adjoining open space development – Proposed name is Kalkallo Recreation Reserve; and

REPORT NO: CC128 (cont.)

- (d) Existing services operating from the Toyon Road site – Kalkallo Interim Preschool services. Council has two interim modular preschool facilities in operation at the site which have been planned to integrate into the permanent build.
- 9.7.4 Given the established use of the name Kalkallo it is proposed that Council endorses the name Kalkallo Community Centre.
- 9.8 **Merrifield North Multi-purpose Community Centre** (Interim working name) is located on the corner of St. Georges Boulevard and Blackmores Road Mickleham.
  - 9.8.1 This building will be delivered in two separable portions – separable portion one is due to be opened to the public in May 2021. Separable portion two is expected to be completed by mid-August 2021.
  - 9.8.2 The Merrifield West Precinct Structure plan (2012) provides for two multi-purpose community centres, servicing a future population of 20,000 residents.
  - 9.8.3 The future community facility currently under construction is located in the suburb of Mickleham. Councillors should note that a suburb boundary review commenced in 2019, and subject to Council consideration of this matter, further work will continue in 2021. The suburb name is under review as part of this process. Given the uncertainty of the outcome of the boundary review process Council may consider it problematic to use the interim working title of Merrifield North Multi-purpose Community Centre.
- 9.9 Other naming options Council could consider include:
  - 9.9.1 Mickleham North Community Centre –however, if the boundary review process is successful then the reference to Mickleham may be obsolete in the future.
  - 9.9.2 Merrifield North Community Centre – in accordance with Council’s Place Name Policy the use of estate names should not be applied to roads, features or localities. This general principal could be extended to cover the naming of community centres.
  - 9.9.3 St. Georges Community Centre – may suggest a religious connection that is not applicable to the site. It should be noted that a future catholic primary school will be built in close proximity to the Centre.
  - 9.9.4 Blackmores Community Centre – may not be deemed suitable given that Blackmores is a well known business name for health supplements.
- 9.10 Council should note that the local state primary school has recently been named Gaayip-Yagila. The name comes from a local Aboriginal word meaning ‘coming together to learn’.
- 9.11 Given lack of certainty around the future suburb name, it is proposed that Council consider naming the centre Mickleham North Community Centre, and if a suburb boundary change is approved at a later date then the building name could be easily changed to reflect the new suburb location.

**10. CONCLUSION:**

- 10.1 This report contains a series of naming options for two new community centres which will be open to the public in mid-2021.
- 10.2 The naming of community facilities is an important task and regard needs to be given to the long-term benefits to the general community.
  - 10.2.1 Naming should be clearly identifiable and avoid causing confusion and must not risk public and operational safety,
  - 10.2.2 Place names should be relevant to the local area and link the name to place; and
  - 10.2.3 Proposed names must not duplicate another name within the same locality.

**REPORT NO: CC128 (cont.)**

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<b>REPORT NO:</b>	SU541
<b>REPORT TITLE:</b>	500 Sunbury Road - Amendment of permit P1488 to increase the capping contours and height to 184 metres above sea level and amendment of Condition 1 and 4
<b>SOURCE:</b>	Brydon King, Senior Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P1488
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>Recommendation Conditions</i></li><li>2. <i>Planning Policy summary</i></li><li>3. <i>Locality plan</i></li><li>4. <i>Assessment plans</i></li><li>5. <i>Current permit P1488</i></li></ol>

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<b>Application No:</b>	P1488.02
<b>Proposal:</b>	Amendment of permit P1488 to increase the capping contours and height to 184 metres above sea level, amendment of Conditions 1 and 4
<b>Location:</b>	500 Sunbury Road Bulla
<b>Zoning:</b>	Green Wedge Zone and Environmental Significance Overlay Schedule 1 and Public Acquisition Overlay Schedule 3
<b>Applicant:</b>	Adam Parker, Town Planning Group
<b>Date Received:</b>	26 February 2020

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## 1. SUMMARY OF REPORT:

- 1.1 Approval is sought to amend planning permit P1488, originally issued in 1993, which allows for the use of the land at 500 Sunbury Road, Bulla, for a private rubbish tip (non-putrescible). The amendment seeks to allow an increase in the capping height of the landfill by two metres and modification to conditions on the permit.
- 1.2 The permit was previously amended in 2015 via a process at the Victorian Civil and Administrative Tribunal (VCAT) which involved amending the expiry time of the permit via Condition 47.
- 1.3 The subject land is located on the north side of Sunbury Road on the south west corner of Batey Court and Sunbury Road.
- 1.4 Notice of the application was given, and 33 objections were received from neighbouring property owners, residents of Sunbury and Melbourne Airport. The matter is being reported to Council as the number of objections exceeds officer delegations.
- 1.5 It is important to note that a planning permit exists for the use of this property as private rubbish tip. The proposal is to amend that existing permit and not assess the merits of the use of the overall site as that use is already legally established. The question to be assessed in this application is are the proposed changes appropriate.

**REPORT NO: SU541 (cont.)**

- 1.6 The amendment application has been assessed against the relevant policies and the provisions of the Hume Planning Scheme, including consideration of the issues raised in objections. On balance, the proposal is considered to meet the objectives of the relevant provisions of the Hume Planning Scheme, that the proposal represents an opportunity to improve some current operations on the site, and it is recommended that a Notice of Decision to Grant an amendment to a permit be issued to allow the increased height of the final filling contours of the land before settlement of the filling and rehabilitation occur.

**2. RECOMMENDATION:**

**That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant an amendment to the Planning Permit to increase the capping contours and height to 184 metres Australian Height Datum with amendments to P1488.01 related to 500 Sunbury Road Bulla per the conditions in Attachment 1:**

**3. PROPOSAL:**

- 3.1 Planning Permit P1488 allows for use and development of the land for a private rubbish tip (non-putrescible). The use occurring under the permit would be defined as refuse disposal under the current Hume Planning Scheme which is a use nested under industry. The proposal seeks to amend the existing approved capping height for the land fill to allow an extra two metres to the final capping height -the final capping height is proposed at 184 metres Australian Height Datum (AHD) at the highest point.
- 3.2 In 2018 the site was issued a Pollution Abatement Notice (PAN) by the EPA. The PAN was related to the overall design and function of the cells in the landfill. The issue of the PAN instigated a review of the site and commissioning of work (mainly via Tonkin and Taylor) to allow for the re-construction of cells, site drainage and rehabilitation of the land. The EPA has also issued a "Clean-up Notice" which includes removal of overfill, management of asbestos waste and subsurface oxidation in overfill waste, as well as the need to construct a new landfill cell for the management of overfill.
- 3.3 The review of the site based on the above separate EPA processes has resulted in the current operators seeking the additional capping height to allow for the construction of improved waste cells on site which will involve the removal of existing waste out of poorly managed and constructed cells, the stockpiling of waste within the revised capping height, and reconstruction and filling of the reconstructed cells.
- 3.4 The proposal also seeks to amend existing conditions as follows:
- Condition 1 which required details for plans to be endorsed when issued in 1993 is to be replaced with:  
*The use hereby permitted shall be in accordance with the Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019.*
  - Condition 4 refers to the operation being consistent with 1992 reports submitted with the application and is to be replaced with:  
*The operation and management of the use and development hereby permitted shall be carried out in accordance with the approvals and conditions of EPA as part of any approved Clean up Notices or Directions under Section 62A or 62B of the Environmental Protection Act 1970; any Landfill Rehabilitation Plan as approved by the EPA, or other approval by EPA.*
  - The application originally sought changes to Conditions 11 and 12, which specifically describe the materials that can and cannot be deposited on the site, to be a broader definition. This change has since been withdrawn from the application by the applicant and is no longer part of the consideration.

**REPORT NO: SU541 (cont.)**

**4. SITE AND SURROUNDS:**

- 4.1 The subject land is located on the south eastern corner of Sunbury Road and Batey Court, Bulla. The site has an area of 23 hectares and features sloping land to the east and south toward Deep Creek. The land features existing plantations along the western boundary to Sunbury Road and along the interface to Batey Court to the north.
- 4.2 The subject is used for a landfill pursuant to P1488 and the EPA licence which allows solid inert waste, asbestos and shredded tyres. Vehicle access to the site from Sunbury Road occurs from the south west corner of the site. The site features two existing buildings, one of which is a site office, in the south east corner of the site near the entrance to the land from Sunbury Road.
- 4.3 The subject site also benefits from a separate permit issued in 2012 (being permit P15723) for the land that allowed for filling across the gully to the north east which included land at 40 Batey Court. The permit applicant has confirmed that P15723 is not currently being actioned and the filling operation is focused on 500 Sunbury Road under permit P1488. Recent applications for review have been lodged at VCAT in relation to permits relating to 40 Batey Court, including P15723, that seek to confirm that the permit is a live permit and to amend some conditions of the permit. The specific details concerning the VCAT applications are being reviewed and further separate updates on these matters will be provided in due course. The current application to amend permit P1488 is independent of P15723.
- 4.4 The site currently features some stockpiles of excavated material. The stockpile material relates to material removed to improve and update a new cell on the site. The process of the cell creation, including the excavation and stockpiling of material, is being overseen by the EPA. Some of this material is likely to be reused in the cell and for future capping and where not used will be used off site as clean fill (where appropriate testing confirms the same). In the event material is to be stored on the site different to any approved contours further approvals of Council and the EPA maybe required and will be confirmed depending on the decision on the current application and based on further development of the new cell.

**5. PLANNING CONTROLS:**

**Zone and overlay controls**

- 5.1 The amendment to the permit is considered under Section 72 of the Planning and Environment Act 1987 as a similar process to a new planning permit but with a focus on the change being requested.
- 5.2 The site is impacted by the Green Wedge Zone (GWZ), Environmental Significance Overlay Schedule 1 (ESO1) and the Public Acquisition Overlay Schedule 3 (PAO3).
- 5.3 The site operates under a current permit P1488 which allows use and development of the land for refuse disposal as a Section 2 use and development under the GWZ.
- 5.4 The GWZ (Clause 35.04) seeks to recognise and protect agricultural land for a range of factors including environmental, historic, landscape and recreational reasons. Changes to the site as proposed and permit needs to be considered against the purpose of the GWZ.
- 5.5 The ESO1 (Clause 42.01) impacts parts of the site to the south east and south. The ESO1 sets out environmental objectives to be achieved to protect waterway environs. The increased capping height has limited impact to the areas within the ESO1.
- 5.6 The PAO3 (Clause 45.01) impacts the central portion of the site. The PAO3 in this instance is aimed at indicating land potentially required for the future Outer Metropolitan Ring Road. Consideration of the purpose of the PAO3 is required to be considered as part of the assessment of the amendment to the permit to increase the capping height. Assessment of the increased capping height has been considered by the Department of Transport as a Determining Referral Authority as detailed below in Section 6.

REPORT NO: SU541 (cont.)

**Aboriginal Cultural Heritage**

5.7 The south eastern portion of the land is identified as being located within an area of Aboriginal cultural heritage sensitivity. A Cultural Heritage Management Plan can be triggered for high impact activities in such locations pursuant to the Aboriginal Heritage Regulations 2018. Amendments to the existing statutory authorisation (i.e. a current planning permit) can be an exempt activity pursuant to Regulation 19 which states:

- (1) *The construction of a building or the construction or the carrying out of works authorised by an amendment to a statutory authorisation is an exempt activity if—*
- (a) *the building or works are located in an area that has been subject to significant ground disturbance; and*
- (b) *the statutory authorisation was granted before 28 May 2007.*

5.8 The above provisions apply to the subject land and no CHMP is required.

**General provisions**

5.9 The general decision guidelines of the scheme must be considered and include relevant considerations around the purpose of the zone, the orderly planning of the area, amenity impacts, land degradation, stormwater management, native vegetation, and potential fire hazard.

**6. REFERRALS:**

6.1 The application was referred to the Department of Transport (DoT) as a Determining Referral Authority, pursuant to Clause 66.03 under the PAO3. DoT confirmed no objection to the proposal via correspondence of 8 October 2020.

6.2 The application was also referred to the EPA pursuant to Clause 66.02-1 as a Determining Referral Authority. The EPA confirmed no objection to the proposal via correspondence of 9 April 2020.

**7. ADVERTISING:**

7.1 The application was advertised in accordance with Section 52 of the Act, by way of signs on site and letters to surrounding properties.

7.2 33 objections have been received to date.

7.3 Melbourne Airport were also provided notice of the application and have provided an objection to the increased capping height related to the intrusion into protected airspace at Melbourne Airport. A separate process is required under the Airports (Protection of Airspace) Regulations 1996 to determine intrusion into protected airspace which is assessed on its merits by the airport, Civil Aviation Safety Authority (CASA), Air Services and ultimately the Secretary for the Department of Infrastructure, Transport, Regional Development and Communications. No application has been sought under that process to date. Melbourne Airport have raised concerns that the application has not considered impacts to the airport and its future plans and the increased height may have adverse impacts to the airport operation. This objection will be discussed below.

7.4 A summarised response to the points of objection are as follows:

- Contrary to the intentions of the Green Wedge Zone

*Response:* Objectors have raised concerns that the proposed use is contrary to the intentions of the GWZ. Whilst this position is acknowledged it is noted that the land fill has operated since 1993 and the current permit allows its ongoing operation.

The specific issues related to the changes to the capping height in the context of the location and the GWZ are responded to further in this report.

REPORT NO: SU541 (cont.)

- Environmental impact to surrounding area including dust and impacts to adjacent creeks:

*Response:* The current permit and EPA licence have conditions and requirements to manage environmental impacts of the existing operation. Issues of non-compliance can be actioned via relevant investigation and enforcement processes.

The proposed change to the capping height is not considered to add to the overall management outcomes related to the site and will arguably assist with the upgrade of the land to comply with the Clean Up Notice issued for the land by the EPA.

- Visual impact of increased height

*Response:* Concerns have been raised that the increase in the overall final capping height of the land fill will create significant visual impacts.

The current endorsed plan under P1488 allows for a final capping height of 180 Australian Height Datum (AHD). The EPA licence for the land includes a contour plan that allows for a final capping height of 182 AHD.

The proposal seeks to amend the contours to allow for a final capping height of 184 AHD at the highest point. The increase in height occurs across the entirety of the fill area apart from the boundaries allowing for an overall increase in capacity.

The increased height of the capping will have a visual impact in terms of the overall scale. The increase in the capping height will add more volume to the physical form. However, assessed within the context of what is already allowed for balanced against the benefits that arguably can be achieved for the site as a result of the increased capping, the change is considered an outcome that can be supported.

- Changes to plans do not reference planting and rehabilitation outcomes shown on current endorsed plans.

*Response:* The long term rehabilitation of the land is directly controlled via EPA processes consistent with direction provided in the EPA Publication 788.3 August, 2015 Siting, design, operation and rehabilitation of landfills. Whilst the amended plans do not provide for information on planting as shown on the current endorsed plans this does not preclude the development from requiring a rehabilitation plan via EPA processes. This is seen as the most appropriate means to confirm rehabilitation outcomes considering the technical issues and arrangements that will influence such a plan. The planning permit and plans are not considered the most appropriate means for determining or controlling rehabilitation given the legislative processes and expertise provided to the EPA for that purpose.

- Changes to permit conditions 4, 11 and 12 change context of original permit and inappropriate and may allow other waste products to be placed on site.

*Response:* Condition 4 is to be replaced with a new condition as detailed in paragraph 3.4 of this report. The change seeks to cross reference processes that will occur via the relevant EPA legislation and direction of the EPA. The change is considered to provide for better clarity around contemporary management of landfills than the existing Condition 4 which refers to original reports and documents submitted with the application which have an outdated context.

The changes to condition 11 and 12 have been withdrawn from the application by the permit applicant and will not be altered from those in the current permit P1488.

- Gradients proposed not consistent with EPA Siting, design, operation and rehabilitation of landfills Publication 788.3 August, 2015

REPORT NO: SU541 (cont.)

*Response:* It is noted *EPA Publication 788.3 August, 2015 Siting, design, operation and rehabilitation of landfills* suggest gradients for landfill capping should be between 5% and 20%. The proposed cap profile aims to match land profiles to the north and east and has gradients ranging from 5% and 25%. Where the slopes exceed 20% engineering controls can be implemented to allow the increased gradient. The applicant has confirmed such engineering controls are part of the contour design consistent with *EPA Publication 788.3 August, 2015. Siting, design, operation and rehabilitation of landfills*. The cap profile also provides for landfill gas monitoring and surface water management systems, The EPA referral response has not raised concerns with the cap profile.

- Traffic impacts

*Response:* Traffic impacts have been raised as a concern. The existing operation allows for traffic movements associated with the operation of the landfill. The changes to the capping profile and the conditions are not considered to alter the overall management of traffic to the site over the life of the landfill beyond that currently experienced.

- Melbourne Airport intrusions into controlled airspace

*Response:* The concerns of Melbourne Airport are acknowledged. It is noted that decisions on intrusions into controlled air space are controlled via a separate legislated process. It is noted the current landfill has not had approval to protrude into controlled air space. The current approved capping heights for the landfill already intrude into controlled air space. Whilst further consideration of the change by two metres across the site may need further consideration, an appropriate process exists for that to occur under other legislation outside of the planning permit process. If it was not supported changes could be made to the overall capping height accordingly. It is also understood that the capping height proposed will potentially reduce post closure of the landfill, through settlement of the cap, with a likelihood of the overall height reducing over time.

**8. ASSESSMENT:**

8.1 It is important to note that a planning permit exists for the use of this property as private rubbish tip. The proposal is to amend that existing permit and not assess the merits of the use of the overall site as that use is already established. Therefore, the key considerations, and questions to answer, in this matter are:

- Is the change to increase capping height reasonable?
- Are the changes to the permit conditions a reasonable change?

8.2 These matters will be discussed with reference to relevant planning provisions below.

Is the change to increase the capping height reasonable?

8.3 The change to increase the capping height to RL184 seeks an increase in height of two metres across the capping area from the contours detailed in EPA licence 11758. The capping height increase will help facilitate construction of a new Cell 7, via the removal of existing waste from poorly managed and constructed cells, stockpiling of waste within the revised capping height and reconstruction and filling of the new Cell 7. This process is designed to provide for improved management of the overall site and assist with responses to directives from the EPA.

8.4 The updated capping configuration has been designed to manage surface water and landfill gas with the aim to provide enhanced management of the site into the future. Documentation has been produced in support of the application by Tonkin and Taylor (Environmental and Engineering consultants) dated 29 July 2020 that shows the development of improved infrastructure on the site including cell lining, landfill gas monitoring and water drainage.

**REPORT NO: SU541 (cont.)**

- 8.5 Whilst the proposed capping height results in a more prominent physical form on the land it is considered that such an outcome is reasonable in the context of the GWZ and the ESO1 on the land when balanced against the improved management of waste on the site and the limited degree of change from the current approved capping heights.
- 8.6 The increase in the capping height has been considered in relation to the PAO3 on the land. DoT, as a determining referral authority, have not objected to the increased capping height, nor have they requested any additional conditions on the amended permit.

Are the changes to the permit conditions a reasonable change?

- 8.7 The proposed change to Conditions 1 and 4 (as described in paragraph 3.4 of this report) seeks to replace reference to outdated plans and reports with the updated capping profile plan submitted with the amendment to permit application and to link the development of the site with EPA direction and requirements under relevant legislation. Such a change reflects the contemporary assessment and management pathways for landfills and provides a connection to the technical provisions and directions that can occur via the EPA.
- 8.8 The applicant has confirmed no changes are proposed to Condition 11 and 12 of the current permit and these conditions will remain in place.
- 8.9 It is therefore considered that these changed conditions are largely administrative in nature.

**9. CONCLUSION**

- 9.1 The proposed amendment to Planning Permit P1488 is considered appropriate for the site and the surrounding area and is generally consistent with the *Hume Planning Scheme*, including the GWZ and the PAO3. The objections have been given due regard, and it is considered the proposal can be supported.
- 9.2 For these reasons, it is recommended that a Notice of Decision to amend Planning Permit P1488 be issued.

**REPORT NO: SU541 (cont.)**

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**Attachment 1 – Amended Permit Conditions**

**P1488.02: 500 Sunbury Road Bulla**

**Proposal: Amendment of permit P1488 to increase the capping contours and height to 184 metres above sea level and amendment of Condition1 and 4**

Description of changes to permit P1488.02

1. Replace existing Condition 1 with “The use hereby permitted shall be in accordance with the Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019 .”
2. Replace existing Condition 4 with “The operation and management of the use and development hereby permitted shall be carried out in accordance with the approvals and conditions of EPA as part of any approved Clean up Notices or Directions under Section 62A or 62B of the Environmental Protection Act 1970; any Landfill Rehabilitation Plan as approved by the EPA, or other approval by EPA.”
3. Endorse amended plans for the site being Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019.

**DRAFT amended Permit P1488.02**

1. The use hereby permitted shall be in accordance with the Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019.
2. The layout of the site and size of the proposed buildings and works, as shown on the endorsed plan, shall not be modified (whether or not to comply with any statute, statutory rule or bylaw or for any other reason), without consent of Responsible Authority.
3. The office, ancillary buildings and recycling area as shown on the endorsed plans may be relocated from time to time on the subject land in a position that effectively serves traffic from the point of access to the tipping area.
4. The operation and management of the use and development hereby permitted shall be carried out in accordance with the approvals and conditions of EPA as part of any approved Clean up Notices or Directions under Section 62A or 62B of the Environmental Protection Act 1970; any Landfill Rehabilitation Plan as approved by the EPA, or other approval by EPA.
5. The use hereby permitted shall not commence until the turning lanes and associated pavement widenings as shown on the endorsed plans have been constructed to the satisfaction of the Council’s Director of Technical Services at the expense of the applicant.
6. In the event that during the currency of this permit Council determines that work to upgrade, restore or maintain Sunbury Road in the vicinity of the site are required by reason of the use of and wear and tear on such road by traffic servicing the subject and, such works as are reasonably required shall be carried out, subject to the following;
  - a. The Council shall serve notice in writing on the Applicant and its decision providing details of the works which it considered to be necessary and what

proportion of the expense is to be incurred in conducting those works, it considers should be borne by the Applicant.

- b. If, within twenty-one days after the service of such notice, the Applicant does not agree with Council's decision, the question whether such upgrading, restoration or maintenance are necessary or not and what proportion of expense is to be borne in relation thereto by the Applicant, shall be referred to a competent engineer for decision as an arbitrator, and his decision shall be final. If parties do not agree upon the appointment of a particular qualified engineer within seven days after the expiration of the twenty-one day period aforesaid, the appointment of an appropriate qualified engineer to act as arbitrator as aforesaid shall be determined by the President for the time being of the Institution of Engineers, Australia.
  - c. In the event that the Council is required to call for tenders for carrying out the works as aforesaid, the Council will consult with the Applicant as to the details and specifications for the road works.
  - d. The Applicant shall pay to the Council the amount equal to the proportion of the contract cost, determined as aforesaid, towards the cost of the Council maintaining the road affected by traffic serving the subject land.
7. Prior to the commencement of the development and use hereby permitted, a \$10,000 unrestricted bank guarantee shall be lodged with Council to provide for any reinstatement or repair as required under Condition 6 of this permit. The balance of such shall be returned upon completion of tipping operations on the site at the request of the applicant.
  8. The buffer zones as shown on the endorsed plans under Condition 1 shall be planted with native trees and shrubs approved by the Responsible Authority, all to be at least 0.5m high at the time of planting and such trees, together with existing trees, shall be maintained throughout the currency of this permit, to the satisfaction of the Responsible Authority.
  9. A landscape rehabilitation plan for the whole site shall be submitted to and approved by the Responsible Authority. Such plan shall be progressively instituted as each cell is filled to the satisfaction of the Responsible Authority.
  10. A landscape bond of \$5,000 shall be submitted to Council prior to the commencement of use and development hereby permitted to ensure satisfactory planting of the landscaped buffers in accordance with the endorsed plan. Such a sum shall be refunded upon satisfactory completion of the landscape buffer.
  11. The wastes deposited shall consist only of solid inert waste as defined under the Environment Protection Act 1970.

12. Notwithstanding Condition 10, the following wastes are prohibited from being deposited on the premises:
  - a. putrescible wastes;
  - b. soluble chemical wastes;
  - c. liquid wastes;
  - d. hazardous wastes
  - e. automotive tyres, unless shredded into pieces not exceeding 250mm in dimension and
  - f. wastes specified by the Environment Protection Act (Prescribed Waste) Regulations 1987 except for asbestos cement sheeting only.
  
13. The development hereby permitted shall at all times be in accordance with any licence or permit issued by the Environment Protection Authority and any conditions attached thereto. Any breach of such licence or permit shall be deemed to be a breach of the planning permit.

**AMENITY**

14. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the transportation of materials, being waste products, filling material or otherwise or by reason of its external appearance of emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste product, grit, oil or presence of vermin or otherwise
15. The operator under this permit shall fill the tip area from north to south so as to alleviate any detrimental effects on the abutting owners.
16. No waste shall be permitted to discharge beyond the boundaries of the site and regular collection of windblown litter is to occur 500 meters along Sunbury Road in each direction to the satisfaction of the Responsible Authority.
17. A cyclone wire fence, not less than 2 metres in height, shall be constructed around the perimeter of the site.
18. All wire mesh fences around the subject site shall be cleared at least twice a week of any materials blown or otherwise deposited thereon to the satisfaction of the Responsible Authority.
19. Litter arising from the operation of the premises shall at all times be confined within the boundaries of the site.
20. All gates shall be kept locked except during official operating times.

21. Portable litter screens shall be provided around the active tipping fence at all times to prevent the occurrence of windblown litter.
22. A water tanker to reduce dust emissions from the landfill shall be permanently located at the premises and used where appropriate.
23. All vehicles leaving the site shall be cleaned to ensure that no material (such as refuse, clay, mud etc), is deposited outside the site. The applicant shall specify the method of satisfying this condition to the satisfaction of the Responsible Authority.
24. The applicant shall make every endeavour to ensure that trucks entering the site shall be covered to prevent spillage of windblown materials outside the site, to the satisfaction of the Responsible Authority.
25. The operator of the use hereby permitted shall take all reasonable precautions to ensure that vermin on the site are eradicated.

### **ON SITE WORKS**

26. The applicant shall make every endeavour to prevent illegal dumping of refuse outside the site. Such rubbish shall as soon as practicable be transported, at the applicants cost to an approved landfill site.
27. The operation of the tipping area and the quarry area shall at all times be kept separate through the use of a divider berm.
28. A recycling depot shall be constructed at the existing car park area for the collection of glass, paper, metals, plastics and car bodies.
29. The road referred to in Condition 1(i) shall be adequately drained and maintained continuously in a usable condition to prevent the emission of dust or the transportation of mud or other materials into nearby roads.
30. A static water supply of not less than 50,000 litres together with a pump, hoses and fittings which comply with Country Fire Authority requirements shall be provided so that water may be discharge in adequate volume to extinguish fire in any part of the site.
31. A 10m wide fire break around the perimeter of the tipping hole (to be either bare earth or slashed and ploughed) shall be provided and maintained to the satisfaction of the Responsible Authority.

### **SITE MANAGEMENT**

32. Cut-off drains and/or diversion banks shall be constructed to divert surface run-off away from those portions of the landfill premises which are to be used for the deposition of wastes.
33. A sign, the details and location of which shall be approved by the Responsible Authority, shall be erected near the entrance to the tip to identify it and state its hours of operation. No other sign shall be erected or displayed so as to be visible from Sunbury Road without the consent of the Responsible Authority.

34. No material shall be offered for sale or salvaged on the site unless the Responsible Authority has previously approved the types of material which may be salvaged or sold and the manner in which such salvage or sale is conducted.
35. Not less than two persons shall be present at all times of operation, one of whom shall be a qualified and maintain in good operating condition, with spark arresters and noise attenuation equipment, suitable machinery and equipment on the site to efficiently carry out the use hereby permitted.
36. Car bodies shall not be disposed of on the site other than in accordance with the provisions of Clause 21 of the third schedule to the General Sanitary Regulations.
37. The height to which car bodies may be so stored shall not exceed the natural surface of the land.
38. A stockpile of cover material adequate for at least two weeks operation shall be stored and readily available on the site.
39. Within two months of completing each tipping stage, a final cover of compacted clay rich earth shall be placed over the fill to a depth of not less than 500mm including top soil to a minimum of 20cm.
40. The final surface of each tipping stage shall be graded, drained and vegetated to minimise erosion and to prevent ponding of storm water.
41. On completion of filling all building and structures erected in connection with the tipping operation shall be removed.
42. No waste shall be burnt at the site.
43. The tip shall not be open to the general public.
44. A progress report on tipping operations shall be submitted annually to the Shire of Bulla, indicating details of the previous years' fill rates, a copy of the complaints register and any other matter pertaining to the operation of the use hereby permitted.
45. The hours of operation for receipt of waste shall be between 7.30am to 6.30pm weekdays and 7.30am to 1.00pm Saturdays except that the tip shall be closed on Christmas Day, Good Friday, New Year's Day and Anzac Day.
46. It is a fundamental condition of the permit that the end use of the filled site will be for a single detached dwelling. The land may be rezoned, at the discretion of the Responsible Authority, to a zoning compatible with the end use and surrounding zoning patterns.
47. The use and development permitted by this permit can continue until 31 December 2023 subject to any further extension that might be granted by the responsible authority pursuant to section 69 of the Planning and Environment Act 1987.

**NOTE: This permit was amended at the direction of the Administrative Appeals Tribunal through the deletion of Condition 1 (i) and the substitution of a new wording and the deletion of Condition 28 and substitution of a new Condition 28.**

**NOTE: This permit was amended by Council on 18 April 1994 through the addition of the words "except for asbestos cement sheeting only" at the end of Condition 12(vi).**

**NOTE: Condition 47 was amended on 1 July 2015 as directed by the Victorian Civil and Administrative Tribunal order dated 15 June 2015 (refer P755/2014).**

**NOTE: This permit was amended on INSERT DATE to:**

- **Replace existing Condition 1 with “The use hereby permitted shall be in accordance with the Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019 .”**
- **Replace existing Condition 4 with “The operation and management of the use and development hereby permitted shall be carried out in accordance with the approvals and conditions of EPA as part of any approved Clean up Notices or Directions under Section 62A or 62B of the Environmental Protection Act 1970; any Landfill Rehabilitation Plan as approved by the EPA, or other approval by EPA.”**
- **Endorse amended plans for the site being Tonkin + Taylor, Bulla Landfill Cap Design & Bulla Landfill Revised Cap Profile Revision A dated August 2019.**

**Attachment 2 – Planning Policy Framework**

**P1488.02: 500 Sunbury Road Bulla**

**Proposal: Amendment of permit P1488 to increase the capping contours and height to 184 metres above sea level and amendment of Condition 1 and 4**

The following Planning Policy Framework objectives of the Hume Planning Scheme are relevant to this proposal:

<b>Clause</b>	<b>Applicable objective / strategy</b>
<b>Planning Policy Framework</b>	
11.01-1R – Green Wedges – Metropolitan Melbourne	<ul style="list-style-type: none"> <li>To protect the green wedges of Metropolitan Melbourne from inappropriate development.</li> </ul>
12.05-2S – Landscapes	<ul style="list-style-type: none"> <li>To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.</li> </ul>
13.07-1S – Land use compatibility	<ul style="list-style-type: none"> <li>To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</li> <li>Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.</li> </ul>
14.02-2S – Water quality	<ul style="list-style-type: none"> <li>To protect water quality.</li> <li>Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.</li> </ul>
17.01-1S – Diversified Economy	<ul style="list-style-type: none"> <li>Protect and strengthen existing and planned employment areas and plan for new employment areas.</li> <li>Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.</li> <li>Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.</li> <li>Improve access to jobs closer to where people live.</li> <li>Support rural economies to grow and diversify.</li> </ul>
15.01-2S – Building design	To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

**REPORTS – SUSTAINABILITY AND ENVIRONMENT****22 MARCH 2021****ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 2 - Planning Policy summary

18.04-1R – Melbourne Airport	<ul style="list-style-type: none"><li>• <i>Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation.</i></li><li>• <i>Ensure any use or development does not prejudice the optimum usage of Melbourne Airport.</i></li></ul>
19.03-5S – Waste and resource recovery	<ul style="list-style-type: none"><li>• <i>Ensure future waste and resource recovery infrastructure needs are identified and planned for to</i></li><li>• <i>safely and sustainably manage all waste and maximise opportunities for resource recovery.</i></li><li>• <i>Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.</i></li><li>• <i>Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.</i></li><li>• <i>Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.</i></li><li>• <i>Enable waste and resource recovery facilities to locate close together in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.</i></li><li>• <i>Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (Environment Protection Authority, 2004).</i></li><li>• <i>Integrate waste and resource recovery infrastructure planning with land use and transport planning.</i></li><li>• <i>Encourage development that facilitates sustainable waste and resource recovery.</i></li></ul>
<b>Local Planning Policy Framework</b>	
21.02-4 – Non urban land	<ul style="list-style-type: none"><li>• <i>Ensure the green wedge retains a physical separation between the Hume Corridor and Sunbury.</i></li><li>• <i>Support rural activities that provide for the sustainable and economical management of non-urban land.</i></li><li>• <i>Discourage the use of non-urban land for urban land uses that would be better located and supported within the Urban Growth Boundary.</i></li><li>• <i>Discourage small lot excisions and the construction of more than one house on allotments in the rural areas unless it can be demonstrated that there is a link with an established rural enterprise on the land.</i></li></ul>

	<ul style="list-style-type: none"> <li>• <i>Discourage small lot excisions and the construction of more than one house on allotments in the rural areas unless it will assist in the protection of biodiversity values or an identified heritage site.</i></li> <li>• <i>Ensure any future planning of land north west of Sunbury recognises erosion and land management issues and the native vegetation and visual qualities of the area.</i></li> </ul>
21.04-3 – Landscapes	<ul style="list-style-type: none"> <li>• <i>To ensure development protects significant and unique landscape values which contribute to Hume’s character and identity.</i></li> </ul>
21.06-1 - Economic development	<ul style="list-style-type: none"> <li>• <i>To facilitate economic growth and job diversity through the continued support of existing businesses and the attraction of new businesses.</i></li> </ul>
<b>Zone</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
35.04 – Green Wedge Zone	<ul style="list-style-type: none"> <li>• <i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></li> <li>• <i>To provide for the use of land for agriculture.</i></li> <li>• <i>To recognise, protect and conserve green wedge land for its agricultural, environmental, historic,</i></li> <li>• <i>landscape, recreational and tourism opportunities, and mineral and stone resources.</i></li> <li>• <i>To encourage use and development that is consistent with sustainable land management practices.</i></li> <li>• <i>To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.</i></li> <li>• <i>To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.</i></li> <li>• <i>To protect and enhance the biodiversity of the area.</i></li> </ul>
<b>Overlays</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
42.01 – Environmental Significance Overlay Schedule 1	<p><b>Ecological Function</b></p> <ul style="list-style-type: none"> <li>• <i>To ensure the health and vitality of the natural systems of rural waterways and their environs.</i></li> <li>• <i>To protect and enhance the diversity, integrity and health of the local native riparian, escarpment</i></li> <li>• <i>and plains vegetation associated with waterways.</i></li> <li>• <i>To ensure the suitability of the riparian, escarpment and plains vegetation habitat and in-stream</i></li> <li>• <i>habitats for local native animals.</i></li> <li>• <i>To improve the water quality of waterways.</i></li> <li>• <i>To provide for the retention, restoration and revegetation of local native plant species.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>To improve soil quality to enable the continuation of suitable land use.</i></li> </ul> <p><b>Waterway function</b></p> <ul style="list-style-type: none"> <li>• <i>To sustain flood, regional drainage and waterway function to enable appropriate beneficial land use and water-based activities to be undertaken.</i></li> <li>• <i>To improve flood mitigation, drainage works and water quality through the creation of more natural bed and bank treatments where these have been modified from the natural.</i></li> </ul> <p><b>Recreation use</b></p> <ul style="list-style-type: none"> <li>• <i>To create a peaceful, passive open space quality in the waterway corridor and surrounding environs.</i></li> <li>• <i>To provide a linear open space link along one side of the waterway corridor.</i></li> <li>• <i>To provide for links, views and access from surrounding areas to the waterways and open space.</i></li> </ul> <p><b>Landscape character</b></p> <ul style="list-style-type: none"> <li>• <i>To protect and enhance the natural and visual character of waterway corridors, deeply incised valleys and their surrounding environs.</i></li> <li>• <i>To ensure that the scenic qualities and visual character of waterway corridors, creek valleys and their surrounding environs are not compromised by the inappropriate siting of buildings, the placement of fill, the removal of soil, or lack of screening vegetation.</i></li> <li>• <i>To restore those sections of the waterway corridor which have been man modified to create artificial bed, banks and landforms to more natural, visually attractive and ecologically diverse landscapes.</i></li> </ul> <p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>• <i>To protect areas of sensitivity for Aboriginal heritage and significant non-Aboriginal heritages sites and areas.</i></li> <li>• <i>To protect natural landforms and geological features.</i></li> </ul>
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45.01 Public Acquisition Overlay	<ul style="list-style-type: none"><li>• <i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></li><li>• <i>To identify land which is proposed to be acquired by a Minister, public authority or municipal council.</i></li><li>• <i>To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.</i></li><li>• <i>To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.</i></li></ul>
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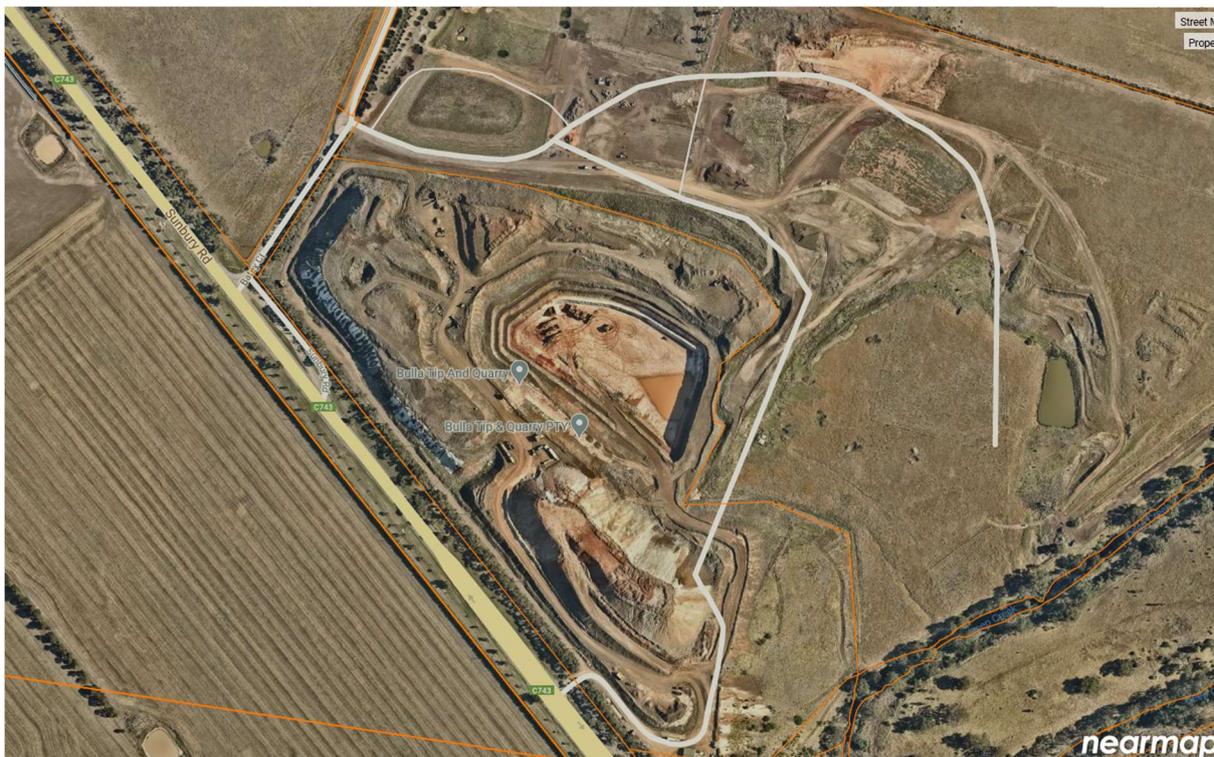
Attachment 3 – Locality Plan

P1488.02: 500 Sunbury Road Bulla

Proposal: Amendment of permit P1488 to increase the capping contours and height to 184 metres above sea level and amendment of Condition 1 and 4



Zoning plan: 500 Sunbury Road Bulla

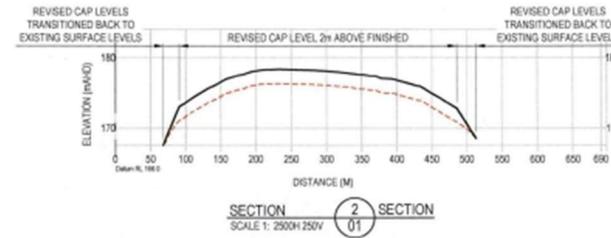
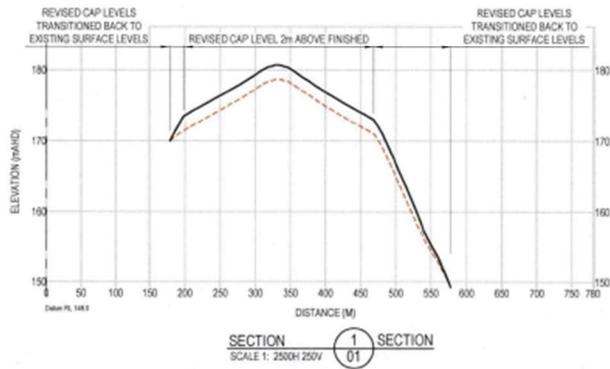


Aerial photo: 500 Sunbury Road Bulla (image 23 January 2021 shows new cell being created)

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**LEGEND**  
 - - - FINISHED TOP OF CAP (SHOWN IN DWG. 107546-03 REV. 1 OCT. 2018)  
 — REVISED TOP OF CAP

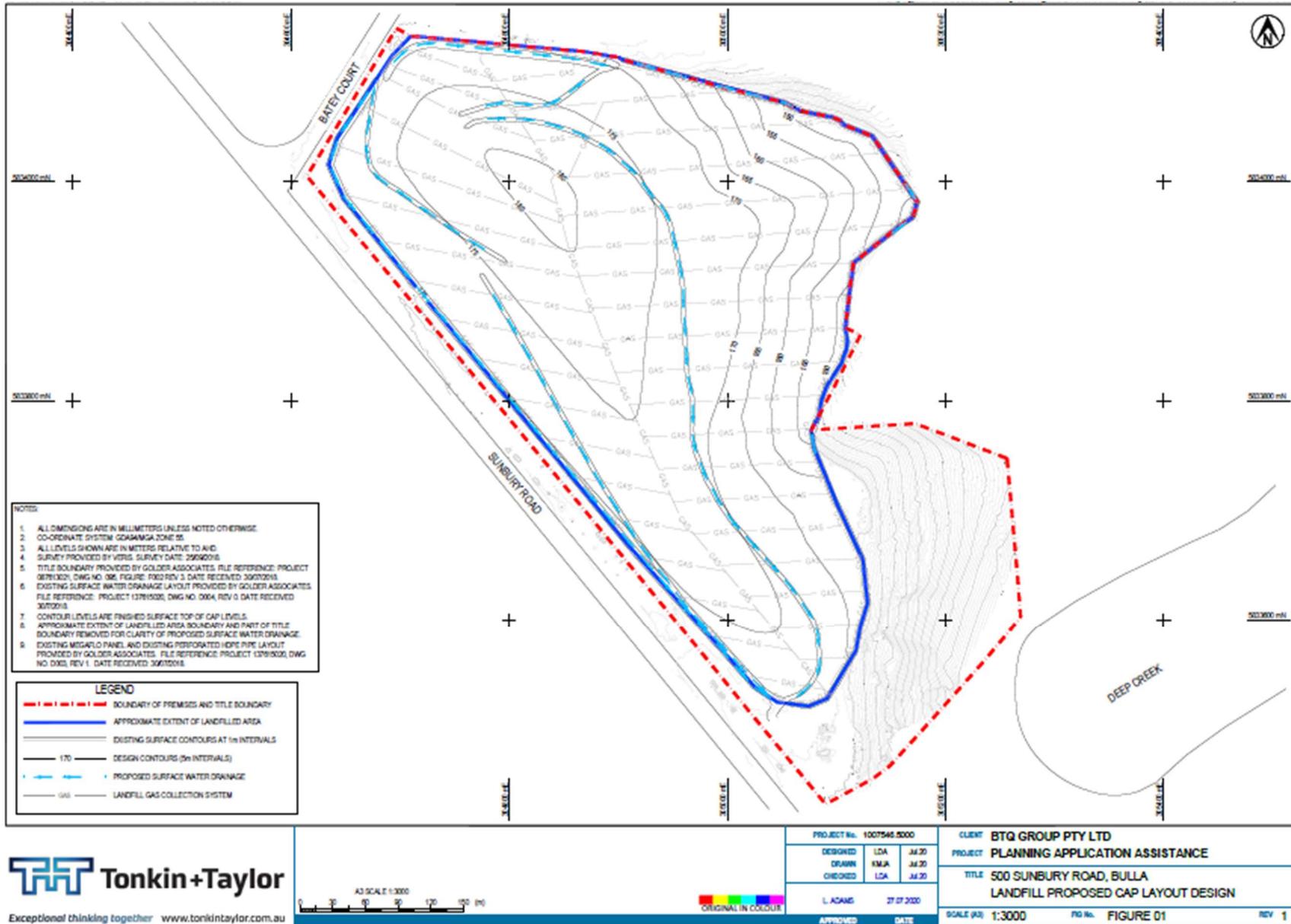


**NOTES:**  
 1. REVISED CONTOUR LEVELS ARE TWO METERS ABOVE FINISHED TOP OF CAP LEVELS (SHOWN IN DWG. 107546-03 REV. 1 OCT. 2018) AND IS TRANSITIONED BACK TO EXISTING SURFACE LEVELS.



DESIGNED	RSR	Aug 19	DRAWING STATUS	CLIENT	BULLA TIP AND QUARRY PTY LTD
DRAWN	TKEL	Aug 19	CONCEPT DRAFT	PROJECT	BULLA LANDFILL REVISED CAP PROFILE
DESIGN CHECKED				TITLE	500 SUNBURY ROAD, BULLA
DRAWING CHECKED					TYPICAL CROSS SECTIONS
NOT FOR CONSTRUCTION			THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS SHOWN AS APPROVED.		
A CONCEPT DRAFT FOR DISCUSSION PURPOSES					

SCALE (A3)	AS SHOWN	DWG No.	1007546 1000-FIG02	REV	A
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<b>PLANNING PERMIT</b>	<b>Permit No.</b>	1488
	<b>Planning Scheme</b>	Bulla Planning Scheme 1988
	<b>Responsible Authority</b>	Shire of Bulla

**ADDRESS OF THE LAND.**

Lot 1 on LP 139733, No. 500 Sunbury Road, Bulla.

**THE PERMIT ALLOWS**

The use and development of the land for the purpose of a private rubbish tip (non-putrescible) in accordance with the endorsed plans.

NOTE: THIS IS A PLANNING PERMIT - NOT A BUILDING APPROVAL. IF THIS PROPOSAL INCLUDES ANY BUILDING WORK A BUILDING APPROVAL UNDER THE BUILDING CONTROL ACT 1993 (THE ACT) WILL ALSO BE REQUIRED. IF ANY SUCH PLAN ENDORSED WITH THIS PERMIT NEEDS TO BE MODIFIED TO MEET ANY REQUIREMENTS FOR BUILDING APPROVAL OR FOR ANY OTHER REASON YOU MUST SUBMIT ANY SUCH MODIFIED PLAN TO THE COUNCIL'S PLANNING DEPARTMENT FOR ENDORSEMENT.

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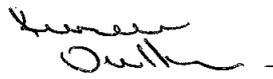
**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.**

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1. The use hereby permitted shall not be commenced until a layout plan (in triplicate) has been submitted to and approved by the Responsible Authority. Such plans are to show:
  - (a) the extent and depth of the area to be filled;
  - (b) all buildings (including a notation that such shall be muted shades of green or brown) and works which are to be constructed on the land, including fencing and gates, water collection ponds and proposed internal access driveways.
  - (c) turning lanes on Sunbury Road to the approval of the Council's Director of Technical Services (including a protected right-turn lane into the site, a left-turn de-acceleration lane into the site and a left-turn acceleration lane out of the site);
  - (d) landscaped buffer zones along the front and side boundaries, not less than 15m wide except where the extend of excavations and access requirements dictate a lesser setback;
  - (e) the area to be used as a recycling centre;

*Date Issued* 20<sup>th</sup> May, 1993

*Signature for the  
Responsible Authority*



**SHIRE OF BULLA**

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- (f) proposed final contours, generally consistent with pre-existing contours, with attempts to generally approximate a natural topography;
- (g) the locations of any areas within the site which have not, and will not be excavated or used to supply cover material;
- (h) ----- details of the manner in which development will be staged; -----
- (i) site access generally in accordance with the revised concept plan dated 1 July 1993 prepared by Gerner Consulting Group Pty. Ltd.

Such plans, when approved, shall become the endorsed plans.

2. The layout of the site and size of the proposed buildings and works, as shown on the endorsed plan, shall not be modified (whether or not to comply with any statute, statutory rule or bylaw or for any other reason), without consent of Responsible Authority.
3. The office, ancillary buildings and recycling area as shown on the endorsed plans may be relocated from time to time on the subject land in a position that effectively serves traffic from the point of access to the tipping area.
4. The operation and management of the use and development hereby permitted shall be carried out in accordance with the recommendations contained in the reports entitled "Hydro geological Investigation for Proposed Solid Inert Waste Landfill for Bulla Quarry Site for Bulla Tip & Quarry Pty. Ltd." (dated November, 1992) prepared by M.P.A. Williams & Associates Pty. Ltd. and "Proposed Landfill at Bulla for Bulla Tip and Quarry Pty. Ltd." (dated November, 1992) prepared by Gerner Consulting Group Pty. Ltd., to the satisfaction of the Responsible Authority.
5. The use hereby permitted shall not commence until the turning lanes and associated pavement widenings as shown on the endorsed plans have been constructed to the satisfaction of the Council's Director of Technical Services at the expense of the applicant.
6. In the event that during the currency of this permit Council determines that work to upgrade, restore or maintain Sunbury Road in the vicinity of the site are required by reason of the use of and wear and tear on such road by traffic servicing the subject and, such works as are reasonably required shall be carried out, subject to the following;
  - (i) The Council shall serve notice in writing on the Applicant and its decision providing details of the works which it considered to be necessary and what proportion of the expense is to be incurred in conducting those works, it considers should be borne by the Applicant.

Date Issued 20<sup>th</sup> May, 1993

Signature for the Responsible Authority \_\_\_\_\_

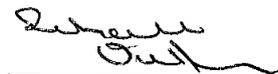
**SHIRE OF BULLA**

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- (ii) If, within twenty-one days after the service of such notice, the Applicant does not agree with Council’s decision, the question whether such upgrading, restoration or maintenance are necessary or not and what proportion of expense is to be borne in relation thereto by the Applicant, shall be referred to a competent engineer for decision as an arbitrator, and his decision shall be final. If parties do not agree upon the appointment of a particular qualified engineer within seven days after the expiration of the twenty-one day period aforesaid, the appointment of an appropriate qualified engineer to act as arbitrator as aforesaid shall be determined by the President for the time being of the Institution of Engineers, Australia.
  - (iii) In the event that the Council is required to call for tenders for carrying out the works as aforesaid, the Council will consult with the Applicant as to the details and specifications for the road works.
  - (iv) The Applicant shall pay to the Council the amount equal to the proportion of the contract cost, determined as aforesaid, towards the cost of the Council maintaining the road affected by traffic serving the subject land.
7. Prior to the commencement of the development and use hereby permitted, a \$10,000 unrestricted bank guarantee shall be lodged with Council to provide for any reinstatement or repair as required under Condition 6 of this permit. The balance of such shall be returned upon completion of tipping operations on the site at the request of the applicant.
  8. The buffer zones as shown on the endorsed plans under Condition 1 shall be planted with native trees and shrubs approved by the Responsible Authority, all to be at least 0.5m high at the time of planting and such trees, together with existing trees, shall be maintained throughout the currency of this permit, to the satisfaction of the Responsible Authority.
  9. A landscape rehabilitation plan for the whole site shall be submitted to and approved by the Responsible Authority. Such plan shall be progressively instituted as each cell is filled to the satisfaction of the Responsible Authority.
  10. A landscape bond of \$5,000 shall be submitted to Council prior to the commencement of use and development hereby permitted to ensure satisfactory planting of the landscaped buffers in accordance with the endorsed plan. Such a sum shall be refunded upon satisfactory completion of the landscape buffer.
  11. The wastes deposited shall consist only of solid inert waste as defined under the Environment Protection Act 1970.
  12. Notwithstanding Condition 10, the following wastes are prohibited from being deposited on the premises:

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*Signature for the  
Responsible Authority*



**SHIRE OF BULLA**

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- (i) putrescible wastes;
- (ii) soluble chemical wastes;
- (iii) liquid wastes;
- (iv) hazardous wastes
- (v) automotive tyres, unless shredded into pieces not exceeding 250mm in dimension and
- (vi) wastes specified by the Environment Protection Act (Prescribed Waste) Regulations 1987 except for asbestos cement sheeting only.

13. The development and use hereby permitted shall at all times be in accordance with any licence or permit issued by the Environment Protection Authority and any conditions attached thereto. Any breach of such licence or permit shall be deemed to be a breach of the planning permit.

**AMENITY**

- 14. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the transportation of materials, being waste products, filling material or otherwise or by reason of its external appearance or emission of noise, vibration, smell, fumes, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or of the presence of vermin or otherwise.
- 15. The operator under this permit shall fill the tip area from north to south so as to alleviate any detrimental effects on the abutting landowners.
- 16. No waste shall be permitted to discharge beyond the boundaries of the site and regular collection of windblown litter is to occur 500m along Sunbury Road in each direction to the satisfaction of the Responsible Authority.
- 17. A cyclone wire fence, not less than 2m in height, shall be constructed around the perimeter of the site.
- 18. All wire mesh fences around the subject site shall be cleared at least twice a week of any materials blown or otherwise deposited thereon to the satisfaction of the Responsible Authority.
- 19. Litter arising from the operation of the premises shall at all times be confined within the boundaries of the site.
- 20. All gates shall be kept locked except during official operating times.
- 21. Portable litter screens shall be provided around the active tipping fence at all times to prevent the occurrence of windblown litter.

Date Issued 20<sup>th</sup> May, 1993

Signature for the Responsible Authority \_\_\_\_\_

*Richard Outhwaite*

**SHIRE OF BULLA**

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- 22. A water tanker to reduce dust emissions from the landfill shall be permanently located at the premises and used where appropriate.
- 23. All vehicles leaving the site shall be cleaned to ensure that no material (such as refuse, clay, mud etc), is deposited outside the site. The applicant shall specify the method of satisfying this condition to the satisfaction of the Responsible Authority.
- 24. The applicant shall make every endeavour to ensure that trucks entering the site shall be covered to prevent spillage of windblown materials outside the site, to the satisfaction of the Responsible Authority.
- 25. The operator of the use hereby permitted shall take all reasonable precautions to ensure that vermin on the site are eradicated.

**ON-SITE WORKS**

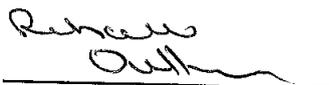
- 26. The applicant shall make every endeavour to prevent illegal dumping of refuse outside the site. Such rubbish shall as soon as practicable be transported, at the applicants cost to an approved landfill site.
- 27. The operation of the tipping area and the quarry area shall at all times be kept separate through the use of a divider berm.
- 28. A recycling depot shall be constructed at the existing car park area for the collection of glass, paper, metals, plastics and car bodies.
- 29. The road referred to in Condition 1(i) shall be adequately drained and maintained continuously in a usable condition to prevent the emission of dust or the transportation of mud or other materials into nearby roads.
- 30. A static water supply of not less than 50,000 litres together with a pump, hoses and fittings which comply with Country Fire Authority requirements shall be provided so that water may be discharge in adequate volume to extinguish fire in any part of the site.
- 31. A 10m wide fire break around the perimeter of the tipping hole (to be either bare earth or slashed and ploughed) shall be provided and maintained to the satisfaction of the Responsible Authority.

**SITE MANAGEMENT**

- 32. Cut-off drains and/or diversion banks shall be constructed to divert surface run-off away from those portions of the landfill premises which are to be used for the deposition of wastes.

Date Issued 20<sup>th</sup> May, 1993

Signature for the  
Responsible Authority



**SHIRE OF BULLA**

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33. A sign, the details and location of which shall be approved by the Responsible Authority, shall be erected near the entrance to the tip to identify it and state its hours of operation. No other sign shall be erected or displayed so as to be visible from Sunbury Road without the consent of the Responsible Authority.
34. No material shall be offered for sale or salvaged on the site unless the Responsible Authority has previously approved the types of material which may be salvaged or sold and the manner in which such salvage or sale is conducted.
35. Not less than two persons shall be present at all times of operation, one of whom shall be a qualified and maintain in good operating condition, with spark arresters and noise attenuation equipment, suitable machinery and equipment on the site to efficiently carry out the use hereby permitted.
36. Car bodies shall not be disposed of on the site other than in accordance with the provisions of Clause 21 of the third schedule to the General Sanitary Regulations.
37. The height to which car bodies may be so stored shall not exceed the natural surface of the land.
38. A stockpile of cover material adequate for at least two weeks operation shall be stored and readily available on the site.
39. Within two months of completing each tipping stage, a final cover of compacted clay rich earth shall be placed over the fill to a depth of not less than 500mm including top soil to a minimum of 20cm.
40. The final surface of each tipping stage shall be graded, drained and vegetated to minimise erosion and to prevent ponding of stormwater.
41. On completion of filling all building and structures erected in connection with the tipping operation shall be removed.
42. No waste shall be burnt at the site.
43. The tip shall not be open to the general public.
44. A progress report on tipping operations shall be submitted annually to the Shire of Bulla, indicating details of the previous years' fill rates, a copy of the complaints register and any other matter pertaining to the operation of the use hereby permitted.
45. The hours of operation for receipt of waste shall be between 7.30am to 6.30pm weekdays and 7.30am to 1.00pm Saturdays except that the tip shall be closed on Christmas Day, Good Friday, New Year's Day and Anzac Day.

*Date Issued* 20<sup>th</sup> May, 1993

*Signature for the  
Responsible Authority*

*Richard  
Oulton*

**SHIRE OF BULLA**

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46. It is a fundamental condition of the permit that the end use of the filled site will be for a single detached dwelling. The land may be rezoned, at the discretion of the Responsible Authority, to a zoning compatible with the end use and surrounding zoning patterns.
47. The use and development permitted by this permit can continue until 31 December 2023 subject to any further extension that might be granted by the responsible authority pursuant to section 69 of the Planning and Environment Act 1987.

**NOTE: This permit was amended at the direction of the Administrative Appeals Tribunal through the deletion of Conditions 1 (i) and the substitution of a new wording and the deletion of Condition 28 and substitution of a new Condition 28.**

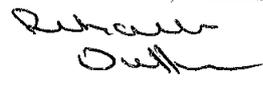
**NOTE: This permit was amended by Council on 18 April, 1994 through the addition of the words “except for asbestos cement sheeting only” at the end of Condition 12(vi).**

**NOTE: Condition 47 was amended on 1 July 2015 as directed by the Victorian Civil and Administrative Tribunal order dated 15 June 2015 (refer P755/2014).**

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*Date Issued* 20<sup>th</sup> May, 1993

*Signature for the  
Responsible Authority* \_\_\_\_\_



**SHIRE OF BULLA**

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**PLANNING PERMIT NO.**



**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. This notice sets out on the reverse side what the permit allows and what conditions must be met.

---

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

- a) from the date specified in the permit, or
- b) if not date is not specified, from:
  - i) the date of the decision of the Administrative Appeals Tribunal, if the permit was issued at the discretion of the Tribunal, or
  - ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

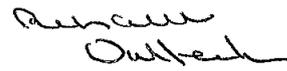
1. A permit for the development of land expires if -
  - a) the development or any stage of it is not completed within the time specified in the permit,
  - b) the development or any stage of it is not completed within the time specified
2. A permit for the use of land expires if -
  - a) the use does not start within the specified time in the permit, or if no time is specified, within two years of the issue of the permit. or;
  - b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - a) the development or any stage of it does not start within the time specified in the permit, or;
  - b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit;
  - c) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit, or;
  - d) the use is discontinued for a period of two years.
4. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT APPEALS?**

The person who applied for a permit may appeal against any condition in the permit, unless it was granted at the direction of the Administrative Appeals Tribunal where, in such, case, no right of appeal exists. An Appeal must be lodged with the Administrative Appeals Tribunal within 60 days after the permit was issued, unless a Notice of Decision to Grant a Permit has been issued previously, in which case the Appeal must be lodged within 60 days after giving of that Notice. A Notice of Appeal form can be obtained from the Administrative Appeals Tribunal, 7th Floor, 55 King Street, Melbourne 3000, Phone: 9628-9777. Details about appeals can be obtained from the Administrative Appeals Tribunal.

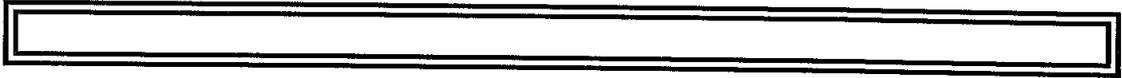
Date Issued 20<sup>th</sup> May, 1993

Signature for the Responsible Authority \_\_\_\_\_



**SHIRE OF BULLA**

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*Date Issued* 20<sup>th</sup> May, 1993

*Signature for the  
Responsible Authority*

*Richard  
Oull*

**SHIRE OF BULLA**

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<b>REPORT NO:</b>	SU542
<b>REPORT TITLE:</b>	216 Craigieburn Road, Craigieburn – Use and development of a childcare centre and display of a business identification sign
<b>SOURCE:</b>	Anita Zmak, Town Planner
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	P23248
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City’s environment, natural heritage and rural spaces.
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>Planning Permit Conditions - 216 Craigieburn Road, Craigieburn</i></li><li>2. <i>Applicable State and Local Planning Policies - 216 Craigieburn Road, Craigieburn</i></li><li>3. <i>Locality Map - 216 Craigieburn Road, Craigieburn</i></li><li>4. <i>Assessed Plans - 216 Craigieburn Road, Craigieburn</i></li></ol>

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<b>Application No:</b>	P23248
<b>Proposal:</b>	Use and development of a childcare centre and display of a business identification sign
<b>Location:</b>	216 Craigieburn Road, Craigieburn
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Applicant:</b>	Mitchell Belden
<b>Date Received:</b>	7 October 2020

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**1. SUMMARY OF REPORT:**

- 1.1 Planning approval is sought for the use and development of the subject land for a childcare centre and display of a business identification sign at 216 Craigieburn Road, Craigieburn.
- 1.2 Notice of the application was given under Section 52 of the Planning and Environment Act 1987, by way of a sign on site and letters to adjoining neighbours.
- 1.3 Five objections were received during the advertising process. This application is being reported to the Council due to the number of objections.
- 1.4 The main considerations of the application relate to car parking and amenity issues caused by the proposed use of the land.
- 1.5 The application has been assessed against the relevant policies and provisions of the *Hume Planning Scheme*, including issues raised in the objections, and it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

**2. RECOMMENDATION:**

**That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of a childcare centre and display of a business identification sign, at 216 Craigieburn Road, Craigieburn, subject to the conditions included in Attachment 1.**

**REPORT NO: SU542 (cont.)**

**3. PROPOSAL:**

- 3.1 The proposal is for the use and development of a childcare centre on the subject site. Details of the proposed use are as follows:
- 3.1.1 The centre would cater for up to 18 children, with an age range of two and a half to five-year-old children.
  - 3.1.2 There would be three permanent staff working at any one time.
  - 3.1.3 The childcare centre would operate from Monday to Friday, between 8:00am and 5:30pm.
- 3.2 Details of the buildings and works proposed are as follows:
- 3.2.1 The existing dwelling on the site is proposed to be converted into a childcare centre.
  - 3.2.2 The childcare centre would comprise two large children's rooms, two children's bathrooms, an accessible bathroom, reception, kitchen and staff area and staff bathroom.
  - 3.2.3 An outdoor recreational space of 117 square metres is proposed at the rear of the centre with a building used for storage located in the north-east corner of the site.
  - 3.2.4 The existing single storey building is constructed from brick walls with a hipped tiled roof. The existing exterior of the building will generally remain the same.
  - 3.2.5 The site is proposed to be enclosed by an acoustic fence ranging between 1.8 and 2.4 metres in height, as recommended by the Acoustic Report prepared by Cogent Acoustics.
  - 3.2.6 A 1.5 metre wide landscaped area, comprising of semi mature shrubs, is proposed around the designated parking area at the front of the centre.
- 3.3 Details of the carparking and access arrangements are as follows:
- 3.3.1 Access to the site would be provided via an existing 4.3 metre wide crossover to the Craigieburn Road service road, located along the eastern property boundary.
  - 3.3.2 A total of 3 car parking spaces would be provided to the front of the child care. A waste storage area would be located in the north-eastern part of the site, which would be also accessible via the car parking area.
  - 3.3.3 A pedestrian path is proposed around the perimeter of the building which would connect to the existing footpath running along the property frontage. Accessibility ramps are proposed at the front and rear of the building.
- 3.4 Details of the proposed signage is as follows:
- 3.4.1 A business identification sign is proposed to be located at the front of the property, measuring 1.5 meters in length and approximately 0.6 meters in height.
  - 3.4.2 Directional signage is proposed to be located in the south-east corner of the site, indicating the location of the parking area for the centre.

**4. SITE AND SURROUNDS:**

- 4.1 The Certificate of Title submitted with the application describes the subject property as Lot 305 on Plan of Subdivision 072630.
- 4.2 There is an easement located at the rear of the lot, which is 1.83 metres wide and is designated for drainage and sewage purposes. There are no buildings or works proposed in the easement. There are no other restrictions listed on the title for the property.

**REPORT NO: SU542 (cont.)**

- 4.3 The site is located on northern side of Craigieburn Road with a frontage of 15.24 metres and a depth of 43.79 metres. It is rectangular in shape and covers an area of 667.35 square metres.
- 4.4 The land is relatively flat and currently contains a single storey dwelling with a street setback of 10.68 metres.
- 4.5 The site is currently serviced by a single crossover located along the eastern property boundary.
- 4.6 The site is located within the established and predominantly residential area of Craigieburn. The adjoining properties are generally developed with single storey brick dwellings.
- 4.7 It is noted that there are examples of non-residential uses in close proximity to the site, especially along Craigieburn Road. This includes: Family Health Medical Centre (290m), Podiatry Clinic (240 metres), Our Lady Catholic Primary School (350m), Early Education Childcare Centre (500 metres).
- 4.8 There is a bus stop located 30 metres from the subject site and the Craigieburn Train Station is 1.5 kilometres from the subject site.

**5. PLANNING CONTROLS:**

**Zoning**

- 5.1 The subject land is zoned General Residential Zone Schedule 1. The purpose of the zone is to encourage development that respects the neighbourhood character of the area and to allow educational uses to serve local community needs in appropriate locations.

**Permit Triggers**

- 5.2 The use and development of a childcare centre requires a planning permit under the Clause 32.08 (General Residential Zone Schedule 1) of the Hume Planning Scheme.
- 5.3 A planning permit is required to display a business identification sign under the Clause 52.05 (Signs) of the Hume Planning Scheme.

**Particular Provisions**

- 5.4 The key assessment provisions related to the proposal are Clause 52.06 – Car parking and Clause 53.18 – Stormwater Management in Urban Development.
- 5.5 The purpose of Clause 52.05 is to ensure signs are compatible with the visual appearance of the area, do not cause loss of amenity or adversely affect the built environment or safety of the road.
- 5.6 Clause 52.06 relates to car parking. It provides car parking rates for new land uses and also sets out requirements around the design of car parking areas and accessways.
- 5.7 The purpose of Clause 53.18 of the Scheme is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

**Planning Policy Framework & Local Planning Policy Framework**

- 5.8 The Planning Policy Framework (including the Local Planning Policy Framework) sets out objectives and strategies relevant to this application, including those relating to urban design, education facilities and stormwater management. The objectives of the Planning Policy Framework have been considered in the assessment to follow, and a full list of the relevant Planning Policy Framework objectives and strategies is provided as an attachment to this report.

REPORT NO: SU542 (cont.)

6. REFERRALS:

- 6.1 There were no referrals required under Section 55 of the *Planning and Environment Act 1987*. The application is not required to be referred to VicRoads as the road on which the property is located is a service road to the arterial Craigieburn Road and is not classified as a Road Zone Category 1.
- 6.2 The application was discussed internally with Council's Assets (Civil and Traffic) Departments, Social Planning and Open Space and Recreational Planning. All internal departments responded with no objections to the proposal, subject to standard conditions being placed on any planning permit to be issued.

7. ADVERTISING:

- 7.1 The application was advertised in accordance with Section 52 of *the Act*, by way of displaying a sign on site for a period of 14 days and sending letters to surrounding neighbours.
- 7.2 Five objections were received during the advertising process. The grounds of objections are summarised as follows:
- Traffic, parking and road safety.
  - Noise impacts.
  - Child safety.
- 7.3 A response to the above objections is as follows:

- Traffic, parking and road safety

*Response:* The applicant provided a Traffic Engineer Assessment for the proposed childcare centre which has been prepared by Quantum Traffic Pty Ltd, dated 10 December 2020. The report has been reviewed by Council and was considered satisfactory. It has been determined that there are no issues with the proposed car parking arrangements and that all cars can safely enter and exit the site in forward direction. The required car parking spaces have been provided within the property, limiting the potential cars being parked on the street. It is noted that the property is accessed via a service road and not the Craigieburn Road itself, therefore having much lower traffic volumes. Based on the above it is considered that the proposal will not cause any traffic, parking or road safety issues.

- Noise Impacts

*Response:* The applicant provided a detailed Acoustic Report prepared by Cogent Acoustics Pty Ltd dated 18 December 2020. This report recommended acoustic fencing, which will be required to be installed on the site boundaries as a condition on any planning permit issued. The centre is proposed to operate during standard work hours, being 8.00am until 5.30pm, therefore not generating any noise in the early mornings, evenings or weekends. Based on the above it is considered that the noise emanating from the site is acceptable in a residential environment and the proposed minor scale childcare centre will not cause any unreasonable amenity impact to the adjoining properties.

- Child safety

*Response:* A pedestrian path is proposed to be constructed along the perimeter of the building, which will connect to the existing footpath along Craigieburn Road, providing safe access to the centre by foot or by public transport. The required car park is proposed within the subject site, therefore providing a safe area for parents to drop off and pick up their children from the centre. It is noted that the proposal will have to meet all the regulatory aspects required by the Department of Education and Training to operate as a childcare centre from the site.

REPORT NO: SU542 (cont.)

8. ASSESSMENT:

8.1 The application has been assessed with the relevant provisions of *the Scheme*, as follows:

**State and Local Planning Policy**

- 8.2 The proposed use is considered to achieve both state and local level policy provisions.
- 8.3 A childcare centre is a required community facility, and it is determined that planning should ensure that *“community facilities and services are concentrated in central locations” (Clause 11.01-1S Settlement)*.
- 8.4 This is further supported by the local policy that highlights that *“there is a need to ensure that community infrastructure in established areas continues to meet the need of the community as the demographics change” (Clause 21.01-2)*.
- 8.5 The childcare is considered to be a logical and appropriate inclusion to the area, maximising on the opportunity to cluster community facilities (with the neighbouring school); which achieves the objective to locate *“childcare, kindergarten and primary school facilities [in a manner] to maximise access by public transport and safe walking and cycling routes” (Clause 19.02-2S)*.
- 8.6 Clause 19.02-2S also requires that Council *“ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones”*. The childcare centre is provided with a parking area and a footpath leading from the street to the front entrance of the building. It is anticipated that children can safely arrive by vehicle, foot or public transport; as accompanied by a parent.

**General Residential Zone 1**

- 8.7 The proposal is considered appropriate within the context of the General Residential Zone (GRZ1) as it meets the purpose of the zone. The GRZ1 seeks to encourage development that respects the neighbourhood character of the area and provide for education and community uses which serve the local community within an appropriate location.
- 8.8 The GRZ1 sets out several decision guidelines which must be considered when assessing a non-residential use in the zone. An assessment of the proposal against these decision guidelines is provided below:

*Whether the use or development is compatible with residential use*

- 8.8.1 The use and development of a childcare is compatible with the surrounding residential uses, due to mitigation measures to manage noise, and the proposed centre being located within the existing building on the site.
- 8.8.2 An Acoustic Report has been prepared by Cogent Acoustics Pty Ltd dated 18 December 2020. This report concludes that construction of an appropriate acoustic fence around the property boundaries will ensure that any noise emanating from the site is acceptable in a residential environment.

*Whether the use generally serves local community needs*

- 8.8.3 The use serves community needs as it is a childcare facility which would support families living in the area. This is an appropriate inclusion within the rapidly growing suburb of Craigieburn and in this particular location, the proximity of the facility to nearby schools would enable parents/caregivers to make single trips to drop off younger and older children at childcare/school. This provides convenience for local families.

*The scale and intensity of the use and development*

REPORT NO: SU542 (cont.)

8.8.4 The scale and intensity of the design is considered appropriate as it is a small scale childcare centre, which would be fully contained within the existing building on the site with only minor works required.

*The design, height, setback and appearance of the proposed buildings and works.*

8.8.5 The design, height and setback are not proposed to be altered.

*The proposed landscaping*

8.8.6 The proposed landscaping will be assessed with the provision of a landscape plan, required by conditions, however it is anticipated that there is opportunity for appropriate landscaping.

*The provision of car parking and associated accessway*

8.8.7 Appropriate car parking and access has been provided which are safe and functional. An assessment of the car parking requirements is provided later in this report.

*Any proposed loading and refuse collection facilities*

8.8.8 The proposed bin storage and collection area is proposed to the side of the building which can be easily accessed from the accessway.

8.8.9 A Condition will be placed on any Planning Permit ensuring that waste collection is by way of private collection.

*The safety, efficiency and amenity effects of traffic to be generated by the proposal*

8.8.10 The traffic generated by the proposal has been assessed by Council's Engineers, and it is considered that the subject roads can support the additional traffic movements.

**Clause 52.05 Signs**

8.9 The site is within a Category 3 – High amenity area as stipulated within Clause 52.05 – Signs of the Hume Planning Scheme.

8.10 The business identification sign is proposed to be located within the subject site along the front property boundary in the south -west corner of the land. It is proposed to be 1.5 metres in height with a total display area of approximately 0.9 square meters. The extent of the signage is considered reasonable and is not excessive in terms of scale or the location. The proposed signage is considered appropriate and will not cause amenity impacts to the surrounding residential area.

**Clause 52.06 Car Parking**

8.11 The proposed development is consistent with the purpose of this clause. In particular, the potential noise generated from the car parking area has been assessed by an acoustic expert who found it to be acceptable, subject to the installation of acoustic fencing.

8.12 A childcare centre is required to supply 0.22 car spaces per child. As there are 18 children proposed, the facility is required to provide 3 car spaces. The application proposes 3 car parking spaces, complying with car parking requirements of the Scheme.

8.13 A Traffic Report, prepared by Quantum Traffic Pty Ltd, dated 10 December 2020, was submitted with the application. The report outlines the proposed parking arrangements and access and is considered satisfactory.

8.14 The application was referred internally to Council's Assets (Traffic) Department who did not object and requested conditions/notations on any permit issued.

**Clause 53.18 Stormwater Management in Urban Development**

**REPORT NO: SU542 (cont.)**

- 8.15 The purpose of Clause 53.18 of the Scheme is to ensure that urban development is managed to mitigate the impacts of stormwater on the environment. In accordance with this clause, an application to carry out works must meet all of the objectives and should meet all of the standards of Clause 53.18-5 and 53.18-6.
- 8.16 A Storm Management Plan and Storm Rating Report has been submitted with the application. The proposal will achieve 100% STORM Rating by proposing a rainwater tank and three rainwater gardens on the site to maximise the retention and reuse of the stormwater within the property.
- 8.17 It is considered that the objectives and standards of Clause 53.18 have been met.

**9. CONCLUSION**

- 9.1 The application has been assessed against the relevant provisions of the *Hume Planning Scheme*, including planning policy frameworks, and on balance is generally consistent with the purpose of *the Scheme*. The objections have been considered in the assessment of the proposal.
- 9.2 It is considered that the proposal is a logical inclusion to the area, near an existing school, and within a catchment of residential uses.
- 9.3 It is considered that the proposed business identification signage is consistent with proposed use of the site and will support a new business.
- 9.4 Car parking, access and waste management have all been considered and would be acceptably managed by the proposal.
- 9.5 On this basis, it is recommended that the application is supported and that a Notice of Decision to Grant a Permit is issued.

**REPORT NO: SU542 (cont.)**

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**Attachment 1 – Planning Permit Conditions**

**P23248: 216 Craigieburn Road, Craigieburn**

**Proposal: Use and development of a childcare centre and display of a business identification sign**

**1. RECOMMENDATION:**

That Council, having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of a childcare centre and display of a business identification sign at 216 Craigieburn Road in Craigieburn, subject to the following conditions:

- 1.1 Before the development is commenced, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with plans submitted with the application and dated 17 December 2020, but modified to show:
  - a. Boundary fence height to be in accordance with the submitted Acoustic Report prepared by Cogent Acoustics Pty Ltd dated 18 December 2020.
  - b. Location of a letterbox in accordance with Australia Post requirements
  - c. Landscaping in accordance with Condition 5.
- 1.2 Before the development starts, a Waste Management Plan must be submitted and approved to the satisfaction of the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Before the use starts/development is occupied, the approved Waste Management Plan must be implemented and thereafter complied with at all times to the satisfaction of the responsible authority. The Waste Management Plan must include:
  - a. The design of the waste receptacle storage areas.
  - b. The location of the waste receptacle storage areas.
  - c. The access and manoeuvring of the private waste collection vehicle/s.
  - d. The time and frequency of waste collection.
- 1.3 The layout of the uses(s) and buildings and works shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 1.4 Once the approved development has started, it must be continued and completed to the satisfaction of the responsible authority except with prior consent of the responsible authority.
- 1.5 The development permitted by this permit must not be commenced until a satisfactory landscape plan for the whole of the subject land is submitted to and approved by the responsible authority. Such plan must show the area(s) set aside for landscaping and in accordance with Council's guidelines and include a schedule of all proposed trees, shrubs and groundcover (including size of maturity and botanical names), and when approved an endorsed copy must form part of this permit.

- 1.6 Before use and development allowed by this permit is occupied, landscaping works as shown on the endorsed plan(s) must be completed to the satisfaction of the responsible authority.**
- 1.7 The landscape area(s) shown on the endorsed plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose. Maintenance must include the removal of weeds and the replacement of any dead plants in accordance with the endorsed landscape planting schedule.**
- 1.8 Before use and development allowed by this permit is occupied, the boundary fences must be constructed in accordance with the Acoustic Report prepared by Cogent Acoustics Pty Ltd dated 18 December 2020.**
- 1.9 Except with the prior written consent of the responsible authority, the approved use of a childcare may operate only between the following times:
  - a. Monday to Friday: 8am until 5:30pm****
- 1.10 Except with the prior written consent of the responsible authority, the number of child care places must not exceed 18 at any one time.**
- 1.11 Except with the prior written consent of the responsible authority, the location and details of the approved signage must not be altered.**
- 1.12 Signs must not contain any flashing light.**
- 1.13 All signs must be constructed and thereafter maintained to the satisfaction of the Responsible Authority.**
- 1.14 Waste collection for childcare centre on the site must occur only by private waste collection, as per the endorsed Waste Management Plan of Planning Permit P23248.**
- 1.15 Receptacles for any form of rubbish or refuse must not be visible from any public road, thoroughfare or common access. Odour must not emit from any receptacles so as to cause unreasonable offence to any persons outside the land.**
- 1.16 Any alarm or security system installed on the land associated with the childcare centre must:
  - a. Be silent in accordance with any relevant Australian Standard; and**
  - b. Be connected to a registered security firm.****
- 1.17 No external sound amplification equipment or loud speakers may be used for the purpose of announcements, broadcasts, playing of music or the like, except with the prior written consent of the responsible authority.**
- 1.18 Noise levels emanating from the land must not exceed the requirements of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.**
- 1.19 Except with the prior written consent of the responsible authority, no service equipment or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.**
- 1.20 Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the subject land or premises and/or must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the responsible authority.**

- 1.21 Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
- 1.22 Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plan(s) and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and provided and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
- 1.23 The boundaries of all car spaces, access lanes and the direction in which vehicles should proceed along the lanes must be clearly indicated on the ground to the satisfaction of the responsible authority.
- 1.24 All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.
- 1.25 The development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.
- 1.26 The use of the childcare centre must be conducted in accordance with the Education and Care National Regulations, as relevant.
- 1.27 Storm water from all paved area must be retained within the property and drained to the site's underground storm water system.
- 1.28 Any cut or fill must not interfere with the natural overland storm water flow.
- 1.29 No polluted and/or sediment laden runoff is to be discharge directly or indirectly into Council's drains or watercourses during and after development.
- 1.30 This permit will expire if one of the following circumstances applies:
  - a. The development and use are not started within three years of the date of this permit; or
  - b. The development is not completed within six years of the date of this permit; or
  - c. The use ceases for two or more years.

The responsible authority may extend the periods referred to if a request is made in writing:

- Before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**PERMIT NOTES:**

1. If a request for an extension of commencement/completion dates is made out of time allowed by condition 30, the responsible authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
2. A 'Legal Point of Storm water Discharge' permit is must be obtained from Council prior to the commencement of buildings and works.
3. The internal stormwater drainage design must be approved by the relevant Building Surveyor as per the Building Regulation 2006, Reg. 610.

**REPORTS – SUSTAINABILITY AND ENVIRONMENT**

**22 MARCH 2021**

**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 1 - Planning Permit Conditions - 216 Craigieburn Road, Craigieburn

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- 4. Prior to commencement of any works within the road reserve, including alteration/connection to Council's drainage assets, an 'Application form for Consent to work within a Hume City Council Road Reserve' is required to be submitted to Council to obtain a permit to carry out the works.**
- 5. Provision of litter control at stormwater inlet points within carpark and paved areas. All stormwater pits to be Channel Grated or Grated as per Council's Standard Dwg SD 210/215 or SD225 respectively.**

**Attachment 2 – Planning Policy Framework**

**P23248: 216 Craigieburn Road, Craigieburn**

**Proposal: Use and development of a childcare centre and display of a business identification sign**

The following Planning Policy Framework objectives of the Hume Planning Scheme are relevant to this proposal:

Clause	Applicable objective / strategy
Planning policy	
11.01-1S – Settlement	<i>To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</i>
15.01-1S – Urban design	<i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i>
15.01-1R - Urban design - Metropolitan Melbourne	<i>To create a distinctive and liveable city with quality design and amenity.</i>
17.01-1S - Diversified economy	<i>To strengthen and diversify the economy.</i>
17.01-1R - Diversified economy Metropolitan Melbourne	<i>Facilitate investment in Melbourne’s outer areas to increase local access to employment.</i>
18.02-4S – Car Parking	<i>To ensure an adequate supply of car parking that is appropriately designed and located.</i>
19.02-2S – Education facilities	<p><i>To assist the integration of education and early childhood facilities with local and regional communities.</i></p> <p><i>The relevant strategies of Clause 19.02-2S relating to education facilities are:</i></p> <ul style="list-style-type: none"> <li>- <i>Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.</i></li> <li>- <i>Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.</i></li> <li>- <i>Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.</i></li> </ul>

**REPORTS – SUSTAINABILITY AND ENVIRONMENT**

**22 MARCH 2021**

**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 2 - Applicable State and Local Planning Policies - 216 Craigieburn Road, Craigieburn

	<i>Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.</i>
Local Planning Policy Framework	
21.01-3 Vision and Strategic Framework Plan	<i>Broadmeadows is the focus for major office, retail and leisure development and together with new centres at Mickleham (Merrifield), Donnybrook (Lockerbie) and Craigieburn ensure residents throughout the Hume Corridor have a wide range of choices for shopping, employment, entertainment, health, education and cultural activities.</i>
21.03 Liveable communities and housing	<i>To coordinate and sequence development so that it provides communities with access to local infrastructure and services in a timely manner.</i>
Clause 21.06 – Economic Development	<i>To facilitate economic growth and job diversity through the continued support of existing businesses and the attraction of new businesses.</i>
Clause 22.09 - Advertising Signs Local Policy	<i>Maintain and enhance the attractiveness and orderly appearance of the City through the siting and appropriate control of advertising signs.</i> <i>Ensure that signs do not detract from the amenity and character of the surrounding area.</i> <i>Encourage the display of signs based on themes appropriate to the scale and character of the surrounding area.</i> <i>Avoid or reduce sign clutter to maximise the effectiveness of individual identification signs.</i>
Zone	
32.08 - General Residential Zone Schedule 1 (GRZ1)	<i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i> <i>To encourage development that respects the neighbourhood character of the area.</i> <i>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</i> <i>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</i>
Particular provisions	
52.05 - Signs	<i>To regulate the development of land for signs and associated structures.</i> <i>To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.</i> <i>To ensure signs do not contribute to excessive visual clutter or visual disorder.</i>

**REPORTS – SUSTAINABILITY AND ENVIRONMENT****22 MARCH 2021****ORDINARY COUNCIL (TOWN PLANNING) MEETING**

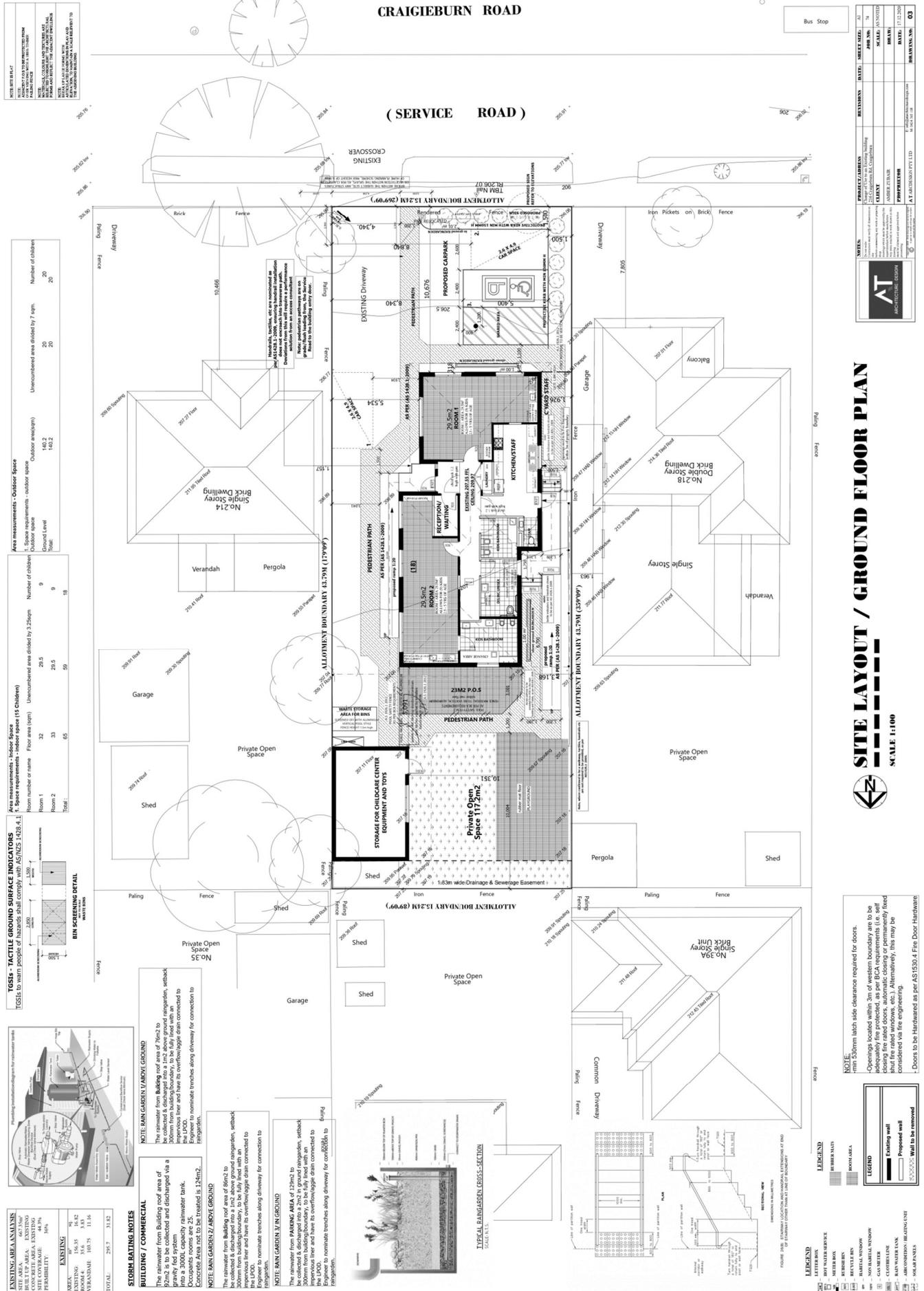
Attachment 2 - Applicable State and Local Planning Policies - 216 Craigieburn Road, Craigieburn

	<i>To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.</i>
52.06 Car parking	<i>To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.</i> <i>To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.</i> <i>To support sustainable transport alternatives to the motor car.</i> <i>To ensure that car parking does not adversely affect the amenity of the locality.</i> <i>To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.</i>
53.18 -Stormwater Management in Urban Development	<i>To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.</i>
General provisions	
<i>Clause 65.01 - Approval of an application or plan</i>	

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**NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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**Area measurements - Outdoor Space**

Room number or name	Floor area (sqm)	Unencumbered area divided by 2.28m	Number of children
Room 1	32	29.5	9
Room 2	33	29.5	9
<b>Total:</b>	<b>65</b>	<b>59</b>	<b>18</b>

**Area measurements - Indoor Space**

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**CLIENT:** AMBERLEIGH  
**PROJECT:** AMBERLEIGH  
**DATE:** 11.12.2020  
**DRAWING NO.:** 03

**SCALE: 1:100**  
**SITE LAYOUT / GROUND FLOOR PLAN**

**NOTE:**  
 -min 550mm latch side clearance required for doors.  
 -Openings located within 3m of western boundary are to be adequately fire protected, as per BCA requirements (i.e. self closing fire rated doors, automatic closing or permanently fixed doors).  
 -Doors to be hardware as per AS1530.4 Fire Door Hardware.

**LEGEND:**  
 - Hot Water Service  
 - Meter Box  
 - Retention  
 - Recycled  
 - Non-Aluminum Window  
 - Gas Meter  
 - Chlorine  
 - Rain Water Tank  
 - Stormwater Retention  
 - Existing wall  
 - Proposed wall  
 - Wall to be removed







<b>REPORT NO:</b>	SU543
<b>REPORT TITLE:</b>	Statutory Planning Monthly Report - February 2021
<b>SOURCE:</b>	Danielle Kos, Coordinator Continuous Improvement Planning and Building
<b>DIVISION:</b>	Planning and Development
<b>FILE NO:</b>	Hume Planning Scheme
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	4.1 Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural spaces.
<b>ATTACHMENT:</b>	1. <i>List of Matters Dealt with under Delegation - February 2021</i>

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**1. SUMMARY OF REPORT:**

This report incorporates a summary of performance indicators for the Statutory Planning team for the month of February 2021. It also includes an update on VCAT appeals and decisions made by Council officers under delegation.

**2. RECOMMENDATION:**

**That the report be noted.**

**3. PERFORMANCE INDICATORS:**

3.1 Included within this report are bar charts illustrating the following key performance indicators:

- Planning applications received, determined and closed in the previous month.
- The number of current applications under assessment in the previous month.
- Average gross days in dealing with planning applications and a comparison with metro and growth area Councils.
- Percentage of applications issued in 60 days or less.
- Percentage of applications issued in 60 days or less based on difficulty of applications.

3.2 62 permit applications were received in February 2021, which is an increase from January and consistent with the increased activity generally seen at this time of year. 54 decisions were issued, which is fairly consistent with the number of decisions issued each month over the past six months. 11 applications were closed off in February with around half of these being withdrawn at the request of the permit applicant.

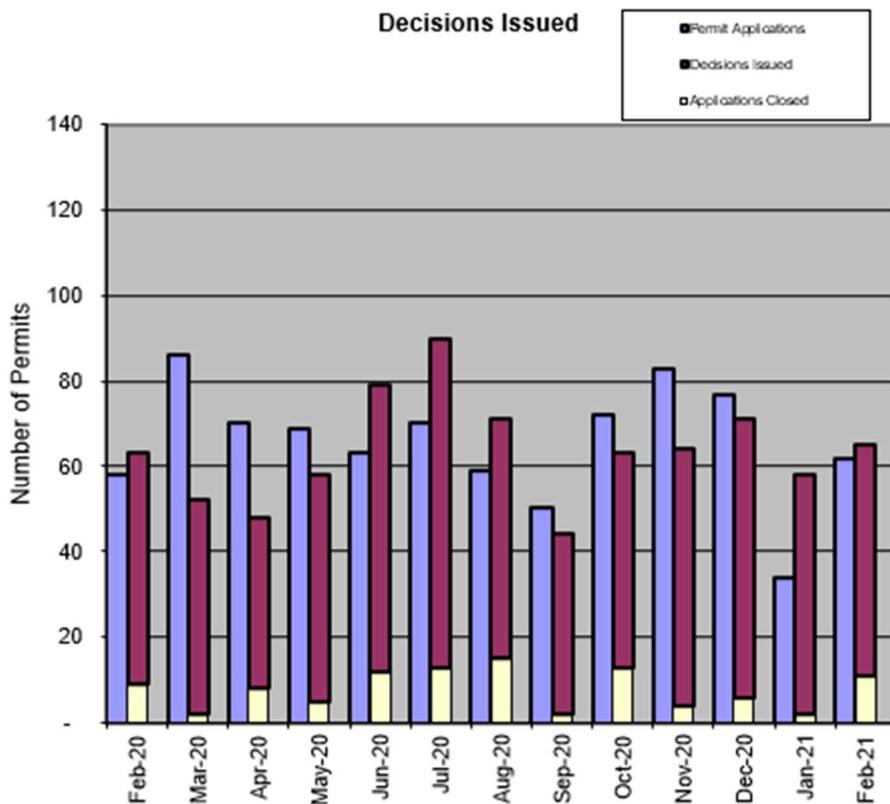
3.3 There were 494 applications under assessment at the end of February, which equates to approximately 33 active applications per Town Planner. It should be noted that due to a system error, the number of current applications was reported incorrectly last month – there were 472 applications under assessment at the end of January (376 reported). The graphs provided below have been adjusted in accordance with the corrected data.

3.4 The percentage of applications decided in 60 days or less increased slightly in February to 52% of applications (compared to 50% in January). 63% of simple applications, 42% of average applications and 14% of complex applications were determined within 60 days in February.

**REPORT NO: SU543 (cont.)**

- 3.5 The average number of gross days taken to determine planning applications was 192 days in January, which is above the Growth Area and Metropolitan Area Council average, with figures of 149 and 164 days respectively. The median processing days increased to 149 days in January, compared to 129 in December 2020. Overall, Hume’s average processing timeframes are higher than Metro and Growth Area Councils.
- 3.6 The tables representing this data have been adjusted to accurately represent timeframes and other reporting frameworks available to Council and are set out below:

	<b>Feb-21</b>
Permit Applications	62
Decisions Issued	54
Applications Closed	11



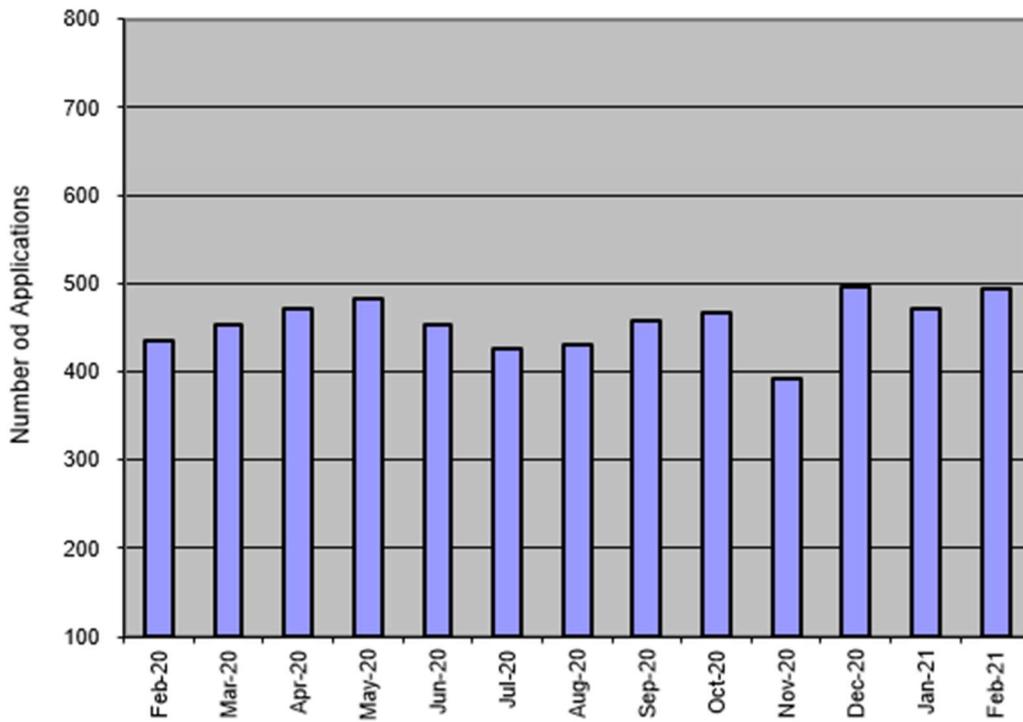
\*Decisions Issued include: Permits, Vicsmart Permits, Permits From NoD, VCAT Permits (including Section 72 Amendments) and Refusals.

\*Applications Closed Includes: Prohibited, No Permit Required, Withdrawn, Cancelled, Lapsed and Failure to Determine (Including S72).

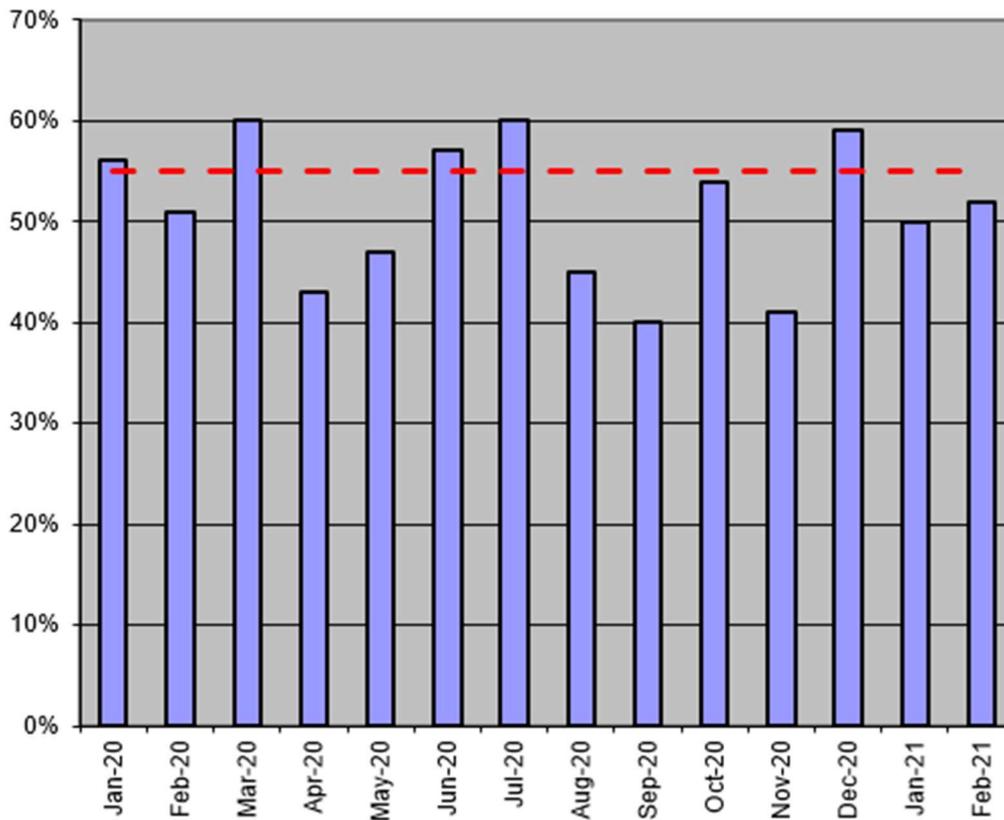
\*Notices of Decision are not included in the above graph.

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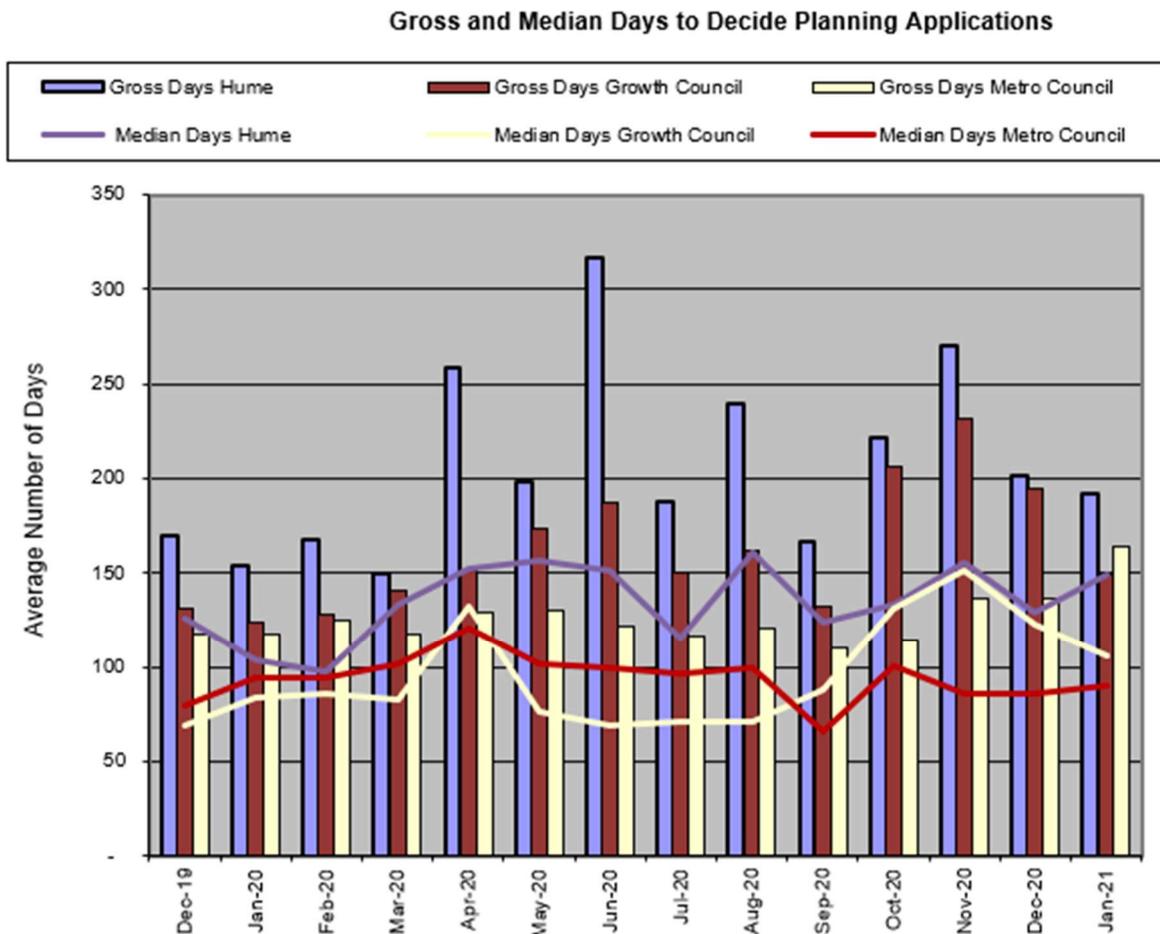
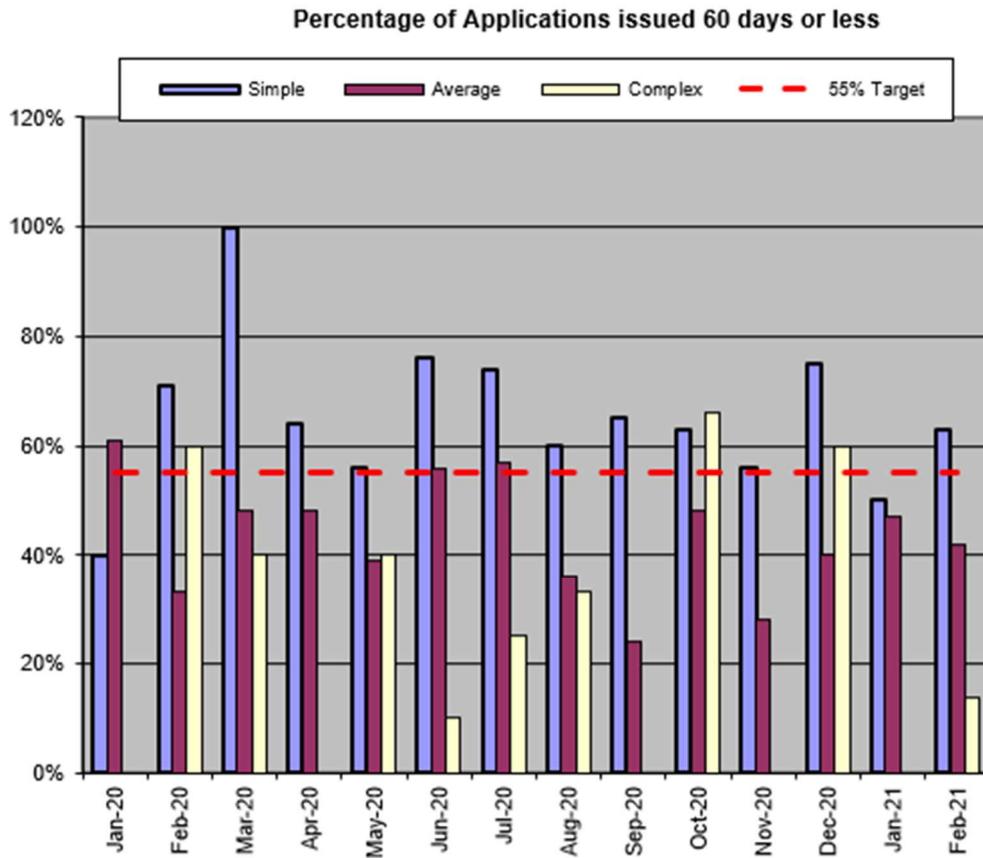
Applications Currently Under Assessment



Percentage of Applications decided 60 days or less



REPORT NO: SU543 (cont.)



**REPORT NO: SU543 (cont.)**

**4. VCAT APPEALS:**

- 4.1 This report includes all VCAT decisions received during February 2021. It also includes the current month prior to the Council meeting to give Council a more up to date report on VCAT decisions.
- 4.2 No new initiating orders or decisions have been made in the last month, however further information is now available about the hearing for the matter at 40 Batey Court, Bulla, and an outcome on the matter at 14 South Circular Road and 15-17 Payne Street, Gladstone Park has been received.

**40 Batey Court & 500 Sunbury Road, Bulla**

- 4.3 This matter relates to two separate permits across land at 40 Batey Court and 500 Sunbury Road, Bulla. Five separate appeals have been lodged for matters relating to Planning Permits P13310 (Works associated with an existing dam and other associated earthworks to assist in erosion control and filling of land) and P15723 (Buildings and works associated with Earthworks (Gully fill and rehabilitation) at an existing landfill). These matters are as follows:
  - 4.3.1 Appeal against Council's failure to endorse a geotechnical report under condition 6 of Planning Permit No. P13310;
  - 4.3.2 Appeal against Council's failure to extend the time in which to complete the development under Planning Permit No. P13310;
  - 4.3.3 Appeal against Council's failure to extend the time in which to complete the development under Planning Permit No. P15723;
  - 4.3.4 Application to amend Planning Permit No. P13310, pursuant to section 87A of the Act;
  - 4.3.5 Application to amend Planning Permit No. P15723, pursuant to section 87 of the Act.
- 4.4 A Practice Day Hearing has been listed for 26 March 2021 in which the applicant is seeking leave from the Tribunal to combine the five matters into a single hearing. A date for the consideration of these matters will be set pending the Tribunal's decision on this arrangement.

**14 South Circular Road and 15-17 Payne Street, Gladstone Park**

- 4.5 Planning Application P22513 was lodged in September 2019 and sought approval for the development of a five storey residential aged care facility adjacent to the existing residential aged care facility at 14 South Circular Road and 15-17 Payne Street, Gladstone Park. In July 2020, the applicant lodged an appeal at VCAT against Council's failure to determine the application within the prescribed timeframes. Having received over 60 objections to the proposal and due to the application failing to satisfy several policies within the Hume Planning Scheme, Council officers recommended that Council should not support the proposal. This motion was carried in the Council meeting of 24 August 2020.
- 4.6 On 18 November 2020, the Minister for Planning called in the matter to be determined by the Priority Projects Standing Advisory Committee (SAC), and the case was subsequently removed from the Tribunal. The Priority Projects SAC have now reviewed the application and heard from the parties to the VCAT proceeding to inform their advice and recommendations on whether planning approval should be issued for the project. The Priority Projects SAC has submitted its report to the Minister, with an overall recommendation that no permit be granted, and on 22 February 2021, the Minister recommended to the Governor in Council that no permit be granted.

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- 4.7 The report setting out the reasons for this recommendation is yet to be released, however it is an excellent outcome for Council and Council officers that a significant decision of this nature has been upheld by the Minister and the Priority Projects Standing Advisory Committee.

**Matters waiting to be heard at VCAT**

- 4.8 The following table lists all current matters awaiting a hearing at The Tribunal:

<b>40 BATEY COURT, BULLA</b>	
APPLICATION NO. P13310	Stone extraction without permit
APPEAL TYPE	Enforcement order
APPEAL LODGED BY	Council
HEARING DATE	To be determined
STATUS	To be heard
<b>34 MITFORD CRESCENT, CRAIGIEBURN</b>	
APPLICATION NO. 21005	Development of a double storey dwelling to the rear of the existing
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	6 October 2020
STATUS	Council's decision set aside – permit to be issued
<b>9-11 INTERNATIONAL DRIVE, WESTMEADOWS</b>	
APPLICATION NO. P21457.01	Erect and display a major promotion electronic pole sign
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	4 & 5 November 2020
STATUS	Awaiting outcome of hearing
<b>35 SPAVIN DRIVE, SUNBURY</b>	
APPLICATION NO. PDP1095	Development Plan Approval
APPEAL TYPE	Appeal against non-determination of Development Plan application
APPEAL LODGED BY	Applicant
HEARING DATE	22 February 2021
STATUS	Awaiting outcome
<b>1 BILTRIS COURT, JACANA</b>	
APPLICATION NO. P22309	Demolition of existing dwelling and development of three double storey dwellings
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	25 May 2021
STATUS	To be heard

**REPORT NO: SU543 (cont.)**

<b>42 FIELD STREET, CRAIGIEBURN</b>	
APPLICATION NO. P22590	Development of four double storey dwellings
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	2 June 2021
STATUS	To be heard
<b>725 SUNBURY ROAD, SUNBURY</b>	
APPLICATION NO. P22493	Residential subdivision and access to a Road Zone Category 1
APPEAL TYPE	To be determined
APPEAL LODGED BY	To be determined
HEARING DATE	17-18 May 2021
STATUS	To be heard
<b>34 SUNSET BLVD, JACANA</b>	
APPLICATION NO. P22502	Development of four double storey dwellings
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	12 April 2021
STATUS	To be heard
<b>56 STANHOPE STREET, BROADMEADOWS</b>	
APPLICATION NO. P22713	Four double storey dwellings with garages
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	28 June 2021
STATUS	To be heard
<b>245-265 OAKLANDS ROAD, OAKLANDS JUNCTION</b>	
APPLICATION NO. P22584	The use and development of a Freezing and Cool Storage facility
APPEAL TYPE	Appeal against refusal to grant a permit
APPEAL LODGED BY	Applicant
HEARING DATE	29 June to 2 July 2021
STATUS	To be heard
<b>570 SUNBURY ROAD, BULLA</b>	
APPLICATION NO. P4131	Use and development of the land for Materials Recycling and a Quarry Rehabilitation Landfill
APPEAL TYPE	Appeal against Council's failure to determine the application within the prescribed timeframe
APPEAL LODGED BY	Applicant

REPORT NO: SU543 (cont.)

HEARING DATE	23-27 August 2021
STATUS	To be heard
<b>40 BATEY COURT AND 500 SUNBURY ROAD, BULLA</b>	
APPLICATION NO. P13310 and P15723	Works associated with an existing dam and other associated earthworks to assist in erosion control and filling of land); and Buildings and works associated with Earthworks (Gully fill and rehabilitation) at an existing landfill
APPEAL TYPE	Appeals against Council's failure to determine several applications within the prescribed timeframe and request to amend the permits under Section 87 and 87A of the Act
APPEAL LODGED BY	Applicant
HEARING DATE	Preliminary Hearing – 26 March 2021. Full hearing date yet to be set
STATUS	To be heard

**5. MATTERS DETERMINED UNDER DELEGATION:**

- 5.1 A list of all matters dealt with under delegation between 1 and 28 February 2021 is attached to this report. The list includes details of planning applications that receive two objections or less, applications to amend planning permits or plans, applications to extend planning permits, applications to certify Plans of Subdivision, the issuing of Statements of Compliance under the Subdivision Act and Section 173 Agreements signed under delegation.

<b>STATUTORY PLANNING MATTERS DEALT WITH UNDER DELEGATION</b>			
<b>APPLICATION NO.</b>	<b>PROPOSAL</b>	<b>ADDRESS</b>	<b>OUTCOME</b>
P23396	USE AND DEVELOPMENT OF A DEPENDENT PERSON'S UNIT BEHIND AN EXISTING DWELLING	4 ALMOND CT, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P23448	VARIATION OF SECTION 173 AGREEMENT	33 BANNON AVE, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P22529.01	AMEND PERMIT TO ALLOW THREE LOT SUBDIVISION INCLUDING ADDITIONAL ROAD ACCESS TO HUME HIGHWAY	650 HUME HWY, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P19814.03	AMENDED PERMIT FOR THE SALE AND CONSUMPTION OF LIQUOR UNDER AND EXISTING FOOD AND DRINK PREMISES (CAFE)	3 ENDERBY DR, MICKLEHAM VIC 3064	PLANNING PERMIT ISSUED
P23136	CHANGE OF USE TO A LICENSED PLACE OF ASSEMBLY (SHISHA LOUNGE) AND A REDUCTION OF CAR PARKING REQUIREMENTS	176 ELEVATION BVD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P22786	DEVELOPMENT OF A DOUBLE STOREY DWELLING AT REAR OF THE EXISTING DWELLING	5 ARDEER CT, MEADOW HEIGHTS VIC 3048	PLANNING PERMIT ISSUED
P22493.01	RESIDENTIAL SUBDIVISION AND ACCESS TO A ROAD ZONE CATEGORY 1	725 SUNBURY RD, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P22727	3 LOT SUBDIVISION	4 BAILEY CT, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P23477	CONSTRUCTION OF A VERANDAH ON A LOT LESS THAN 300SQM	64 BRANCHILLY DR, ROXBURGH PARK VIC 3064	PLANNING PERMIT ISSUED
P22720	DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS	13 FLYNN CRES, COOLAROO VIC 3048	PLANNING PERMIT ISSUED
P22800	THE DEVELOPMENT OF FOUR DOUBLE STOREY DWELLINGS	32 TRUSCOTT AVE, ROXBURGH PARK VIC 3064	PLANNING PERMIT ISSUED
P23140	REMOVAL OF EASEMENTS ON PROPERTY	41 MITCHELLS LANE, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P23434	2 LOT SUBDIVISION	51 NATURAL DR, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23319	DEVELOPMENT OF THREE DWELLINGS	78 WALSH ST, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P23442	SALE OF PACKAGED LIQUOR ASSOCIATED WITH ALDI SUPERMARKET	103/1099-1169 PASCOE VALE RD, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P18953.01	USE AND DEVELOPMENT OF WAREHOUSE AND A REDUCTION IN CAR PARKING REQUIREMENTS	1 EXPORT RD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23362	USE OF AN EXISTING PREMISES FOR THE PURPOSE OF AN INDOOR RECREATION FACILITY (BABY SENSORY CLASSES).	415/189B SOUTH CENTRE RD, TULLAMARINE VIC 3043	PLANNING PERMIT ISSUED

**REPORTS – SUSTAINABILITY AND ENVIRONMENT**

**22 MARCH 2021**

**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 1 - List of Matters Dealt with under Delegation - February 2021

P23201	DEVELOPMENT OF LAND FOR AN EDUCATION CENTRE IN ACCORDANCE WITH THE MASTERPLAN (STAGE 1 P-4 JUNIOR SCHOOL)	112 ELLSCOTT BVD, MICKLEHAM VIC 3064	PLANNING PERMIT ISSUED
P23147	PROPOSED TWO STOREY LEARNING FACILITY - EDUCATIONAL CLASSROOM BUILDING	169-187 CRAIGIEBURN RD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23236	BUILDING & WORKS ASSOCIATED WITH ADDITION OF A MEZZANINE TO AN EXISTING INDUSTRIAL BUILDING FOR STORAGE PURPOSES	3/2 THE GATEWAY, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P23216	USE OF THE LAND FOR A RETAIL PREMISES (CAR SALES)	32 BANCELL ST, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P22648	DEVELOPMENT OF A WAREHOUSE AND ANCILLARY OFFICE AND REDUCTION IN CAR PARKING REQUIREMENTS.	53 YELLOWBOX DR, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23352	CHANGE OF USE FOR AN INDOOR RECREATION FACILITY (INDOOR SKATE PARK) AND FOOD & DRINK PREMISES (CAFE), DISPLAY OF NEW SIGNAGE AND REDUCTION IN CAR PARKING REQUIREMENTS IN ACCORDANCE WITH THE ENDORSED PLANS	28 SOMERTON PARK DR, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P23364	2 LOT SUBDIVISION	42 TRUMPINGTON TCE, ATTWOOD VIC 3049	PLANNING PERMIT ISSUED
P22301.01	BUILDINGS AND WORKS FOR THE PURPOSES OF A COMMERCIAL DEVELOPMENT AND THE USE OF SELECTED TENANCIES FOR SHOP USE AND FOOD AND DRINKS PREMISES USE (PERMIT NOT REQUIRED) A REDUCTION IN CAR PARKING REQUIREMENTS ASSOCIATED WITH THE PROPOSED LAND USES IN ACCORDANCE WITH THE ENDORSED PLANS	176 ELEVATION BVD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23232	USE OF THE LAND FOR A RESTRICTED RECREATION FACILITY (GYM) AND DISPLAY OF BUSINESS IDENTIFICATION SIGNS	11/8-14 MOTTO DR, COOLAROO VIC 3048	PLANNING PERMIT ISSUED
P23249	BUILDINGS AND WORKS FOR THE DEVELOPMENT OF A WAREHOUSE WITH ANCILLIARY OFFICE AND CARPARK	62 MERRI CON, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P23111	DEVELOPMENT OF A SINGLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING	41 DORCHESTER ST, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23037	CHANGE OF USE TO ALLOW A PLACE OF ASSEMBLY (FUNCTION ROOM) BUILDINGS AND WORKS AND DISPENSATION IN CAR PARKING REQUIREMENTS	19 ZAKWELL CT, COOLAROO VIC 3048	PLANNING PERMIT ISSUED
P21401.01	MULTI-LOT STAGED RESIDENTIAL SUBDIVISION AND REMOVAL OF EASEMENTS	30 FRENCH RD, GREENVALE VIC 3059	PLANNING PERMIT ISSUED

**REPORTS – SUSTAINABILITY AND ENVIRONMENT**

**22 MARCH 2021**

**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 1 - List of Matters Dealt with under Delegation - February 2021

P23081	DEVELOPMENT OF TWO DOUBLE STOREY DWELLINGS	1/22 WARATAH AVE, TULLAMARINE VIC 3043	PLANNING PERMIT ISSUED
P23148	THE DEVELOPMENT OF TWO SINGLE STOREY DWELLINGS IN ACCORDANCE WITH THE ENDORSED PLANS	23 BURGESS ST, TULLAMARINE VIC 3043	PLANNING PERMIT ISSUED
P22900	TO USE THE LAND FOR A PLACE OF ASSEMBLY (PART LOT 1) AND RESTRICTED RETAIL (LOT 3), CAR PARKING REDUCTION (PART LOT 1 AND LOT 3), BUILDINGS AND WORKS AND DISPLAY OF ADVERTISING SIGNAGE (BUSINESS IDENTIFICATION AND PANEL SIGNS) IN ACCORDANCE WITH ENDORSED PLANS	3 FABIO CT, CAMPBELLFIELD VIC 3061	PLANNING PERMIT ISSUED
P21142.01	THE DEVELOPMENT OF SIXTY-TWO (62) DWELLINGS	6-12 ANDERSON RD, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P23324	2 LOT SUBDIVISION	26 EXPORT RD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P23259	4 LOT SUBDIVISION	130 KITCHENER ST, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P22945	USE OF THE LAND FOR AN EDUCATION CENTRE (PRIMARY AND SECONDARY SCHOOL) AND PLACE OF WORSHIP AND A REDUCTION IN CAR PARKING REQUIREMENTS	112 ELLSCOTT BVD, MICKLEHAM VIC 3064	PLANNING PERMIT ISSUED
P22517	DEVELOPMENT OF A DOUBLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING	19 MELBA AVE, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P18920	DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS TO THE REAR OF THE EXISTING DWELLING	36 BROADMEADOWS RD, TULLAMARINE VIC 3043	PLANNING PERMIT ISSUED
P23091	BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPORT	92 SORBONNE DR, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P23066	DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS	49 KITCHENER ST, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P23134	2 LOT SUBDIVISION	65 CLIFFORDS RD, SOMERTON VIC 3062	PLANNING PERMIT ISSUED
P22979	2 LOT SUBDIVISION	CLOVER LEA COTTAGE, 505 MT RIDLEY RD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P21642	THE USE AND DEVELOPMENT OF LAND FOR THE PURPOSES OF A MEDICAL CENTRE (WITH AN ANCILLARY CARETAKER'S RESIDENCE), AND THE ALTERATION TO AN ACCESS IN A ROAD ZONE CATEGORY 1	45 CRAIGIEBURN RD, CRAIGIEBURN VIC 3064	PLANNING PERMIT ISSUED
P20790	DEVELOPMENT OF A DOUBLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING	36 OPHIR ST, BROADMEADOWS VIC 3047	AMENDED PLANS ENDORSED UNDER SECONDARY CONSENT

**REPORTS – SUSTAINABILITY AND ENVIRONMENT**
**22 MARCH 2021**
**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 1 - List of Matters Dealt with under Delegation - February 2021

P11179	FOUR (4) LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION AND ASSOCIATED EARTHWORKS	EMU BOTTOM, 410 RACECOURSE RD, SUNBURY VIC 3429	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P17938	DEVELOPMENT OF A SINGLE STOREY DWELLING TO THE REAR OF AN EXISTING DWELLING	3 ALMOND CT, CAMPBELLFIELD VIC 3061	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P18390	DEVELOPMENT OF THREE DOUBLE-STOREY DWELLINGS	21 BENSTON ST, CRAIGIEBURN VIC 3064	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P16638.03	THE DEVELOPMENT OF A SHED	55 KARINYA CT, SUNBURY VIC 3429	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P18698	DEVELOPMENT OF A DOUBLE STOREY DWELLING TO THE REAR OF AN EXISTING DWELLING	55 NORTHLEIGH AVE, CRAIGIEBURN VIC 3064	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P6806.03	PLACE OF WORSHIP & PLACE OF ASSEMBLY & ASSOCIATED CLASSROOMS	56-58 KYABRAM ST, COOLAROO VIC 3048	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED
P20292	DEVELOPMENT OF A DOUBLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING	15 SHEOAK CT, MEADOW HEIGHTS VIC 3048	EXTENSION OF TIME TO PERMIT EXPIRY GRANTED

<b>VICSMART APPLICATIONS DEALT WITH UNDER DELEGATION</b>			
<b>APPLICATION NO.</b>	<b>PROPOSAL</b>	<b>ADDRESS</b>	<b>OUTCOME</b>
P23358	BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OUTBUILDING IN THE GREEN WEDGE ZONE	14 THE DRESS CIRCLE, OAKLANDS JUNCTION VIC 3063	PLANNING PERMIT ISSUED
P23385	PROPOSED METAL CLAD HAY SHED & HARDSTAND	1320 SOMERTON RD, OAKLANDS JUNCTION VIC 3063	PLANNING PERMIT ISSUED
P23404	CONSTRUCTION OF AN OUTBUILDING (SHELTER FOR HORSE ARENA)	170 DALRYMPLE RD, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P22987	2 LOT SUBDIVISION	10 SEYMOUR ST, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P23464	2 LOT SUBDIVISION	134 LANGTON ST, JACANA VIC 3047	PLANNING PERMIT ISSUED
P23466	BUILDINGS AND WORKS ASSOCIATED WITH THE EXTENSION TO AN EXISTING BUILDING IN ACCORDANCE WITH THE ENDORSED PLANS	384-412 CAMP RD, BROADMEADOWS VIC 3047	PLANNING PERMIT ISSUED
P23460	PROPOSED ALFRESCO ADDITION TO RESIDENCE	20 HOMESTEAD WAY, SUNBURY VIC 3429	PLANNING PERMIT ISSUED
P23463	THE DEVELOPMENT OF AN INDUSTRIAL BUILDING AND THE REDUCTION OF CAR PARKING	7-9 MCDougall RD, SUNBURY VIC 3429	PLANNING PERMIT ISSUED

<b>MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS</b>			
<b>APPLICATION NO.</b>	<b>PROPOSAL</b>	<b>ADDRESS</b>	<b>OUTCOME</b>
P22894	DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS	144 CUTHBERT ST, BROADMEADOWS VIC 3047	NOTICE OF DECISION TO GRANT A PLANNING PERMIT ISSUED
P22925	DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS AND ONE SINGLE STOREY DWELLING	11 EUMARELLA ST, TULLAMARINE VIC 3043	NOTICE OF DECISION TO GRANT A PLANNING PERMIT ISSUED

<b>MATTERS DEALT WITH UNDER DELEGATION WITH OBJECTIONS</b>			
<b>APPLICATION NO.</b>	<b>PROPOSAL</b>	<b>ADDRESS</b>	<b>OUTCOME</b>
P23100	THE DEVELOPMENT OF A DOUBLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING, THE DEMOLITION OF A VERANDAH ASSOCIATED WITH AN EXISTING DWELLING, AND THE DEVELOPMENT OF A CARPORT ASSOCIATED WITH AN EXISTING DWELLING	17 JACKSON ST, SUNBURY VIC 3429	NOTICE OF DECISION TO GRANT A PLANNING PERMIT ISSUED
P23263	DEVELOPMENT OF TWO DOUBLE STOREY DWELLINGS	18 LYDIA AVE, CAMPBELLFIELD VIC 3061	NOTICE OF DECISION TO GRANT A PLANNING PERMIT ISSUED

<b>SUBDIVISION APPLICATIONS DEALT WITH UNDER DELEGATION</b>			
<b>APPLICATION NO.</b>	<b>PROPOSAL</b>	<b>ADDRESS</b>	<b>OUTCOME</b>
S009268	3 LOT SUBDIVISION - MULTI UNIT	60 KITCHENER STREET, BROADMEADOWS	PLAN CERTIFIED
S009248	38 LOT SUBDIVISION - TRIJENA ESTATE STAGE 12	555F DONNYBROOK ROAD, MICKLEHAM	PLAN CERTIFIED
S009387	2 LOT SUBDIVISION - DUAL OCCUPANCY	7 COLCHESTER CIRCUIT, ROXBURGH PARK	PLAN CERTIFIED WITH STATEMENT OF COMPLIANCE
S009031	2 LOT SUBDIVISION - DUAL OCCUPANCY	59 CATHERINE AVENUE, TULLAMARINE	PLAN CERTIFIED WITH STATEMENT OF COMPLIANCE
S008696	3 LOT SUBDIVISION - MULTI UNIT	60 PARKFRONT CRESCENT, ROXBURGH PARK	STATEMENT OF COMPLIANCE ISSUED
S009339	2 LOT SUBDIVISION - DUAL OCCUPANCY	327 ELIZABETH DRIVE, SUNBURY	PLAN CERTIFIED WITH STATEMENT OF COMPLIANCE
S008571	34 LOT SUBDIVISION - BOTANICAL ESTATE STAGE 7	2090 MICKLEHAM ROAD, MICKLEHAM	PLAN RE-CERTIFIED
S008925	23 LOT SUBDIVISION - BOTANICAL ESTATE STAGE 7A	2090 MICKLEHAM ROAD, MICKLEHAM	PLAN RE-CERTIFIED
S008920	22 LOT SUBDIVISION - BOTANICAL ESTATE STAGE 7B	2090 MICKLEHAM ROAD, MICKLEHAM	PLAN RE-CERTIFIED
S008800	9 LOT SUBDIVISION - BRIDGEWATER LAKES STAGE 14	25-37 BRANCHILLY DRIVE, ROXBURGH PARK	STATEMENT OF COMPLIANCE ISSUED
S009242	3 LOT SUBDIVISION - MULTI UNIT	8 KERANG CRT, BROADMEADOWS	PLAN CERTIFIED
S009329	2 LOT SUBDIVISION - DUAL OCCUPANCY	7 KING STREET, DALLAS	PLAN CERTIFIED
S009151	4 LOT SUBDIVISION - MULTI UNIT	38 NEPEAN STREET, BROADMEADOWS	PLAN CERTIFIED

**REPORTS – SUSTAINABILITY AND ENVIRONMENT****22 MARCH 2021****ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 1 - List of Matters Dealt with under Delegation - February 2021

S009379	2 LOT SUBDIVISION - DUAL OCCUPANCY	69 WOODBURN CRESCENT, MEADOW HEIGHTS	STATEMENT OF COMPLIANCE ISSUED
S009057	42 LOT SUBDIVISION - HIGHLANDS ESTATE - DP 31 & 32 - STAGE 315	550 CRAIGIEBURN ROAD, CRAIGIEBURN	STATEMENT OF COMPLIANCE ISSUED
S009342	2 LOT SUBDIVISION - DUAL OCCUPANCY	2 LONDREW COURT, TULLAMARINE	PLAN CERTIFIED
S008682	2 LOT SUBDIVISION - DUAL OCCUPANCY	320 MICKLEHAM ROAD, WESTMEADOWS	PLAN RE-CERTIFIED
S009287	3 LOT SUBDIVISION - MULTI UNIT	19 LAHINCH STREET, BROADMEADOWS	PLAN CERTIFIED WITH STATEMENT OF COMPLIANCE
S009247	4 LOT SUBDIVISION - MULTI UNIT	17 CUTHBERT STREET, BROADMEADOWS	PLAN CERTIFIED
S008977	3 LOT SUBDIVISION - MULTI UNIT	38 RIGGALL STREET, DALLAS	PLAN CERTIFIED
S009329	2 LOT SUBDIVISION - DUAL OCCUPANCY	7 KING STREET, DALLAS	STATEMENT OF COMPLIANCE ISSUED
S009238	2 LOT SUBDIVISION - DUAL OCCUPANCY	4 MITCHELL CRESCENT, MEADOW HEIGHTS	PLAN CERTIFIED WITH STATEMENT OF COMPLIANCE
S009122	3 LOT SUBDIVISION - MULTI UNIT	4 BAILEY COURT, CAMPBELLFIELD	PLAN CERTIFIED
S009020	PLAN OF SUBDIVISION - CREATION OF HIGHLANDS ACTIVE OPEN SPACE - DP31 & 32	550 CRAIGIEBURN ROAD, CRAIGIEBURN	PLAN CERTIFIED
S009045	36 LOT SUBDIVISION - TRUE NORTH ESTATE - STAGE 18	1170A MICKLEHAM ROAD, GREENVALE	STATEMENT OF COMPLIANCE ISSUED
S008740	36 LOT SUBDIVISION - MERRIFIELD ESTATE - STAGE 68	DONNYBROOK ROAD, MICKLEHAM	STATEMENT OF COMPLIANCE ISSUED
S009020	PLAN OF SUBDIVISION - CREATION OF HIGHLANDS ACTIVE OPEN SPACE - DP31 & 32	550 CRAIGIEBURN ROAD, CRAIGIEBURN	STATEMENT OF COMPLIANCE ISSUED

**SECTION 173 AGREEMENTS SIGNED UNDER DELEGATION**

APPLICATION NO.	PROPOSAL	ADDRESS	OUTCOME
P22935	BOUNDARY REALIGNMENT, REMOVAL OF EASEMENT, BUILDING AND WORKS ASSOCIATED WITH THE USE AND DEVELOPMENT OF A SINGLE STOREY DWELLING AND OUTBUILDINGS, ALTERATIONS TO A HERITAGE BUILDING (HO23 – 'WILDWOOD') AND REMOVAL OF NATIVE VEGETATION.	615-635 WILDWOOD RD WILDWOOD	SECTION 173 AGREEMENT SIGNED

<b>REPORT NO:</b>	GE504
<b>REPORT TITLE:</b>	Review of Council's Instruments of Delegation
<b>SOURCE:</b>	Megan Kruger, Manager Governance Peter Faull, Coordinator Governance & Corporate Support
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC14/05
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENTS:</b>	1. <i>Instrument of Delegation to the Chief Executive Officer</i> 2. <i>Instrument of Delegation to Members of Council Staff</i>

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### 1. SUMMARY OF REPORT:

- 1.1 Under clause 11(7) of the *Local Government Act 2020* (the Act), a Council must review within the period of 12 months after a general election all delegations which have been made under this section and which are still in force.
- 1.2 This report presents Council with one instrument of delegation for review which was made under section 11 of the *Local Government Act 2020*, which is the Instrument of Delegation to the Chief Executive Officer.
- 1.3 This report also presents Council with the Instrument of Delegation to Members of Council Staff for review. A review of this delegation is not required following the general election held on 24 October 2020, because this delegation was not made under the applicable section of the *Local Government Act 2020*. However, it is best practice for a review of the delegations made by Council to be reviewed within 12 months of an election.

### 2. RECOMMENDATION:

- 2.1 **THAT Council, in accordance with the requirement under clause 11(7) of the *Local Government Act 2020* to review within the period of 12 months after a general election all delegations which have been made under this section and which are still in force, approves the attached Instrument of Delegation to the Chief Executive Officer (Attachment 1).**
- 2.2 **THAT Council approves the attached Instrument of Delegation to Members of Council Staff (Attachment 2).**
- 2.3 **THAT Council approves the signing and sealing of the attached Instrument of Delegation to the Chief Executive Officer and the Instrument of Delegation to Members of Council Staff.**

### 3. LEGISLATIVE POWERS:

Council is given the power to delegate any of its powers, duties and functions, other than for legislated exceptions, under the *Local Government Act 2020* (the Act), which it does via the Instrument of Delegation to the Chief Executive Officer.

The Instrument of Delegation to Members of Council Staff relies on specific powers of delegation contained within each Act of Regulation that is included in this delegation.

REPORT NO: GE504 (cont.)

**4. FINANCIAL IMPLICATIONS:**

There are no financial implications related to the matters contained in this report.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no considerations that impact on climate change adaptation as a result of this report

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The Charter of Human Rights and Responsibilities has been considered and the recommendations of this report give no rise to any matters.

**8. COMMUNITY CONSULTATION:**

Community consultation is not required prior to Council reviewing and re-adopting delegations that are currently in force.

**9. DISCUSSION:**

**Background**

- 9.1 The effective functioning of local government at an operational level is achieved by Council delegating to staff the powers that are conferred to it through various pieces of legislation and regulations. In many cases there are conditions and limitations placed on Council officers in the exercising of a delegated power.
- 9.2 The decision of a delegate of Council is deemed to be a decision by Council.
- 9.3 Council has previously adopted the long standing approach in the local government sector, based on advice from Maddocks, that Council delegates all of its powers to the member of Council staff holding, acting in or performing the position of the Chief Executive Officer via its Instrument of Delegation to the Chief Executive Officer, except for:
  - 9.3.1 those powers that cannot by legislation be delegated to the Chief Executive Officer;
  - 9.3.2 those powers that Council have chosen not to delegate to the Chief Executive Officer;
  - 9.3.3 those powers that must be delegated directly to Council officers.
- 9.4 The Chief Executive Officer sub-delegates those powers which are considered necessary for other members of Council staff to carry out their roles via an instrument of sub-delegation. Separate to this, the Chief Executive Officer also delegates powers to Council staff that are prescribed by legislation directly to the Chief Executive Officer's role.
- 9.5 Council also delegates powers directly to individual officers via their position titles through the Instrument of Delegation to Members of Council Staff. These powers cannot be delegated to the Chief Executive Officer and then sub-delegated to staff, however, this instrument also delegates these same powers to the Chief Executive Officer to prevent any member of Council staff from having a delegated power not also delegated to the Chief Executive Officer.
- 9.6 Council at all times retains the ability to exercise a power that has been delegated to the Chief Executive Officer and/or to a member of Council staff.

REPORT NO: GE504 (cont.)

**Power of Delegation Under the *Local Government Act 2020***

9.7 Clause 11(1) of the Act states that a Council may by instrument of delegation delegate to:

- (a) the members of a delegated committee; or
- (b) the Chief Executive Officer -

any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).

9.8 The powers, duties or functions specified in subsection (2) which cannot be delegated are:

- (a) the power of delegation;
- (b) the power to elect a Mayor or Deputy Mayor;
- (c) the power to grant a reasonable request for leave under section 35;
- (d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- (f) the power to approve or amend the Council Plan;
- (g) the power to adopt or amend any policy that the Council is required to adopt under this Act;
- (h) the power to adopt or amend the Governance Rules;
- (i) the power to appoint the chair or the members to a delegated committee;
- (j) the power to make, amend or revoke a local law;
- (k) the power to approve the budget or revised budget;
- (l) the power to borrow money;
- (m) subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;
- (n) any power, duty or function prescribed by the regulations for the purposes of this subsection.

9.9 The Act also states that:

- (a) A Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days;
- (b) A delegation may be made subject to any conditions or limitations specified in the instrument of delegation;
- (c) A delegation that includes the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded;
- (d) A member of a delegated committee to whom a delegation is given under subsection (1)(a) can only exercise the delegation while acting as a member of the delegated committee at a meeting of the delegated committee;
- (e) A Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force; *and*

REPORT NO: GE504 (cont.)

- (f) A Council must keep a public register of delegations made under this section.

**Legislative Update Service**

- 9.10 Council subscribes to a legislative update service provided by Maddocks. Through this service Council is advised of changes to legislation that require its instruments of delegation to be reviewed and updated.
- 9.11 The changes most often recommended through this service are to Council's Instrument of Delegation to Council Staff, and to the Chief Executive Officer's Instrument of Sub-Delegation to Members of Council Staff.

**Review of Instrument of Delegation to the Chief Executive Officer**

- 9.12 Under section 11(7) of the Act, a Council must review within the period of 12 months after a general election all delegations which have been made under this section and which are still in force. In accordance with this requirement, this report presents Council with the Instrument of Delegation to the Chief Executive Officer for review.
- 9.13 No changes are recommended to Council's Instrument of Delegation to the Chief Executive Officer which is provided as Attachment 1 of this report.
- 9.14 When this instrument of delegation was most recently reviewed and adopted by Council on 10 August 2020, it was updated to be compliant with the requirements of the Act, and these requirements have not since changed.
- 9.15 This delegation includes a schedule of powers (Schedule 2) that are not currently delegated to the position of Chief Executive Officer. Council can choose to remove or add powers to this schedule as it deems appropriate.
- 9.16 This delegation also includes a limitation on the value of a contract that the Chief Executive Officer can enter into, being \$500,000 (including GST), and a limitation on making any expenditure that exceeds \$500,000 (including GST), unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make. Council has the opportunity to alter these amounts as part of this review should it wish to do so.

**Review of Instrument of Delegation to Members of Council Staff**

- 9.17 A review of Council's Instrument of Delegation to Members of Council Staff is not required following the general election held on 24 October 2020 because this delegation was not made under the applicable section of the Act, however this delegation has been included for Council consideration with this report because it includes changes recommended by Maddocks in their two most recent legislative service updates.
- 9.18 This delegation relies on specific powers of delegation contained within each Act of Regulation that is included in the delegation.
- 9.19 Some powers are recorded in this delegation as Not Delegated. This is to ensure that there is no question on whether a particular power has inadvertently been omitted from the delegation, but rather that they have actively been considered and Council has chosen not to delegate these powers.
- 9.20 The specific changes that are recommended to Acts or Regulations in the instrument of delegation provided as Attachment 2 to this report, in summary, are:

**9.20.1 Food Act 1984**

- (a) The following four provisions, which commence on 1 July 2021 unless proclaimed earlier, have been added to the delegation:
- (i) s.36A Power to accept an application for registration or notification using online portal (proposed to be delegated to the Coordinator Public Health and to Environmental Health Officers);

REPORT NO: GE504 (cont.)

- (ii) s.38G(1) Power to require notification of change of the food safety program type used for the food premises (proposed to be delegated to the Coordinator Public Health and to Environmental Health Officers);
  - (iii) s.38G(2) Power to require the proprietor of the food premises to comply with any requirement of the Act (proposed to be delegated to the Coordinator Public Health and to Environmental Health Officers);
  - (iv) s.40F Power to cancel registration of food premises (proposed to be delegated to the Coordinator Public Health).
- (b) The following provision is being removed from the delegation:
- (i) s.40D(2) Power to specify how long a suspension is to last under section 40D(1) (this is currently delegated to the Coordinator Public Health).

**9.20.2 Planning and Environment Act 1987**

- (a) s46GY(2) Reference in this provision (duty to keep the accounts and records) to the Local Government Act has been update to the *Local Government Act 2020*.

**9.20.3 Residential Tenancies Act 1997**

- (a) The commencement date for the following provisions has been updated from 1 July 2020 to 27 April 2021:
  - (i) s.91ZU(1) Power to give a renter a notice to vacate rented premises;
  - (ii) s.91ZZC(1) Power to give a renter a notice to vacate rented premises;
  - (iii) s.91ZZE(1) Power to give a renter a notice to vacate rented premises;
  - (iv) s 91ZZE(3) Power to publish Council's criteria for eligibility for the provision of housing.
- (b) The following provisions were repealed as of 1 July 2020 and are being removed from the delegation:
  - (i) s.252 Power to give a tenant a notice to vacate rented premises if subsection (1) applies
  - (ii) s.262(1) Power to give a tenant a notice to vacate rented premises.
  - (iii) s.262(3) Power to publish its criteria for eligibility for the provision of housing by Council

**9.20.4 Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020**

- (a) Delegates have been added to the following regulations:
  - (i) r7 Power to enter into a written agreement with a caravan park owner (proposed to be delegated to the Coordinator Public Health and to Environmental Health Officers);
  - (ii) Some provisions have had their regulation number changed (but no changes have been made to the regulations themselves);
  - (iii) the year in the title of this regulation has been updated from the 2010 to 2020.

**REPORT NO: GE504 (cont.)**

9.21 The other change made to this delegation is that the position title of Manager Finance and Property Development has been updated to Chief Financial Officer.

**10. CONCLUSION:**

10.1 As required by section 11(7) of the Act, Council's Instruments of Delegation to the Chief Executive Officer is presented to Council for review and adoption following the general local election which was held on 24 October 2020.

10.2 Council's Instruments of Delegation to Members of Council Staff, which includes updates recommended by Maddocks in their two most recent legislative service updates, is also presented to Council for review and is recommended for adoption.



# **Instrument of Delegation**

**to**

**The Chief Executive  
Officer**

## **Instrument of Delegation**

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the HUME CITY COUNCIL (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers set out in Schedule 1 to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 22/03/2021.
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in Schedule 1;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

**SCHEDULE 1**

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any power conferred on Council by or under any Act.

**Conditions and Limitations**

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - a) awarding a contract exceeding the value of \$500,000 (including GST);
  - b) making any expenditure that exceeds \$500,000 (including GST) (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make);
  - c) appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - d) election of a Mayor or Deputy Mayor;
  - e) granting of a reasonable request for leave under section 35 of the Act;
  - f) making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - g) approval or amendment of the Council Plan;
  - h) adoption or amendment of any policy that Council is required to adopt under the Act;
  - i) adoption or amendment of the Governance Rules;
  - j) appointment of the chair or the members to a delegated committee;
  - k) making, amending or revoking a local law;
  - l) approval of the Budget or Revised Budget;
  - m) borrowing money;
  - n) subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. 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;
4. 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;

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Attachment 1 - Instrument of Delegation to the Chief Executive Officer

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5. if 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, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise;
6. 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
7. if that power is listed in Schedule 2 as a power determined as appropriate to remain with Council.

**SCHEDULE 2**

**Powers and actions determined as appropriate to remain with Council.**

<b>FOOD ACT 1984</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38(3)	power to exempt any food premises or class of food premises from registration with the council.	

<b>LOCAL GOVERNMENT ACT 1989</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.188(a)	power to accept a devise of real property, gift, etc	This power is repealed on 1 July 2021.
s.188(b)	power to carry out condition of a devise, gift, etc	This power is repealed on 1 July 2021.
s.190	power to lease land where there is no requirement to give public notice under section 223	This power is repealed on 1 July 2021.
s.204(2)	power to declare a road to be open to public traffic	
Schedule 10 cl.5 (1)(a)	power to approve, assign or change the name of a road	
Schedule 11 cl.13	power to determine speed limits	

<b>LOCAL GOVERNMENT ACT 2020</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.115	power to lease land where there is no requirement to undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.	This clause takes effect as of 1 July 2021.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	
s.8(3)	power to prepare amendments to the planning scheme	
s.9(2) and (3)	power to apply to the Minister to prepare an amendment to the planning scheme	
s.12(3)	power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of the planning scheme with these persons	
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 section 19 to a planning scheme	
s.20(1)	power to apply to the Minister for exemption from the requirements of section 19	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.23(2)	power to refer submissions to a panel	
s.27 (2)	power to apply for exemption if the panel's report is not received	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of a development infrastructure levy	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of a community infrastructure levy	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	
s.96G	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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	
s.97C	power to request the Minister to decide the application	
s.178	power to amend a section 173 agreement	

<b>ROAD MANAGEMENT ACT 2004</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s11	power to declare a road	obtain consent in circumstances specified in section 11(2) where the land is reserved or administered under other Acts
s11(8)	power to change the name of a road	
s12(2)	power to discontinue a road or part of a road	
s17(3)	power to decide that a road is reasonably required for general public use	power of the coordinating road authority
s17(4)	power to decide that a road is no longer reasonably required for general public use	power of the coordinating road authority
s42(1)	power to declare a public road as a controlled access road	power of the coordinating road authority and Schedule 2 also applies
s42(2)	power to amend or revoke declaration under section 42(1)	power of the coordinating road authority and Schedule 2 also applies
Schedule 2 Clause 3(1)	power to make policy about controlled access roads	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	

<b>VALUATION OF LAND ACT 1960</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.13DC(1)	power to require a valuation on the basis of site value	where Council is rating authority

<b>WATER ACT 1989</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>PROVISION</b>	<b>POWER</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.179	power to submit a proposal to the Minister for declaration of a sewerage district	

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# **Instrument of Delegation**

**to**

# **Members of Council Staff**

## Instrument of Delegation

In exercise of the power of delegation conferred by each of the Acts referred to in Schedule 1 (attached), the Council:

1. delegates each power described in column 1 of Schedule 1 (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 power in column 3 of Schedule 1;
2. also delegates each power described in column 1 of Schedule 1 (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the position of Chief Executive Officer except where specific qualifications are required by the delegate;
3. records that a reference in Schedule 1 to:

<b>ASP</b>	means	All Statutory Planning Staff (DPD/MSTA/CCI/CSPG/CSP/STP/TP/MPIP/SO/SPIO/SSO/TLPS/PSO)
<b>ASTP</b>	means	All Strategic Planning Staff (DPD/MSTR, CGAP, CIP, SSP, SLUP, SP)
<b>CCL</b>	means	Coordinator City Laws
<b>CCI</b>	means	Coordinator Continuous Improvement Planning and Building
<b>CEO</b>	means	Chief Executive Officer
<b>CEP</b>	means	Coordinator Environmental Planning
<b>CFO</b>	means	Chief Financial Officer
<b>CGAP</b>	means	Coordinator Growth Areas Planning
<b>CIP</b>	means	Coordinator Integrated Planning
<b>CPH</b>	means	Coordinator Public Health
<b>CSP</b>	means	Coordinator Statutory Planning
<b>CSPG</b>	means	Coordinator Statutory Planning (Growth Areas)
<b>CTS</b>	means	Coordinator Technical Services
<b>DCOM</b>	means	Director Community Services
<b>DCOR</b>	means	Director Corporate Services
<b>DSIS</b>	means	Director Sustainable Infrastructure & Services
<b>DPD</b>	means	Director Planning & Development
<b>EHO</b>	means	Environmental Health Officer
<b>EPO</b>	means	Environmental Planning Officer
<b>EPCO</b>	means	Environmental Planning and Compliance Officer
<b>MPIP</b>	means	Major Projects and Investment Planner
<b>MA</b>	means	Manager Assets
<b>MBS</b>	means	Municipal Building Surveyor
<b>MCWB</b>	means	Manager Capital Works & Building Maintenance
<b>MHCW</b>	means	Manager Health & Community Wellbeing
<b>MG</b>	means	Manager Governance
<b>MSE</b>	means	Manager Sustainable Environment
<b>MSD</b>	means	Manager Subdivisional Development
<b>MSTA</b>	means	Manager Statutory Planning and Building Control Services
<b>MSTR</b>	means	Manager Strategic Planning
<b>MW</b>	means	Manager Waste
<b>PSO</b>	means	Planning Support Officer
<b>SLUP</b>	means	Strategic Land Use Planner
<b>SO</b>	means	Subdivisions Officer
<b>SP</b>	means	Strategic Planner
<b>SPIO</b>	means	Senior Planning Investigations Officer
<b>SSO</b>	means	Senior Subdivisions Officer
<b>SSP</b>	means	Senior Strategic Planner
<b>STP</b>	means	Senior Town Planner
<b>TLPS</b>	means	Team Leader Planning Support
<b>TP</b>	means	Town Planner

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**ORDINARY COUNCIL (TOWN PLANNING) MEETING**

Attachment 2 - Instrument of Delegation to Members of Council Staff

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4. declares that:
- 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on **22 March 2021** and
  - 4.2 the delegation:
    - 4.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation;
    - 4.2.2 remains in force until varied or revoked;
    - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 4.3, and Schedule 1; and
    - 4.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
  - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 4.3.1 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; or
    - 4.3.2 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; or
    - 4.3.3 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
    - 4.3.4 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.

**THE COMMON SEAL of HUME CITY COUNCIL**

was hereto affixed on the .....  
in the presence of

**COUNCILLOR** .....

**CHIEF EXECUTIVE OFFICER** .....

**SCHEDULE**  
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<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.41A(1)	Power to declare a dog to be a menacing dog	DCOR/MG	Council may delegate this power to an authorised officer

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	Power to require further information regarding septic tank systems	CPH	
s.53M(5)	Power to approve plans, issue a permit or refuse a permit	CPH	Refusal by the delegated officer must be ratified by Council or it is of no effect pursuant to section 53M(9)
s.53M(6)	Power to refuse to issue a septic tank permit	CPH	Refusal by the delegated officer must be ratified by Council or it is of no effect pursuant to section 53M(9)

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CPH/EHO	If section 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	CPH/EHO	If section 19(1) applies
s.19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CPH/EHO	if section 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 section 19(3)(a) or (b): <ul style="list-style-type: none"> <li>• be affixed to a conspicuous part of the premises; and</li> <li>• inform the public by notice in a published newspaper or otherwise</li> </ul>	CPH/EHO	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a) to (c)	CPH/EHO	Where Council is the registration authority.
s.19AA(4)(c)	Power to direct, in an order made under section 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	CPH/EHO	Note: the power to direct the matters under section 19AA(4)(a) and (b) are not capable of delegation and so such directions must be made by a Council resolution
s.19CB(4)(b)	Power to request a copy of records	CPH/EHO	Where Council is the registration authority
s.19E(1)(d)	Power to request a copy of the food safety program	CPH/EHO	Where Council is the registration authority
s.19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CPH/EHO	Where Council is the registration authority
s.19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Not applicable	Where Council is the registration authority Note – the section refers to contractors who conduct food safety audits of food premises. Council staff do not conduct food safety audits

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19NA(1)	Power to request food safety audit reports	CPH/EHO	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 applicable	Note – the section refers to contractors who conduct food safety audits of food premises. Council staff do not conduct food safety audits
s.19UA	Power to charge fees for conducting a food safety assessment or inspection	CPH/EHO	Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39
s.19W	Power to direct a proprietor of a food premises to comply with any requirement under Part III B	CPH/EHO	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	CPH/EHO	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	CPH/EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Various	Power to register, renew or transfer registration	CPH	Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see Section 58A{2})
s 36A	Power to accept an application for registration or notification using online portal	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s.38AA(5)	Power to: a) request further information; or b) advise the proprietor that the premises must be registered if the premises are not exempt	CPH/EHO	Where Council is the registration authority
s.38AB(4)	Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1) s 38AB(1)	CPH	Where Council is the registration authority The fees are approved by Council as part of Council annual budget
s.38A(4)	Power to request a copy of a completed food safety program template	CPH/EHO	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38D(3)	Power to request copies of any audit reports	CPH/EHO	Where Council is the registration authority
s.38E(2)	Power to register the food premises on a conditional basis	CPH	Where Council is the registration authority Not exceeding the prescribed time limit defined under subsection (5)
s.38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CPH/EHO	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	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s.39A	Power to register, renew or transfer food premises despite minor defects	CPH	Where Council is the registration authority Only if satisfied of matters in subsections (2)(a)-(c)

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CPH	
s.40C(2)	Power to grant or renew the registration of food premises for a period of less than one year	CPH	Where Council is the registration authority
s.40D(1)	Power to suspend or revoke the registration of food premises	CPH	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	CPH	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
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	CPH	Where Council is the registration authority.

<b>FOOD ACT 1984</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	CPH	Where Council is the registration authority

<b>HERITAGE ACT 1995</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers		<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>

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The Chief Executive Officer cannot delegate this power to another person.
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	The Chief Executive Officer cannot delegate this power to another person.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	NOT DELEGATED	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	ASTP	
s 4H	Duty to make amendment to Victorian Planning Provisions available	ASTP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	ASTP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DPD/MSTR/CGA P/CIP/SP/SSP/ SLUP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DPD/MSTR	Only in relation to amendments which seek to correct an anomaly or error in the planning scheme
s 8A(5)	Function of receiving notice of the Minister's decision	ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD/MSTR/CGA P/CIP/SP/SSP/ SLUP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DPD/MSTR	
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	DPD/MSTR	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DPD/MSTR	
s 12B(1)	Duty to review planning scheme	ASTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	ASTP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	ASTP	
s 17(1)	Duty of giving copy amendment to the planning scheme	ASTP	
s 17(2)	Duty of giving copy s 173 agreement	ASTP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	ASTP	
s 18	Duty to make amendment etc. available	ASTP	
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	DPD/MSTR	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DPD/MSTR	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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	NOT DELEGATED	
s 21(2)	Duty to make submissions available	ASTP	
s 21A(4)	Duty to publish notice	ASTP	
s 22	Duty to consider all submissions	ASTP	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	ASTP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	NOT DELEGATED	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DPD/MSTR/ CSPG/STP /CGAP/ CIP/SP/SSP/ SLUP/CSP/MPIP	
s 26(1)	Power to make report available for inspection	DPD/MSTR/ CGAP/CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26(2)	Duty to keep report of panel available for inspection	ASTP	
s 27(2)	Power to apply for exemption if panel's report not received	NOT DELEGATED	
s 28	Duty to notify the Minister if abandoning an amendment	ASTP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	ASTP	
s 30(4)(b)	Duty to provide information in writing upon request	ASTP	
s 32(2)	Duty to give more notice if required	ASTP	
s 33(1)	Duty to give more notice of changes to an amendment	ASTP	
s 36(2)	Duty to give notice of approval of amendment	ASTP	
s 38(5)	Duty to give notice of revocation of an amendment	ASTP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	ASTP	
s 40(1)	Function of lodging copy of approved amendment	ASTP	
s 41	Duty to make approved amendment available	ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 42	Duty to make copy of planning scheme available	ASTP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity		Where Council is a responsible public entity and is a planning authority <b>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils</b>
s 46AW	Function of being consulted by the Minister	ASTP	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	ASTP  NOT DELEGATED	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	ASTP	Where Council is a responsible public entity

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	ASTP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DPD	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DPD/MSTR/ CGAP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DPD/MSTR/ CGAP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DPD/MSTR/ CGAP/CIP/SSP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DPD/MSTR/ CGAP/CIP/SSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GP	Function of receiving a notice under s 46GO	ASTP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	ASTP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DPD/MSTR/ CGAP/CIP/SSP	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	DPD	
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	NOT DELEGATED	
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	DPD/MSTR/ CGAP/CIP/SSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DPD/MSTR/ CGAP/CIP/SSP	
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	DPD/MSTR/ CGAP/CIP/SSP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DPD/MSTR/ CGAP/CIP/SSP	
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	DPD/MSTR/ CGAP/CIP/SSP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DPD/MSTR/ CGAP/CIP/SSP  DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DPD/MSTR	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency
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	DPD/MSTR/ CGAP/CIP/SSP/ MSTA/CCI/CSPG /CSP/STP/TP/ MPIP/SO/SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DPD/MSTR	Where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DPD/MSTR/ CGAP/CFO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DPD/MSTR/ CGAP/CFO	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DPD/MSTR/ CGAP/CIP/SSP	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DPD/MSTR/ CGAP/CIP/SSP	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(9)	Function of receiving the fee simple in the land	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	ASTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a development agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DPD/MSTR/ CGAP/CIP/SSP	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DPD/MSTR/ CGAP/CIP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DPD/MSTR/ CGAP/CIP	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DPD/MSTR/ CGAP/CIP	Where Council is the development agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	DPD/MSTR/ CGAP/CIP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DPD/MSTR/CGAP/ CIP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a collecting agency or development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DPD/MSTR/ CGAP/CIP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	ASTP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DPD/MSTR/ CGAP/CIP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DPD/MSTA/ CSPG/ MSTR/ CGAP/CIP/CSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD/MSTA/ CSPG/MSTR/CG AP/ CIP/ CSP	Conditional upon the agreement being a requirement of the planning scheme amendment.  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DPD/MSTA/ MSTR/CGAP/ CIP/CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DPD/MSTA/ CSPG/MSTR/ CGAP/CIP/CSP	Note – payment can be in the form of a bank guarantee
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	NOT DELEGATED	
s 46Q(1)	Duty to keep proper accounts of levies paid	ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD/MSTR/ CGAP/CIP	
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	DPD/MSTR/ CGAP/CIP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPD/MSTR	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DPD/MSTR/ CGAP/CIP	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	DPD/MSTR/ CGAP/CIP/SSP	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DPD/MSTR/ CGAP/CIP	With the consent of, and in the manner approved by, the Minister

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46QC	Power to recover any amount of levy payable under Part 3B	DPD/MSTR	
s 46QD	Duty to prepare report and give a report to the Minister	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	ASTP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ASTP/ASP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	ASP	
s 49(2)	Duty to make register available for inspection	ASP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(4)	Duty to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 50(5)	Power to refuse to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 50(6)	Duty to make note of amendment to application in register	ASP	
s 50A(1)	Power to make amendment to application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 50A(4)	Duty to note amendment to application in register	ASP	
s 51	Duty to make copy of application available for inspection	ASP	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 52(3)	Power to give any further notice of an application where appropriate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(1)	Power to require the applicant to provide more information	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 54(1B)	Duty to specify the lapse date for an application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPD/MSTA/CCI/ CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	ASP	
s 57(5)	Duty to make available for inspection copy of all objections	ASP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 57A(5)	Power to refuse to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 57A(6)	Duty to note amendments to application in register	ASP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 57C(1)	Duty to give copy of amended application to referral authority	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58	Duty to consider every application for a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 58A	Power to request advice from the Planning Application Committee	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 60	Duty to consider certain matters	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 60(1A)	Duty to consider certain matters	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(2)	Power to include other conditions	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/MSE/CEP/ EPCO/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 64(3)	Duty not to issue a permit until after the specified period	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	ASP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 69(1A)	Function of receiving application for extension of time to complete development	ASP	
s 69(2)	Power to extend time	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. The responsible authority may extend the time within which the use or development or any stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the <i>Subdivision Act</i> 1988 is to be certified.
s 70	Duty to make copy permit available for inspection	ASP	
s 71(1)	Power to correct certain mistakes	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 71(2)	Duty to note corrections in register	ASP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 73	Power to decide to grant amendment subject to conditions	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 74	Duty to issue amended permit to applicant if no objectors	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 83	Function of being respondent to an appeal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	
s 83B	Duty to give or publish notice of application for review	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 84AB	Power to agree to confining a review by the Tribunal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPD/MSTA/CCI/ CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 91(2)	Duty to comply with the directions of VCAT	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/	
s 93(2)	Duty to give notice of VCAT order to stop development	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO	
s 95(3)	Function of referring certain applications to the Minister	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 95(4)	Duty to comply with an order or direction	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DPD/MSTA/CCI/ CSPG/CSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPD/MSTA/CCI/ CSPG/CSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 96F	Duty to consider the panel's report under s 96E	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/MSTR/ CGAP/CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 96H(3)	Power to give notice in compliance with Minister's direction	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 96J	Power to issue permit as directed by the Minister	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	ASP	
s 97C	Power to request Minister to decide the application	NOT DELEGATED	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	ASP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	ASP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	ASP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/MSTR/ CGAP/CIP/SLUP/ SSP/SP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPD/MSTA/ MSTR	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97Q(4)	Duty to comply with directions of VCAT	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	ASP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	ASP/CFO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	ASP/CFO	
s 101	Function of receiving claim for expenses in conjunction with claim	ASP/CFO	
s 103	Power to reject a claim for compensation in certain circumstances	DPD/MSTA/ MSTR/CFO	Note – refers to small claims, ie: a) \$500 or any greater amount prescribed by the Regulations; b) or 0.1% of the value that the land would have had if the land had not been affected by any circumstance set out in section 98(1) or (2) or 107.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 107(1)	Function of receiving claim for compensation	ASP/CFO	
s 107(3)	Power to agree to extend time for making claim	DPD/MSTA/ MSTR/CFO	
s 114(1)	Power to apply to the VCAT for an enforcement order	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/MSE/ CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/TP/ MSE/CEP/EPO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPD/MSTA/CCI/ CSPG/CSP/SPIO /MSE/CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPD/MSTA/CCI/ CSP/SPIO/MSE/ CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPD/DSIS/MSTA/MSE	Except Crown Land
s 129	Function of recovering penalties	ASP	
s 130(5)	Power to allow person served with an infringement notice further time	DPD/MSTA/CCI/CSPG/CSP/SPIO/STP/MPIP/MSE/CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 149A(1)	Power to refer a matter to the VCAT for determination	DPD/MSTA/CCI/CSPG/CSP/SPIO/MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. Note – Part 6 of the Act refers to enforcement and legal proceedings
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DPD/MSTA/CCI/CSPG/CSP/SPIO/MSE/CEP/ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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)	DPD/MSTA/ MSTR/MSE	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DPD/MSTA/ MSTR/MSE/CEP/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.  Subject to budgetary provision
s 171(2)(g)	Power to grant and reserve easements	DPD/MSTA/CCI/ CSPG/CSP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DPD/MSTA/ MSTR	Where Council is a development agency specified in an approved infrastructure contributions plan.  This power can only be used when there is no dispute of either the acquisition or of the amount of compensation being offered. If there is a dispute of either the matter must be presented to Council.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DPD/MSTA/ MSTR	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DPD/MSTA/ MSTR	Where Council is the development agency specified in an approved infrastructure contributions plan.  This power can only be used when there is no dispute of either the acquisition or of the amount of compensation being offered. If there is a dispute of either the matter must be presented to Council.
s 173(1)	Power to enter into agreement covering matters set out in s 174	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP /MSE/CEP	Details of agreements must be subsequently reported to Council  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	Where Council is the relevant responsible authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/ MSTR/CGAP/CIP /MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/ MSTR/CGAP/CIP /MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	Note - section 178 provides: “An agreement may, with the approval of the Minister, be amended by agreement between the responsible authority and all persons who are bound by any covenant in the agreement”.
s 178A(1)	Function of receiving application to amend or end an agreement	ASP/ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	
s 178A(5)	Power to propose to amend or end an agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	ASP/ASTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	If no objections are made under s 178D  Must consider matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	If no objections are made under s 178D  Must consider matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178E(2)(c)	Power to refuse to amend or end the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	If no objections are made under s 178D  Must consider matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B  To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP	
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	ASP/ASTP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	
s 179(2)	Duty to make available for inspection copy agreement	ASP/ASTP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 182	Power to enforce an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	
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	DPD/MSTA/ MSTR	
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	ASP	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	ASP/ASTP	
s 184G(2)	Duty to comply with a direction of the Tribunal	ASP/ASTP	
s 184G(3)	Duty to give notice as directed by the Tribunal	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	
s 198(1)	Function to receive application for planning certificate	ASP	
s 199(1)	Duty to give planning certificate to applicant	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO	
s 201(1)	Function of receiving application for declaration of underlying zoning	ASP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 201(3)	Duty to make declaration	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO	
-	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MST/ CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
-	Power to give written authorisation in accordance with a provision of a planning scheme	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSE/ CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	ASP/ASTP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	ASP/ASTP	

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	ASTP/ASP	Where Council is not the planning authority and the amendment affects land within its municipal district; or  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 s 54 of the Act	DPD/MSTA/CCI/CSPG/STP /TP/CSP/MPIP/SO/SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	ASP	Where Council is the responsible authority
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	ASP	Where Council is not the responsible authority, but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	ASTP/ASP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.19	Power to waive or rebate fee relating to amendment of a planning scheme	DPD/MSTR/CGAP/CIP	<p>Where Council is the planning authority Note – the grounds for waiving or rebating a fee include:</p> <ul style="list-style-type: none"> <li>a) the request has been withdrawn and a new request submitted in its place; or</li> <li>b) the amendment combines separate items from more than one request for an amendment to a planning scheme into one amendment; or</li> <li>c) in the opinion of the planning authority or the Minister— <ul style="list-style-type: none"> <li>(i) the request imposes on the planning authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying <ul style="list-style-type: none"> <li>d) that service; or</li> </ul> </li> <li>(ii) the primary intention of the amendment is to substantially assist in the implementation of State, regional or local policy; or</li> <li>(iii) the primary intention of the amendment is to upgrade and improve the planning scheme in the public interest; or</li> </ul> </li> </ul>

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19 <i>continued</i>			<p>(iv) the amendment implements a review of the planning scheme completed under section 12B of the Act; or</p> <p>(v) the amendment rewrites and restructures the planning scheme so that it may be more readily understood, without changing the planning policy; or</p> <p>(vi) the primary intention of the amendment is to make the planning scheme consistent in form and content with the directions or guidelines issued by the Minister under section 7 of the Act; or</p> <p>(vii) the primary intention of the amendment is to remove errors or anomalies in the planning scheme; or</p> <p>(viii) the request has been made by a person or group of persons standing to gain no financial benefit from the amendment; or</p> <p>(ix) the amendment is not intended to financially benefit an owner or group of owners of land.</p>



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p><i>(iii) the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or</i></p> <p><i>(d) the application relates to land used exclusively for charitable purposes.</i></p>
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	ASTP/ASP	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier</b>
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes <b>Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier</b>
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier</b>
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier</b>
s.142G(2)	Power to enter certain information in the Rooming House Register	CPH/EHO	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CPH/EHO	
s.518F	Power to issue a notice to a caravan park operator regarding the emergency management plan if it is determined that the plan does not comply with the requirements	CPH	
s.522(1)	Power to give a compliance notice to a person	CPH	
s.525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CPH	
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CPH	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Power to enter into a written agreement with a caravan park owner	CPH/EHO	
r. 12 (1) r. 12 (2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with the Regulations	DCOR/MG/CPH	
r. 14(3)	Power to determine where a notice of transfer is displayed	CPH/EHO	
r. 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	NOT DELEGATED	Fee must be determined and approved by Council as part of the Council annual budget
r. 18(4)	Power to determine where the emergency contact person's details are displayed	CPH/EHO	
r. 18(6)	Power to determine where certain information is displayed	CPH/EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.23	Power to determine places in which the caravan park owner must display a copy of emergency procedures	CPH/EHO	
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CPH/EHO	
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CPH/EHO	
r. 40(b)	Power to require notice of proposal to install un-registrable movable dwelling or rigid annexe	CPH/EHO	
r. 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CPH/EHO	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 3 – clause 4(3)	Power to approve the removal of wheels and axles from un-registrable movable dwelling	CPH/EHO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	Power to declare a road by publishing a notice in the Victoria Government Gazette	NOT DELEGATED	Obtain consent in circumstances specified in 11(2)
s.11(8)	Power to name a road or change the name of a road by publishing a notice in the Government Gazette	NOT DELEGATED	
s.12(2)	Power to discontinue a road or part of a road	NOT DELEGATED	
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DSIS/MA	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s13(1)	Power to fix a boundary road by publishing notice in the Government Gazette	DSIS	Power of the coordinating road authority and obtain consent under s13(3) and section 13(4)
s14(7)	Power to appeal against decision of the Head, Transport for Victoria	DSIS/DPD/MA/MSD	
s15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function	DSIS	Must be ratified by Council

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	of the road authority to the other road authority, utility or provider of public transport		
s15(1A)	Power to enter into an arrangement with a utility to transfer a road management function of the utility to the road authority	DSIS	Must be ratified by Council
s16(7)	Power to enter into an arrangement under section 15	DSIS	Must be ratified by Council
s.17(3)	Power to decide that a road is reasonably required for general public use	NOT DELEGATED	Note – a public road includes a road declared pursuant to section 204(1) of the <i>Local Government Act 1989</i>
s.17(4)	Power to decide that a road is no longer reasonably required for general public use	NOT DELEGATED	
s.18(1)	Power to designate an ancillary area	NOT DELEGATED	Where Council is the coordinating road authority, and obtains consent in circumstances specified in section 18(2)
s.21	Power to reply to a request for information or advice from the Minister or relevant Minister	DSIS/DPD/MA/MSD	Obtain consent in the circumstances specified in section 11(2)

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22(2)	Power to comment on a proposed Ministerial direction	DSIS/MA	
s.40(5)	Power to inspect, maintain and repair a road which is not a public road	NOT DELEGATED	
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DSIS/MA/CTS	
s.42(1)	Power to declare a public road as a controlled access road	NOT DELEGATED	Power of the coordinating road authority and Schedule 2 also applies  Note “controlled access road” means a public road in respect of which a declaration is in force under section 42
s.42(2)	Power to amend or revoke a declaration by notice published in the Government Gazette	NOT DELEGATED	Power of the coordinating road authority - Schedule 2 also applies
s42A(4)	Power to approve the Minister's decision to specify a road as a specified freight road	DSIS/MA	Power of the coordinating road authority  If the road is a municipal road or part thereof and where the road is to be specified a freight road

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	
s53(2)	Power to cause notice to be published in the Government Gazette of an amendment etc. of a document in a road management plan	DSIS/MA	
s.54(6)	Power to amend a road management plan	NOT DELEGATED	
s.63(1)	Power to consent to conduct of works on a road	DSIS/DPD/MA/CTS/MSD/ MCWB	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	DSIS/DPD/MA/MW/MSD/ MCWB	Where council is the infrastructure manager
s.66(1)	Power to consent to structure etc	DSIS/MA	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	Power to request information relating to the person responsible for distributing a sign or bill on a road	DSIS/MA/CTS	Where Council is the coordinating road authority
s.68(2)	Power to request information relating to the person responsible for depositing a sign or bill on a road	DSIS/MA/CTS	Where Council is the coordinating road authority
s.71(3)	Power to appoint an authorised officer	CEO only	
s.87(2)	Power to investigate complaint and provide report	DSIS/DPD/MA/MSD/MCWB/ CTS	
s.112(2)	Power to recover damages in court	DSIS/DPD/MA/MSD/MCWB/ CTS	
s.116	Power to cause or carry out an inspection where a notice of an incident arising out of the condition of a public road has been received	DSIS/DPD/MA/MSD/MCWB	
s.120(1)	Power to exercise road management functions on an arterial road (with the consent of The Head, Transport for Victoria)	DSIS/DPD/MA/MW/MSD/ MCWB	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.121(1)	Power to enter into an agreement in respect of works	DSIS/DPD/MA/MW/MSD/MCWB	
s.122(1)	Power to charge and recover fees	DSIS	Note – fees may be charged if authorised under the Road Management (General) Regulations 2005. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2014/15, a fee unit is \$13.24.
s.123(1)	Power to charge for any service	DSIS	Note – the charge can include costs relating to: a) supplying a service, product or commodity; or b) giving information.
Schedule 2 – Clause 2(1)	Power to make a decision in respect of controlled access roads	DSIS/MA/MCWB	Note – controlled access road means a public road in respect of which a declaration is in force under section 42.
Schedule 2 – Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads	NOT DELEGATED	See above

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager of another authority to conduct reinstatement works	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 12(5)	Power to recover costs incurred in sub clause 12(3)	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 13(2)	Power to vary a notice period	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(1)	Power to consent to proposed works	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(5)	Power to consent to proposed works	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent for proposed roadworks	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(8)	Power to include consents and conditions for proposed roadworks	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal for proposed roadworks	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 18(1)	Power to enter into an agreement in relation to proposed roadworks	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DSIS/DPD/MA/CTS/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7A Clause 2	Power to cause street lights to be installed on roads	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.16(3)	Power to issue a permit	DSIS/DPD/MA/CTS/MSD	Where Council is the coordinating road authority
r.18(1)	Power to give written consent re damage to road	DSIS/MA/MCWB	Where Council is the coordinating road authority
r.23(2)	Power to make a submission to the tribunal.	DSIS/MA	Where Council is the coordinating road authority Note “tribunal” refers to the Victorian Civil and Administrative Tribunal
r.23(4)	Power to charge a fee for application under section 66(1) Road Management Act		Where Council is the coordinating road authority
r.25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on a road	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
r.25(2)	Power to sell or dispose of things removed from a road or part of road (after first complying with regulation 25(3))	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority
r.25(5)	Power to recover in the Magistrates’ Court expenses from the person responsible	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under clause 13(1) of schedule 7 to the Act to give notice as to the completion of those works	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority

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<b>REPORT NO:</b>	GE505
<b>REPORT TITLE:</b>	Review and Proposed Setting of Councillor and Mayoral Allowances
<b>SOURCE:</b>	Megan Kruger, Manager Governance
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC12/816
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>LGV Bulletin 08/2021 Review of Councillor Allowances</i></li><li>2. <i>Recognition and Support: The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources April 2008</i></li><li>3. <i>Victoria Government Gazette Mayoral and Councillor Allowances Adjustment 13 November 2019</i></li><li>4. <i>Victorian Government Gazette Mayoral and Councillor Allowance Categories</i></li></ol>

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**1. SUMMARY OF REPORT:**

- 1.1 Under section 74 of the Local Government Act 1989, Council is required to conduct a review of its Councillor and Mayoral Allowances within six months of the general election or before 30 June 2021, whichever is later.
- 1.2 In conducting this review, Council should be cognisant that it is ranked the fourth highest Council in the State (excluding the City of Melbourne) in the Local Government Victoria Mayoral and Councillor Allowances category classification system. Given the municipality's large population to Councillor ratio, its location within a significant growth corridor, its cultural diversity, the economic challenges for its residents and its high ranking in the classification system, it is recommended that Council should continue with the previous practice of paying the Mayoral and Councillor allowance at the maximum allowable for a Category 3 Council.

**2. RECOMMENDATION:**

- 2.1 **THAT Council, in conducting a review of the Councillor and Mayoral Allowances under Section 74(1) of the Local Government Act 1989, proposes to set the Councillor allowance at \$31,444 plus 9.5% (as an equivalent amount to the Superannuation Guarantee contribution) equating to \$34,431, and the Mayoral allowance at \$100,434 plus 9.5% (as an equivalent amount to the Superannuation Guarantee contribution) equating to \$109,975.23.**
- 2.2 **THAT in accordance with sections 74(4) and 223 of the Local Government Act 1989, public notice be given that a review of the Councillor and Mayoral Allowances is being conducted, and submissions will be received on the proposed allowances from 24 March 2021 until 21 April 2021.**
- 2.3 **THAT in accordance with Section 223 of the Local Government Act 1989, Submitters will have the opportunity to be heard by a Committee of the Whole Council to speak in support of their submission, if they wish to do so, on Monday 17 May 2021 at 6:30pm at the Town Hall Broadmeadows, or by electronic means if restrictions levels in Victoria do not allow for in-person meetings.**

**REPORT NO: GE505 (cont.)**

**3. LEGISLATIVE POWERS:**

Section 39 Local Government Act 2020.

Section 74 and 223 Local Government Act 1989.

**4. FINANCIAL IMPLICATIONS:**

The proposed budget for 2021/2022 has provision for the Councillor and Mayoral Allowances of \$351,072 and \$112,135, respectively.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

Environmental Sustainability has been considered and the recommendations of this report give no rise to any matters.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no considerations that impact on climate change adaptation as a result of this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The Charter of Human Rights and Responsibility has been considered and the recommendations of this report give no rise to any matters.

**8. COMMUNITY CONSULTATION:**

8.1 Council, in conducting its review of the Councillor and Mayoral Allowances, will place public notices on Council's website and in the Northern Star Weekly, inviting public comment and submissions on the proposed allowances.

8.2 Submitters will have the opportunity to be heard by a Committee of the Whole Council to speak in support of their submission, if they wish to do so, on Monday 17 May 2021 at 6:30pm at the Town Hall Broadmeadows, or by electronic means if restrictions levels in Victoria do not allow for in-person meetings. Council's website will also advise of the proposed allowances and submission process.

**9. DISCUSSION:**

9.1 Section 39 of the Local Government Act 2020 sets out the details in relation to allowances for Mayors, Deputy Mayors and Councillors.

9.2 Section 39(1) and (2) of the Local Government Act 2020 provide that a Mayor, Deputy Mayor or Councillor is entitled to receive an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal.

9.3 Section 39(6) provides that until the first Determination is made by the Victorian Independent Remuneration Tribunal sections 73B and 74 to 74B of the Government Act 1989 continue to apply, even though they have been repealed.

9.4 On 8 February 2021 Local Government Victoria provided advice to councils that a Determination by the Victorian Independent Remuneration Tribunal is not expected until late 2021, and therefore the process under the Local Government Act 1989 should be commenced (Attachment 1).

9.5 Under section 74(1) of the Local Government Act 1989, Council is required to conduct a review of the allowances paid to Councillors within six months of a general election, or by the next 30 June whichever is earlier.

9.6 In order to undertake the review, Councillors need to understand the current legislative arrangements for payment of Councillor and Mayoral allowances. The source document for explaining these arrangements is 'Recognition and Support, The Victorian Government's Policy Statement on Local Government Mayor and Councillor Allowances and Resources, April 2008' (Attachment 2).

REPORT NO: GE505 (cont.)

- 9.7 Victorian councils are placed into one of three categories, determined by total revenue and estimated resident population. The category to which a council belongs is determined by council's total revenue (discounted) with the current estimated population and dividing by 100. The category in which a council sits is determined by a point score, with each category being defined by the following scores:
- Category 1: 0 – 40 points
  - Category 2: 41 – 190 points
  - Category 3: 191 plus points
- 9.8 Each of the above categories provides a discretionary range for each council to pay Councillor and Mayoral allowances. The current allowance range is:
- Category 1:* Councillors \$8,833 to \$21,049 per annum  
Mayor up to \$62,884 per annum
  - Category 2:* Councillors \$10,914 to \$26,245 per annum  
Mayor up to \$81,204 per annum
  - Category 3:* Councillors \$13,123 to \$31,444 per annum  
Mayor up to \$100,434 per annum
- 9.9 Notice was given in the Victorian Government Gazette on 13 November 2019 of the revised limits and ranges for Mayoral and Councillor Allowances, which took effect on 1 December 2019 (Attachment 3). Please note that no adjustment was made in 2020.
- 9.10 The Minister for Local Government may review which category a council will be in. A change in category may come about by changes in a council's total revenues or population resulting in a change in the calculation of the council's points.
- 9.11 Attached is a Government Gazette Notice from 23 December 2019 advising which councils fall within each category. This is the most recent Ministerial determination regarding council categories (Attachment 4).
- 9.12 Hume City Council is classified a Category 3 council. Advice received from Local Government Victoria is that Hume City Council's current point calculation is 453.9 as of 2019, when points were last calculated. This places Hume as the fourth highest ranked council in Victoria (City of Melbourne of excluded). The range in ascending order of councils is:
- 1. Casey
  - 2. Greater Geelong
  - 3. Wyndham
  - 4. Hume
- 9.13 Given that Hume City Council is ranked so highly in the State, it is appropriate that Councillors of Hume City Council are paid at the higher end of the discretionary range. Hume is located within a growth corridor and has a cultural and socio-economic diverse population.
- 9.14 These factors combine to require a level of commitment, both in time and availability, from Hume City Councillors. The level of councillor responsibility and commitment required is reflective in Hume City Council's ranking in Victoria as calculated using the total revenue (discounted) and estimated population.
- 9.15 Given these factors, Council has previously determined to propose that the Mayoral and Councillor allowance be the maximum payable to a Category 3 Council, and it is recommended that this determination continues.

**REPORT NO: GE505 (cont.)**

9.16 Submitters will have the opportunity to be heard by a Committee of the Whole Council to speak in support of their submission, if they wish to do so, on Monday 17 May 2021 at 6:30pm at the Town Hall Broadmeadows, or by electronic means if restrictions levels in Victoria do not allow for in-person meetings.

**10. CONCLUSION:**

The review of the Councillor and Mayoral Allowances has taken into consideration the size of the Council; the complexity of issues brought before it and the ensuing workloads for Councillors and it is proposed that Councillors be paid the maximum amount in the range.

**Megan Kruger**

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**From:** Local Government (DJPR) <lgv@ecodev.vic.gov.au>  
**Sent:** Monday, 8 February 2021 3:16 PM  
**Subject:** LOCAL GOVERNMENT VICTORIA BULLETIN 08/2021: REVIEW OF COUNCILLOR ALLOWANCES

**Categories:** Purple category



**Local Government Victoria Bulletin**

**BULLETIN: 08/2021**

**REVIEW OF COUNCILLOR ALLOWANCES**

An important reform of the *Local Government Act 2020* (2020 Act) is the transfer of responsibilities in determining mayoral, deputy mayoral and councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *Local Government Act 1989* (1989 Act), *City of Melbourne Act 2001* and *City of Greater Geelong Act 1993* continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the 2020 Act provides for this transitional arrangement.

The Minister will request the Remuneration Tribunal to make a determination. A determination is expected late 2021.

**Current arrangements (under the 1989 Act)**

Under section 74(1) of the 1989 Act, councils must review and determine the level of mayoral and councillor allowances within six months of a general election or by 30 June, whichever is later.

The exception is Melbourne City Council and the Mayor and Deputy Mayor of Greater Geelong City Council, whose allowances are determined separately by the Minister under the *City of Melbourne Act 2001* and the *City of Greater Geelong Act 1993* respectively.

All councils should therefore plan to undertake and complete their own review of allowances under the 1989 Act by **30 June 2021**.

In undertaking their reviews, councils must ensure that a person has a right to make a submission under section 223 of the 1989 Act (as required by section 74(4)).

Further details of the current allowances framework can be found at:  
<https://knowyourcouncil.vic.gov.au/guide-to-councils/how-councils-work/the-system-of-government>

**Future arrangements (under the 2020 Act)**

The power to determine mayoral, deputy mayoral and councillor allowances will transfer to the Remuneration Tribunal.

Under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, the Remuneration Tribunal has six months to make a determination from the date the determination is requested by the Minister.

Before making its determination, the Remuneration Tribunal must review the existing councillor allowance framework.

More information on the future arrangements for determining mayoral, deputy mayoral and councillor allowances is available on the Remuneration Tribunal's website at: <https://www.vic.gov.au/allowances-mayors-deputy-mayors-and-councillors>

If you have any queries about the allowance arrangements, please contact Tim Presnell, Manager, Governance and Integrity, Local Government Victoria by email at [tim.presnell@ecodev.vic.gov.au](mailto:tim.presnell@ecodev.vic.gov.au).

Regards

**Hannah Duncan-Jones**  
**Acting Executive Director**  
**Local Government Victoria**

Authorised by Emily Phillips, Deputy Secretary, Local Government and Suburban Development  
Department of Jobs, Precincts and Regions



\*\*\*\*\*  
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## Ministerial Statement

Today I announce *Recognition and Support, the Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources*.

The new Policy replaces the year 2000 Policy *Flexibility and Accountability the Victorian Government's new approach to Mayoral and Councillor allowances* that initiated the framework and levels of Councillor remuneration applied until now.

On 10 May 2007 I announced the Victorian *Local Government (Councillor Remuneration Review) Panel*. The review concluded on 25 January 2008 and I welcomed the Panel's report to me on a number of matters that included the existing remuneration model established by the year 2000 policy, whether it required adjustment, the appropriateness of allowance amounts and adjustment as well as advice on superannuation for all Mayors and Councillors. The report is now available online on the Local Government Victoria website <http://www.localgovernment.vic.gov.au>.

I thank the Panel Chair Liz Roadley and Members Joanne Anderson, Bruce Hartnett and Bruce Mildenhall for their pertinent research, coverage of peak body and stakeholder views and their succinct deliberations on the key issues they were appointed to address.

The Government has endorsed the majority of the recommendations flowing from the review and these have informed this policy "*Recognition and Support, the Victorian Government Policy Statement on Local Government Mayoral and Councillor Allowances and Resources*". The Policy applies to all Councils including Melbourne.

I believe this Policy to be realistic, reasonable and fair. The new package continues the existing three-category model of council allowances based on revenue and population figures and retains the flexibility for councils in each category to set allowances within a range in consultation with their community. It provides for more certain allowances and support for Mayors and Councillors in the years ahead.

Those already committed to civic leadership can expect the changes to better inform their choices about public service, about their career and financial future and balancing family life and community life with public life. Equally passionate yet increasingly under represented in local leadership roles, are women, youth and mid career professionals. I expect that more of these individuals will be attracted to civic life and play their part in Council decision-making to contribute to strategic and practical perspectives increasingly reflective of wider grass roots community needs and views.

Together with other initiatives introduced by the State Government, this Policy provides for greater encouragement of community participation in local government and retention of valued and experienced leaders and mentors in civic service.

**Richard Wynne MP**  
**Minister for Local Government**  
April 2008



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## Introduction

The Government views Councillor allowances not as a form of salary but as some recognition of the contributions made by those elected to voluntary, part time roles in the community.

The Government acknowledges the value and significance of the role of local government Councillors – both through their skills and ability to represent and engage with their constituents and their leadership in developing solutions to the pressing social and cultural, environmental and economic challenges facing communities everywhere.





## Policy summary

- For all Councils other than Melbourne City Council there will continue to be a 3-Category framework based on Councils' revenue and population data for the previous financial year (Appendix 1). (Melbourne City Council is subject to separate arrangements<sup>1</sup>).
- The revenue figure will be based on revenue that excludes non-recurrent, and discounted to account for inflation.
- The population figure will be based on the most recent Australian Bureau of Statistics Estimated Resident Population figures released in June of the previous financial year.
- An allowance range for each Category of Councils will continue to apply.
- Allowances for all Councils will comprise two parts:

### Part A: (2007-08 figures)

	Councillor Min/Max	Lord Mayor Melbourne	Mayor Max	Deputy Lord Mayor Melbourne
Category 1	\$6,500-\$15,700		Up to \$47,000	
Category 2	\$8,100-\$19,600		Up to \$60,700	
Category 3	\$9,800-\$23,500		Up to \$75,000	
Melbourne	\$32,600	\$143,500		\$58,700

### Part B: An amount the equivalent of the Superannuation Guarantee Contribution (currently 9%) will apply to Part A for those Councils that are not Eligible Local Governing Bodies (ELGBs).

- Allowances ranges and the levels subsequently determined by a Council within their range, will be subject to adjustment by application of any percentage increases to Victorian Statutory and Executive Officers.
- The applicable increases will take effect after they have been published by the Minister for Local Government .
- Council Category changes can now occur in three ways. There is no change to how levels within a range are determined (Appendix 2).

<sup>1</sup> Allowances for Melbourne City Council are separately provided for under s74 of the *Local Government Act 1989* (Vic) and s26 (1) and (2) of the *City of Melbourne Act 2001* (Vic).

- A remote travel allowance will continue to provide compensation for the time spent on long distances travelled by Councillors in remote areas. This allowance provides for a maximum limit of \$5000 per annum (at a daily rate of \$40) or as may be amended from time to time by Order in Council.
- Further remuneration reviews will only be considered by the Government when there is either a significant change in role or responsibility identified for local government Mayors and Councillors or when there is an accumulation of minor changes that taken together constitute a justification for remuneration review.
- For all Councils, a minimum toolkit of support be provided for all Mayors and Councillors:

**Resources/facilities mandatory**

- Administrative support for the Mayor
- Office for Mayor
- Vehicle for Mayor
- Computer - desktop or laptop
- Mobile phone and landline
- Stationery
- Access to fax/copier
- Website development as part of Council website

**Reimbursement**

- Travel - including reimbursement of public transport costs
- Phone - reimbursement of relevant call costs
- Internet
- Child care/family care

**And that as a matter for Council determination the following be considered:**

- Access to pool car for Councillors
- Office space and furniture
- *Guidelines on the reimbursement of expenses and provision of facilities and resources support for Mayors and Councillors* may be issued from time to time by the Minister for Local Government. Initial Guidelines will be based on the Guidelines recommended by the 2008 Local Government (Councillor Remuneration Review) Panel Report.



# Appendix 1

## Victorian Council Categories (excluding Melbourne City Council)

**Legend Column 1:**

B: Borough  
C: Council  
RC: Rural City  
S: Shire

**Legend Column 6:**

EC: Exceptional Circumstances Category changes Gazetted 2003-2006  
(Note: former EC Councils now with the relevant points are not identified as EC)

Municipality	Total Recurrent Revenue* 2006/2007 (\$)	Total Recurrent Revenue Discounted Using 72.32% for 2006-07 (\$'000s)	June 2007 Estimated Resident Population ERP (p)**	Total	Points
	A	B	C	B+C	B+C/100
<b>Level 1: &lt;40</b>					
Queenscliffe (B)	6,312,934	4,566	3,175	7,741	8
Towong (S)	10,402,821	7,523	6,256	13,779	14
West Wimmera (S)	13,215,512	9,557	4,578	14,135	14
Hindmarsh (S)	13,006,291	9,406	6,190	15,596	16
Mansfield (S)	13,299,566	9,618	7,527	17,145	17
Pyrenees (S)	16,341,603	11,818	6,763	18,581	19
Yarriambiack (S)	15,695,846	11,351	7,658	19,009	19
Buloke (S)	18,571,918	13,431	7,038	20,469	20
Loddon (S)	17,673,318	12,781	8,077	20,858	21
Strathbogie (S)	16,949,698	12,258	9,733	21,991	22
Gannawarra (S)	16,896,398	12,219	11,634	23,853	24
Central Goldfields (S)	16,857,997	12,192	12,736	24,928	25
Alpine (S)	17,711,939	12,809	12,592	25,401	25
Ararat (RC)	19,442,332	14,061	12,593	26,654	27
Benalla (S)	18,404,217	13,310	14,024	27,334	27
Northern Grampians (S)	21,402,016	15,478	12,301	27,779	28
Hepburn (S)	18,765,908	13,572	14,289	27,861	28
Murrindindi (S)	22,352,354	16,165	14,228	30,393	30
Indigo (S)	21,535,128	15,574	15,480	31,054	31
Mount Alexander (S)	21,344,740	15,437	17,851	33,288	33
Golden Plains (S)	22,557,092	16,313	17,345	33,658	34
Southern Grampians (S)	28,546,075	20,645	17,311	37,956	38
Horsham (RC)	27,092,887	19,594	19,323	38,917	39
Moyne (S)	31,564,692	22,828	16,102	38,930	39

# REPORTS – GOVERNANCE AND ENGAGEMENT

22 MARCH 2021

# ORDINARY COUNCIL (TOWN PLANNING) MEETING

Attachment 2 - Recognition and Support: The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources April 2008

Municipality	Total Recurrent Revenue* 2006/2007 (\$)	Total Recurrent Revenue Discounted Using 72.32% for 2006-07 (\$'000s)	June 2007 Estimated Resident Population ERP (p)**	Total B+C	Points B+C/100
	A	B	C	B+C	B+C/100
<b>Level 2: 40-190</b>					
Corangamite (S)	30,904,099	22,350	17,188	39,538	40
Colac-Otway (S)	29,293,697	21,185	21,183	42,368	42
Glenelg (S)	34,026,411	24,608	20,664	45,272	45
Moorabool (S)	26,219,352	18,962	26,843	45,805	46
Swan Hill (RC)	35,071,099	25,363	21,459	46,822	47
Surf Coast (S)	35,141,426	25,414	23,521	48,935	49
Moira (S)	33,807,859	24,450	28,223	52,673	53
South Gippsland (S)	36,485,277	26,386	26,830	53,216	53
Wangaratta (RC)	37,634,162	27,217	27,569	54,786	55
Mitchell (S)	32,255,030	23,327	32,760	56,087	56
Bass Coast (S)	42,689,287	30,873	28,081	58,954	59
Warrnambool (C)	44,172,603	31,946	32,042	63,988	64
Wodonga (RC)	42,484,090	30,724	34,776	65,500	66
Baw Baw (S)	41,688,104	30,149	39,078	69,227	69
Macedon Ranges (S)	44,610,402	32,262	40,353	72,615	73
Campaspe (S)	53,361,299	38,591	37,763	76,354	76
Ballarat (C)	91,690,197	66,310	12,594	78,904	79
Wellington (S)	52,930,157	38,279	41,998	80,277	80
East Gippsland (S)	53,512,266	38,700	41,954	80,654	81
Cardinia (S)	52,625,564	38,059	60,753	98,812	99
Nillumbik (S)	53,678,766	38,820	62,310	101,130	101
Mildura (RC)	72,581,958	52,491	52,576	105,067	105
Greater Shepparton (C)	74,930,409	54,190	59,730	113,920	114
Maribymong (C)	73,719,165	53,314	67,825	121,139	121
Latrobe (C)	77,519,000	56,062	72,905	128,967	129
Melton (S)	66,495,975	48,090	85,613	133,703	134
Bayside (C)	69,686,724	50,397	92,801	143,198	143
Hobson's Bay (C)	82,027,546	59,322	85,525	144,847	145
Yarra (C)	99,266,552	71,790	74,823	146,613	147
Maroondah (C)	73,650,923	53,264	103,005	156,269	156
Manningham (C)	78,506,441	56,776	116,449	173,225	173
Banyule (C)	83,105,624	60,102	120,349	180,451	180

# REPORTS – GOVERNANCE AND ENGAGEMENT

22 MARCH 2021

# ORDINARY COUNCIL (TOWN PLANNING) MEETING

Attachment 2 - Recognition and Support: The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources April 2008

Municipality	Total Recurrent Revenue* 2006/2007 (\$)	Total Recurrent Revenue Discounted Using 72.32% for 2006-07 (\$'000s)	June 2007 Estimated Resident Population ERP (p)**	Total B+C	Points B+C/100
	A	B	C	B+C	B+C/100
<b>Level 3: 190+</b>					
Greater Bendigo (C)	99,536,882	71,985	98,323	170,308	<b>170 EC</b>
Stonnington (C)	104,465,827	75,550	96,221	171,771	<b>172 EC</b>
Moonee Valley (C)	89,961,190	65,060	112,481	177,541	<b>178 EC</b>
Port Phillip (C)	124,354,134	89,933	91,931	181,864	<b>182 EC</b>
Glen Eira (C)	88,294,220	63,854	131,144	194,998	<b>195</b>
Frankston (C)	99,653,651	72,070	123,315	195,385	<b>195</b>
Wyndham (C)	103,611,894	74,932	123,163	198,095	<b>198</b>
Greater Dandenong (C)	103,767,336	75,045	132,237	207,282	<b>207</b>
Darebin (C)	100,114,542	72,403	135,262	207,665	<b>208</b>
Whittlesea (C)	103,366,265	74,754	133,156	207,910	<b>208</b>
Moreland (C)	97,986,270	70,864	144,015	214,879	<b>215</b>
Knox (C)	94,184,676	68,114	153,151	221,265	<b>221</b>
Kingston (C)	115,551,930	83,567	141,550	225,117	<b>225</b>
Whitehorse (C)	108,177,516	78,234	152,368	230,602	<b>231</b>
Yarra Ranges (S)	118,177,315	85,466	145,596	231,062	<b>231</b>
Mornington Peninsula (S)	125,390,074	90,682	142,659	233,341	<b>233</b>
Hume (C)	121,365,563	87,772	157,145	244,917	<b>245</b>
Brimbank (C)	112,569,411	81,410	176,249	257,659	<b>258</b>
Boroondara (C)	129,763,551	93,845	163,890	257,735	<b>258</b>
Monash (C)	120,394,094	87,069	171,478	258,547	<b>259</b>
Casey (C)	142,464,347	103,030	229,080	332,110	<b>332</b>
Greater Geelong (C)	191,499,535	138,492	208,395	346,887	<b>347</b>
<b>Totals</b>	<b>4,696,364,969</b>		<b>5,047,156</b>		

\* Recurrent revenue does NOT include non-recurrent items.

\*\* ERP(p) is Estimated Resident Population (preliminary).

This data is from the Australian Bureau of Statistics, and is updated annually.





## Appendix 2

### Policy information and procedures

#### Introducing new allowances

The new allowance ranges will apply to all Councils effective from the time of Councillors taking the oath of office following the 29 November 2008 general elections.

The allowance amounts to be paid to Mayors and Councillors, from 1 December 2008, will be calculated to be the allowance level determined by the previous Council as a result of its last review, with those levels adjusted upwards by the initial 30.46% and any further adjustment based on movement in payments to Victorian Statutory and Executive Officers. In future years, further adjustments based on these movements will also apply from the time they are given effect by the Minister for Local Government.

In an election year, a Council will determine its allowance level in the range allowed by its Category (within 7 months of an election). Councils in setting their levels will do so based on any new ranges applicable to them as a result of any change in their Category status of which a notice has been given by the Minister for Local Government. The level of allowance determined will take effect from the time when the Council has completed its review.

For Category changes in a non-election year, any new level of allowance determined by a Council within the applicable range will also take effect once the Council has completed its review.

#### 3-Category framework

The 3-Category framework established by the year 2000 Policy will continue:

Category 1	0 - 40 points	(24 Councils)
Category 2	41-190 points	(32 Councils)
Category 3	190 + points	(22 Councils)

#### Methodology for determining points

The population/revenue formula applicable for determining all Council categories (excluding Melbourne City Council) is as follows:

**Council Category Points = ((R x D) + ERP) / 1000**

Where: R = Total Council recurrent revenue (in \$'000s)  
 D = Index for Discounting (see below)  
 ERP = Estimated Resident Population

*Example:*

*For a Council with recurrent revenue of \$10 million and a population of 5,500, the Category Points for that Council (assuming an Index for Discounting of 65%) are calculated as follows:*

$$\begin{aligned}\text{Category Points} &= ((R \times D) + \text{ERP}) / 1000 \\ &= ((10\,000 \times 65\%) + 5\,500) / 1000 \\ &= (6\,500 + 5\,500) / 1000 \\ &= 12\,000 / 1000 \\ &= 12\end{aligned}$$

*The Council in this example has 12 Category Points, placing it in Category 1.*

## Index for discounting

Revenue figures shall be discounted to avoid increases in Category Points resulting solely from revenues increasing with inflation.

The Index for Discounting will be calculated each year and will be applied to the revenue figures for the previous completed financial year.

The Index for Discounting to be applied to 2006-07 revenue figures is 72.32%.

The basis for the Index is the annual movements in Average Weekly Earnings (AWE) since 1999-2000. In 1999-2000 AWE was \$806.80. In 2006-07 it was \$1,115.50. The Index for Discounting for 2006-07 is therefore calculated as follows:

$$\begin{aligned}\text{2006-07 Index for Discounting} &= \text{AWE 1999-2000} / \text{AWE 2006-07} \\ &= 806.80 / 1115.50 \\ &= 0.7232 \\ &= 72.32\%\end{aligned}$$

## Revenue and population data

The data used in updating Council revenue and population figures is:

- recurrent revenue data for the most recent financial year submitted by Councils to the Victoria Grants Commission and compiled by the Commission in November of each year; and
- the release in February or March each year by the Australian Bureau of Statistics of Estimated Resident Population (ERP) figures for each Council as at 30 June in the most recently completed financial year.

## Change of Category processes and timelines

There are three processes for Category changes:

1. Annual assessment of revenue and population data:
  - each year Council points will be assessed by Minister using the population and revenue formula;
  - Councils affected by Category changes will be published and notified soon after the revised points are known;
  - Allowance changes will take effect as described above under “Introducing new allowances”
2. Exceptional Circumstances:
  - a successful submission made by a Council (not otherwise eligible on population and revenue figures) to a Local Government Panel that recommends a higher Category, and
  - applying principles to be used in an exceptional circumstances case that the Minister for Local Government may publish from time to time.
3. The result of a review of a Council requested by the Minister for Local Government.

## Change of allowance level within the range applicable to a Council Category.

1. The process for determining an allowance level within the range applicable to Council's Category remains unchanged.
  - Under section 74 (1) of the Local Government Act 1989, a Council must review and determine the level of allowance within 7 months of an election.
2. Allowance levels will be subject to the annual adjustments in line with any adjustment factors published by the Minister for Local Government.



# Victoria Government Gazette

No. S 459 Wednesday 13 November 2019

By Authority of Victorian Government Printer

## Local Government Act 1989

### MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

Pursuant to section 73B(4)(a) of the **Local Government Act 1989**, notice is hereby given that an adjustment factor of two per cent applies to Mayoral and Councillor allowances.

Pursuant to section 73B(4)(b) of the **Local Government Act 1989**, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,833–\$21,049 per annum	Mayors: up to \$62,884 per annum
Category 2	Councillors: \$10,914–\$26,245 per annum	Mayors: up to \$81,204 per annum
Category 3	Councillors: \$13,123–\$31,444 per annum	Mayors: up to \$100,434 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2019.

Dated 12 November 2019

ADEM SOMYUREK MP  
Minister for Local Government

## City of Greater Geelong Act 1993

### GREATER GEELONG CITY COUNCIL – MAYORAL AND DEPUTY MAYORAL ALLOWANCES – ALTERATION

Pursuant to section 13(3) of the **City of Greater Geelong Act 1993**, notice is hereby given that the following new allowance amounts for the Mayor and Deputy Mayor of the Greater Geelong City Council are:

Mayor:	\$100,434 per annum
Deputy Mayor:	\$31,444 per annum

The new allowance amounts take effect on 1 December 2019.

Dated 12 November 2019

ADEM SOMYUREK MP  
Minister for Local Government

## City of Melbourne Act 2001

### MELBOURNE CITY COUNCIL – LORD MAYORAL, DEPUTY LORD MAYORAL AND COUNCILLOR ALLOWANCES – ALTERATION

Pursuant to section 26A(3) of the **City of Melbourne Act 2001**, notice is hereby given that the following new allowance amounts for the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council are:

Lord Mayor:	\$200,870 per annum
Deputy Lord Mayor:	\$100,434 per annum
Councillors:	\$47,165 per annum

The new allowance amounts take effect on 1 December 2019.

Dated 12 November 2019

ADEM SOMYUREK MP  
Minister for Local Government

**SPECIAL**

**bluestar  PRINT**

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# Victoria Government Gazette

No. S 564 Monday 23 December 2019

By Authority of Victorian Government Printer

**Local Government Act 1989**

Section 73A

**MAYORAL AND COUNCILLOR ALLOWANCE CATEGORIES**

I, Adem Somyurek, Minister for Local Government, pursuant to section 73A(3) of the **Local Government Act 1989**, hereby specify the Councils that are in each allowance category, in the Schedule to this notice.

Dated 18 December 2019

ADEM SOMYUREK MP  
Minister for Local Government

**Local Government Act 1989**

Section 73A

**MAYORAL AND COUNCILLOR ALLOWANCE CATEGORIES**

**Schedule**

<b>CATEGORY 1</b>	<b>CATEGORY 2</b>	<b>CATEGORY 3</b>
Alpine Shire Council	Bass Coast Shire Council	Ballarat City Council
Ararat Rural City Council	Baw Baw Shire Council	Banyule City Council
Benalla Rural City Council	Bayside City Council	Boroondara City Council
Borough of Queenscliffe	Campaspe Shire Council	Brimbank City Council
Buloke Shire Council	Colac Otway Shire Council	Cardinia Shire Council
Central Goldfields Shire Council	East Gippsland Shire Council	Casey City Council
Corangamite Shire Council	Glenelg Shire Council	Darebin City Council
Gannawarra Shire Council	Golden Plains Shire Council	Glen Eira City Council
Hepburn Shire Council	Greater Shepparton City Council	Frankston City Council
Hindmarsh Shire Council	Hobsons Bay City Council	Greater Bendigo City Council
Indigo Shire Council	Horsham Rural City Council	Greater Dandenong City Council
Loddon Shire Council	Latrobe City Council	Greater Geelong City Council
Mansfield Shire Council	Macedon Ranges Shire Council	Hume City Council
Mount Alexander Shire Council	Maribymong City Council	Kingston City Council
Murrindindi Shire Council	Maroondah City Council	Knox City Council
Northern Grampians Shire Council	Mildura Rural City Council	Manningham City Council
Pyrenees Shire Council	Mitchell Shire Council	Melton City Council
Southern Grampians Shire Council	Moira Shire Council	Monash City Council

**SPECIAL**

<b>CATEGORY 1</b>	<b>CATEGORY 2</b>	<b>CATEGORY 3</b>
Strathbogie Shire Council	Moorabool Shire Council	Moreland City Council
Towong Shire Council	Moyne Shire Council	Moonee Valley City Council
West Wimmera Shire Council	Nillumbik Shire Council	Mornington Peninsula Shire Council
Yarriambiack Shire Council	South Gippsland Shire Council	Port Phillip City Council
	Surf Coast Shire Council	Stonnington City Council
	Swan Hill Rural City Council	Whitehorse City Council
	Wangaratta Rural City Council	Whittlesea City Council
	Warrnambool City Council	Wyndham City Council
	Wellington Shire Council	Yarra Ranges Shire Council
	Wodonga City Council	
	Yarra City Council	

**Local Government Act 1989**

Section 97B

SENIOR OFFICER REMUNERATION THRESHOLD

I, Adem Somyurek, Minister for Local Government, pursuant to subsection 97B of the **Local Government Act 1989**, hereby specify \$151,000 per annum as the higher threshold amount for the purposes of paragraph (c) of the definition of *senior officer* under that Act.

The higher threshold amount takes effect on 1 January 2020.

Dated 18 December 2019

THE HON. ADEM SOMYUREK MP  
Minister for Local Government

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<b>REPORT NO:</b>	GE506
<b>REPORT TITLE:</b>	Appointment of Independent Audit and Risk Committee Member
<b>SOURCE:</b>	Daryl Whitfort, Director Corporate Services
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC21/102
<b>POLICY:</b>	Audit and Risk Committee Charter
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENTS:</b>	Nil

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**1. SUMMARY OF REPORT:**

- 1.1 Council's Audit and Risk Committee comprises three independent members and two Councillors, Cr Carly Moore and Cr Karen Sherry.
- 1.2 Ms Claire Filson's term as independent member of the Audit and Risk Committee will finish in April 2021 and the process to appoint a replacement has been finalised.
- 1.3 This report proposes the appointment of Ms Jenny Johanson as an independent member of the Audit and Risk Committee.

**2. RECOMMENDATION:**

- 2.1 That Ms Jenny Johanson be appointed to the role of independent member of the Audit and Risk Committee for an initial period of four years, up to a maximum of eight years in accordance with the Audit and Risk Committee Charter.**
- 2.2 That the Mayor, Cr Joseph Haweil, formally write to Ms Jenny Johanson offering her the position.**
- 2.3 That the Director Corporate Services write to all applicants advising them of the decision, following acceptance to the position by Ms Johanson.**

**3. FINANCIAL IMPLICATIONS:**

In accordance with the Audit and Risk Committee Charter, the Chair of the Audit and Risk Committee is paid \$9,250 per annum and each independent member is paid \$7,400 per annum.

**4. DISCUSSION:**

- 4.1 Council's Audit and Risk Committee plays a pivotal role in the overall corporate governance of Council. Independent members provide specialist advice on matters relating to financial control, risk management governance and financial statement preparation.
- 4.2 As part of their role, independent members bring expertise in corporate matters and provide an objective, arm's length oversight of Council's operations.
- 4.3 Advertisements to attract potential applicants were placed on the Australian Institute of Company Directors (AICD) and LinkedIn websites for a period of approximately three weeks closing on 15 February 2021.
- 4.4 Forty-one applications were received and interviews were conducted with four applicants.

**REPORT NO: GE506 (cont.)**

- 4.5 The interview panel comprised of the Mayor Cr Joseph Haweil, one independent member being the new Chair, Mr David Nairn and the Acting Director Corporate Services, Mr Gavan O’Keefe.
- 4.6 The interview panel unanimously decided that Ms Jenny Johanson should be recommended for appointed as the independent member of Council’s Audit and Risk Committee. Ms Johanson brings with her a breadth of knowledge and experience having a background in audit, risk management, and compliance.

**5. CONCLUSION:**

A strong field of applications was received for the position of independent member of the Audit and Risk Committee and following a rigorous selection and interview process it is recommended that Ms Jenny Johanson be appointed to the role.

<b>REPORT NO:</b>	GE507
<b>REPORT TITLE:</b>	Correspondence received from or sent to Government Ministers or Members of Parliament - February 2021
<b>SOURCE:</b>	Yuri Guzman, Manager Information and Technology Paul White, Coordinator Knowledge Management
<b>DIVISION:</b>	Corporate Services
<b>FILE NO:</b>	HCC04/13
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs.
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>Donnybrook Road and Mitchell Street Roundabout</i></li><li>2. <i>Victoria's Big Build Strategy</i></li><li>3. <i>Maintenance of Macedon Street Sunbury</i></li><li>4. <i>Local Government Mayoral Advisory Panel</i></li><li>5. <i>Mental Health Royal Commission</i></li><li>6. <i>Grant / Funding Opportunities</i></li></ol>

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**1. SUMMARY OF REPORT:**

This report presents a summary of correspondence relating to Council resolutions or correspondence that is considered to be of interest to Councillors received from or sent to State and Federal Government Ministers and Members of Parliament.

**2. RECOMMENDATION:**

**That Council notes this report on correspondence received from or sent to Government Ministers or Members of Parliament.**

**3. DISCUSSION:**

There is a range of correspondence sent to or received from State and Federal Government Ministers and Members of Parliament during the normal course of Council's operations. Correspondence of this nature registered in Council's record keeping system during February 2021 is summarised below:

Table 1 Correspondence in relation to general business items from Council meetings

Table 2 Correspondence that may be of interest to Councillors

Table 3 Correspondence in relation to grant / funding opportunities from State and Commonwealth government.

Copies of the documents are provided as attachments to this report.

**REPORT NO: GE507 (cont.)**

<b>Table 1 - Correspondence in relation to Council General Business Items</b>						
<b>Direction</b>	<b>Subject</b>	<b>Minister or Member of Parliament</b>	<b>Date received / sent</b>	<b>Responsible officer</b>	<b>Council Minute ref</b>	<b>Attachment</b>
Outwards	GENERAL BUSINESS - Donnybrook Road and Mitchell Street Kalkallo Roundabout	Member for Yuroke	5/02/2021	Manager Strategic Planning	MOR035	1
Outwards	GENERAL BUSINESS - Victoria's Big Build Strategy in Broadmeadows and Surrounds	Minister for Planning & Housing Member for Broadmeadows		Manager Urban & Open Space Planning	SHE045	2
Outwards	GENERAL BUSINESS - Request for Urgent Maintenance on Macedon Street	Minister for Roads and Road Safety	23/02/2021	Manager Assets	MED288	3

<b>Table 2 – General correspondence that may be of interest to Councillors</b>						
	<b>Subject</b>	<b>Minister or Member of Parliament</b>	<b>Date received / sent</b>	<b>Responsible officer</b>	<b>Council Minute ref</b>	<b>Attachment</b>
Inwards	Expressions of Interest for the Local Government Mayoral Advisory Panel (LGMAP) for 2021	Minister for Local Government	4/2/2021	CEO		4
Inwards	Date set for Mental Health Royal Commission Final Report - 2/03/2021	Member for Yuroke	23/02/2021	Manager Health & Community Wellbeing		5

<b>Table 3 – Correspondence in relation to grant / funding opportunities</b>						
	<b>Subject</b>	<b>Minister or Member of Parliament</b>	<b>Date received / sent</b>	<b>Responsible officer</b>	<b>Council Minute ref</b>	<b>Attachment</b>
Inwards	Growing Suburbs Fund applications closing 10 March 2021	Member for Yuroke	2/02/2021	Coordinator Grants		6
	Local Councils Outdoor Eating and Entertainment Package in 2020-21	Minister for Local Government	4/02/2021			
	Growing Suburbs Fund	Member for Sunbury	5/02/2021			
	Local Sports Infrastructure Fund	Member for Yuroke	12/02/2021			
	Support for Businesses Impacted by Circuit-Breaker Action	Member for Yuroke	23/02/2021			

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM21/21)  
Enquiries: Andrew Johnson  
Telephone:

1079 PASCOE VALE ROAD  
BROADMEADOWS  
VICTORIA 3047

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Monday, 15 February 2021

Mr Paul Younis  
Secretary  
Department of Transport  
1 Spring Street  
MELBOURNE VIC 3000

Dear Mr Younis

**RE: DONNYBROOK ROAD AND MITCHELL STREET - KALKALLO  
ROUNDAABOUT**

Hume City Council at its meeting of 8 February 2021 resolved:

*“That Council, through the Mayor, writes to the Department of Transport to bring to their attention the excessive and unacceptable wait times endured by Hume residents living in Kalkallo who use the roundabout at the intersection of Donnybrook Road and Mitchell Street to exit their estate.”*

Council is aware of significant traffic delays accessing Donnybrook Road from the Cloverton estate in Kalkallo. Residents have reported long queues along Dwyer Street when accessing the signalised intersection at Donnybrook Road.

Council officers with Stockland (the Developer of the Cloverton Estate) have investigated the cause of the delays and identified that the Department of Transport managed roundabout at Donnybrook Road and Mitchell Street is the cause of the problem.

Traffic from the west of the Hume Freeway has priority at the roundabout and is restricting the flow of traffic along Donnybrook Road to the east and is consequently causing congestion on Dwyer Street.

It is possible that congestion on Mickleham Road to the east is also causing greater traffic from the Merrifield West Precinct seeking to travel south along the Hume Freeway.

The traffic problems on Dwyer Street highlights the need for significant upgrades to the state road network in the northern growth corridor, importantly the upgrade of Mickleham Road from Donnybrook Road to Somerton Road, as well as Donnybrook Road east of the Hume Freeway.

.../2

- 2 -

Council requests the Department of Transport to review the current road network in this part of Kalkallo and advise Council of what actions will be undertaken to improve traffic flow along Donnybrook Road between the Hume Freeway and Dwyer Street and identify when these actions will occur.

In the short term, Council also requests the Department of Transport to make urgent rectifications to the Mitchell Street and Donnybrook Road roundabout that gives greater priority to traffic from the east.

Should you require further information in relation to this matter, please contact Mr Andrew Johnson, Manager Strategic Planning on .

Yours sincerely

A handwritten signature in black ink that reads "Joseph Haweil". The signature is written in a cursive style with a large initial 'J'.

**CR JOSEPH HAWEIL  
MAYOR**

– OFFICE OF THE MAYOR –



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Our File: HCC16/907 (HCC-CM21/31)  
Enquiries: Greg McLaren  
Telephone:

Monday, 22 February 2021

Mr Ben Rimmer  
Chief Executive Officer  
Homes Victoria  
50 Lonsdale Street  
MELBOURNE VIC 3000

Dear Mr Rimmer

**RE: PUBLIC HOUSING RENEWAL**

Hume City Council at its meeting of 8 February 2021 resolved:

*“That Council write to the CEO of Homes Victoria, Mr Ben Rimmer, requesting that they present to Council at a Strategy and Policy briefing on their plans for redevelopment of their public housing properties in Broadmeadows and surrounds as part of Victoria’s Big Build. Could this correspondence please also be cc’d to Ella Adams, Principal Project Manager, Homes Victoria, The Hon Richard Wynne MP, Minister for Planning and Housing and Mr Frank McGuire MP, Member for Broadmeadows.”*

Over a number of years, Council and the State Government have collaborated on the revitalisation of Broadmeadows resulting in significant public and private sector investment. Unfortunately, the renewal of public housing has not kept pace with other improvements and a large proportion of older public housing in Broadmeadows and southern Hume is reaching the end of its serviceable life. These homes meet neither modern standards, or community expectations for diverse, sustainable and affordable to run housing.

On this basis, Council has a strong expectation that public housing in Broadmeadows and southern Hume will be prioritised in the first tranche of projects under government’s \$5.3 billion social housing blitz.

Noting discussion is in progress between Hume City Council and Homes Victoria on public housing renewal opportunities in Broadmeadows and more specifically the 8-hectare Banksia Gardens site, Councillors have yet to receive advice on specific projects and projected delivery timeframes for housing renewal to be undertaken taking into account the government’s new funding streams. Council is therefore only in receipt of government announcements which suggest renewal projects outside of this municipality are being prioritised.

.../2

– 2 –

This is disappointing when renewal of the Banksia Gardens strategic site was acknowledged as a priority action in the Broadmeadows Revitalisation Board advice to state government in August 2018. This report noted redevelopment offered opportunities to improve the urban and built form of this ageing estate, introducing a mix of public and private housing and public spaces, thereby delivering improved social outcomes. Fiona Williams represented Homes Victoria on the Board.

I therefore invite you to present at a future Strategy and Policy Briefing of Council on Homes Victoria's plans for renewal of public housing in Broadmeadows and southern Hume, and the opportunities offered by the Government's Housing Big Build project.

Please contact Ms Julie Schultz, PA to the Director Planning and Development by email to find a convenient time for you and your team to attend a Strategy and Policy Briefing of Council.

Yours sincerely



**CR JOSEPH HAWEIL  
MAYOR**

cc: The Hon Richard Wynne MP, Minister for Planning and Housing  
Mr Frank McGuire MP, State Member for Broadmeadows  
Mr Nick Mann, Director - Planning and Pipeline Development, Homes Victoria  
Ms Ella Adams, Principal Project Manager - Priority Projects, Homes Victoria

– OFFICE OF THE MAYOR –



Our File: HCC18/447 (HCC-CM21/35)  
Enquiries: David Fricke  
Telephone:

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VICTORIA 3047

Postal Address:  
PO BOX 119  
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Telephone: 03 9205 2200  
Facsimile: 03 9309 0109  
www.hume.vic.gov.au

Monday, 15 February 2021

The Hon Ben Carroll MP  
Minister for Roads and Road Safety  
Level 20, 1 Spring Street  
MELBOURNE VIC 3000

Dear Minister

**RE: MACEDON STREET ROAD SURFACING, SUNBURY**

Hume City Council at its meeting on 8 February 2021 resolved:

*“That Council write to the Minister for Roads and the Department of Transport (formerly VicRoads) and demand that maintenance work be gazetted urgently to upgrade the deplorable condition of Macedon Street.”*

Council has written several times to the Department of Transport regarding concerns with the condition of Macedon Street, including in September and December 2019, May 2020 and September 2020.

Council is not satisfied with previous responses and seeks urgent attention for Macedon Street. Following recent maintenance, the road remains in a condition that Council finds unacceptable and it continues to deteriorate even further.

Council urges you to reconsider previous advice and to urgently address the poor condition of Macedon Street.

Should you require any further information in relation to this matter, please contact Mr David Fricke, Manager Assets on .

Yours sincerely

A handwritten signature in black ink that reads 'Joseph Haweil'.

**CR JOSEPH HAWEIL  
MAYOR**

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The Hon Shaun Leane MP

Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans

121 Exhibition Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 2240  
DX 210074

Ref: LG/01/3346

Cr Joseph Haweil  
Mayor  
Hume City Council  
PO Box 119  
DALLAS VIC 3047

Dear Mayor

Congratulations on your recent election as both councillor and Mayor. It is a privilege to serve our communities as elected representatives, and I look forward to working with you over the coming years.

I am writing to invite Expressions of Interest for the Local Government Mayoral Advisory Panel (LGMAP) for 2021. The panel will advise me on a range of legislative, regulatory, strategic and policy decisions which impact the local government sector.

This year, I would like to hear from panel members about key issues affecting the local government sector. I am keen for members to lead discussions on topics of interest and present options for policy and programs responses that have or will be implemented by their council and/or region. Your presentation topics will be canvassed as part of the EOI process.

The LGMAP members will be appointed to serve until 20 October 2021 in their individual capacity and not as representatives of a council or council grouping.

To ensure a diverse range of views, the selection of members will seek to achieve a balance in gender representation and a diversity of experiences and expertise. Appointments will also take into consideration existing participation in other committees and representation of constituencies to government.



It is my intent to have at least one mayor from each of the following council groupings:

- metropolitan councils
- interface councils
- regional city councils
- large shire councils
- small shire councils.

I would like the LGMAP to meet four times in 2021. It is likely that the meetings will be from 12.30pm to 3.30pm, on 21 April, 2 June, 28 July and 8 September. These dates may be subject to change during the year.

A copy of the 2021 LGMAP Terms of Reference is attached for your information.

I encourage you to consider submitting your expression of interest to join the 2021 panel. Should you be interested in seeking appointment to the panel, please complete the attached expression of interest form and provide a copy of your CV. The form and your CV should be emailed to the LGMAP Secretariat at [LGV-LGMAP-Secretariat@ecodev.vic.gov.au](mailto:LGV-LGMAP-Secretariat@ecodev.vic.gov.au) by Sunday 28 February 2021.

If you require further information, please contact the LGMAP Secretariat (Local Government Victoria) by email on [LGV-LGMAP-Secretariat@ecodev.vic.gov.au](mailto:LGV-LGMAP-Secretariat@ecodev.vic.gov.au).

I look forward to considering your application.

Yours sincerely



**The Hon Shaun Leane MP**  
**Minister for Local Government**  
**Minister for Suburban Development**  
**Minister for Veterans**

Date: 3/02/2021

Enc.

# Ros Spence MP

STATE MEMBER FOR YUROKE



Cr Joseph Haweil  
Mayor  
Hume City Council  
PO Box 119  
DALLAS VIC 3047

Dear Mayor *Joseph*

## Date set for Mental Health Royal Commission Final Report

I am writing to inform you that the Victorian Government has set a date for the tabling of the Royal Commission into Victoria's Mental Health System – March 2, 2021.

To acknowledge the seriousness of this Report, it will be tabled during a joint sitting of the Victorian Parliament at the Royal Exhibition Building.

We will hear from the Chair, Penny Armytage AM, Professor Patrick McGorry AO and a member of the community with lived experience of mental illness.

This Report will have implications for all levels of government as we strive to deliver the best possible mental health system for all Victorians.

Too many people have fallen through the cracks too many times, and by implementing each and every one of the recommendations made by the Report, we will save lives.

Should you require further information regarding the report following its tabling at the joint session, please do not hesitate to get in touch.

Regards

The Hon Ros Spence MP  
State Member for Yuroke  
Minister for Multicultural Affairs  
Minister for Community Sport  
Minister for Youth

*20/2* / 2021

CC: Aitken & Meadow Valley Councillors

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# Ros Spence MP

STATE MEMBER FOR YUROKE



Cr Joseph Haweil  
Mayor – Hume City Council  
PO Box 119  
Dallas Vic 3047

Dear Mayor *Joseph*

## Growing Suburbs Fund

I am writing regarding the Growing Suburbs Fund (GSF) with applications closing on 10 March 2021.

As you are aware, the GSF helps deliver critical community infrastructure to areas of Melbourne that are experiencing rapid growth.

We can see the result of some of those investments in the Yuroke community through the DS Aitken Reserve Skate Park Upgrade, Kalkallo North Community Reserve Playspace, the Cloverton Recreation Reserve Pavilion, and other projects. These facilities are serving our growing community and I am delighted the Victorian Government was able to assist in getting them done.

Should Hume choose to make an application under the GSF for other projects that would benefit our community, I would welcome the opportunity to offer my support.

Should you require further information, please visit <https://www.localgovernment.vic.gov.au/grants/growing-suburbs-fund> or contact my office.

Kind regards

**Hon. Ros Spence MP**  
**State Member for Yuroke**  
**Minister for Multicultural Affairs**  
**Minister for Community Sport**  
**Minister for Youth**

*R* / 2021

CC: Aitken Ward Councillors; Meadow Valley Ward Councillors  
Mr Joel Kimber

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The Hon Shaun Leane MP

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Ref: BMIN-2-21-9530

Cr Joseph Haweil  
Mayor  
Hume City Council  
PO Box 119  
DALLAS VIC 3047  
josephh@hume.vic.gov.au

Dear Mayor

I am pleased to announce that the Victorian Government is contributing an additional \$5 million to the *Local Councils Outdoor Eating and Entertainment Package* (LGA Stream) in 2020-21. This funding supports local councils to expand outdoor dining as part of the roadmap to reopening.

The additional \$5 million is committed to a second, new competitive grants round to support eligible local councils facing significant and unique challenges to access additional financial support in recovering from coronavirus (COVID-19).

Metropolitan councils (excluding City of Melbourne), regional city councils, and the six peri-urban councils (Bass Coast, Baw Baw, Macedon Ranges, Moorabool, Golden Plains and Surf Coast) are eligible to apply for up to \$500,000 excluding GST.

Applications open on 5 February and close at 2pm on 26 February 2021. The Acting Executive Director, Local Government Victoria, will be in touch with your Chief Executive Officer shortly with further advice on eligibility, program guidelines and the application process.

If you would like further information about the this funding please contact Dan Harper, Senior Manager Resilience and Capability at Local Government Victoria, at [dan.harper@ecodev.vic.gov.au](mailto:dan.harper@ecodev.vic.gov.au).



I thank you and your staff for your ongoing efforts in establishing infrastructure to support outdoor dining as part of Victoria's economic recovery from the coronavirus (COVID-19) pandemic.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shaun Leane', written in a cursive style.

**The Hon Shaun Leane MP**  
**Minister for Local Government**  
**Minister for Suburban Development**  
**Minister for Veterans**

Date: 04/02/2021

Cc Mr Domenic Isola, Chief Executive Officer, Hume City Council

# Josh Bull MP

STATE MEMBER FOR SUNBURY



29 January 2021

Cr Joseph Haweil  
Mayor  
Hume City Council  
PO Box 119  
Dallas VIC 3047



Dear ~~Mayor~~ Joseph,

I write to you regarding the Andrews Labor Governments Growing Suburbs Fund (GSF).

As you will be well aware, the GSF has been used to great advantage in our community since we came to office in November 2014.

The Andrews Labor Government and Hume City Council have partnered on a number of terrific local projects which improve our area and create vital local jobs.

The fund has provided millions of dollars for local projects, including the Sunbury GLC, Sunbury Warm Water Pool, McMahon Reserve Development and Sunbury Lawn Tennis Club.

The guidelines for the second funding round for the GSF have now been released.

The *Victorian Budget 2020-21* allocated a further \$50 million to GSF bringing the total investment in 2020-21 to \$75 million. This investment will continue to support councils in the delivery of local infrastructure projects and community facilities.

Interface and peri-urban councils are eligible to apply for funding to bring forward critical infrastructure projects as well as to boost the local economy and support tradespeople, businesses and suppliers.

The attached Guidelines outline how councils can apply for funding, including the program objectives, assessment criteria and application process.

I would also like to put on record my thanks to Deputy Mayor Medcraft and Cr Bell who have reached out to discuss local projects in Jacksons Creek Ward and I note their sustained and positive advocacy for our community.

**OFFICE:** Shop 4, 33-35 Macedon Street Sunbury 3429  
**POSTAL:** PO Box 635, Sunbury 3429  
**P:** 9740 4091 **F:** 9740 4978 **E:** josh.bull@parliament.vic.gov.au



# Josh Bull MP

STATE MEMBER FOR SUNBURY



I urge the Council to consider the needs of our local community when determining which projects to apply for.

The Fund provides an important opportunity to continue to get things done – something we should all be driven to do.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Josh Bull", written over a white background.

**Josh Bull MP**  
**State Member for Sunbury**  
**Parliamentary Secretary for Multicultural Affairs**  
**Parliamentary Secretary for Youth**

**OFFICE:** Shop 4, 33-35 Macedon Street Sunbury 3429  
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# Ros Spence MP

STATE MEMBER FOR YUROKE



Cr Joseph Haweil  
Mayor - Hume City Council  
PO Box 119  
DALLAS VIC 3047

Dear Mayor,

## Local Sports Infrastructure Fund

I am writing to let Hume City Council know that applications are now open for the Andrews Labor Government's Local Sports Infrastructure Fund, with grants on offer to help support grassroots sports.

There is a range of opportunities available across five funding streams:

- Better Indoor Stadiums
- Female Friendly Facilities
- Community Sports Lighting
- Facilities for Active Seniors
- Scoreboards and Fixed Infrastructure.

The funding will boost wellbeing and support participation through the development of high-quality, accessible sport and active recreation infrastructure.

I encourage Council to work with local clubs to ensure that our community benefits from this important program. Applications will close on March 22.

For more details, please visit <https://sport.vic.gov.au/> or contact me directly at [ros.spence@parliament.vic.gov.au](mailto:ros.spence@parliament.vic.gov.au).

Kind regards,

**The Hon. Ros Spence MP**  
**State Member for Yuroke**  
**Minister for Multicultural Affairs**  
**Minister for Community Sport**  
**Minister for Youth**

11 / 2 / 2021

CC: *Aitken & Meadow Valley Ward Councillors*  
*Mr Joel Kimber*

**OFFICE:** Shop D00-02B Craigieburn Central Shopping Centre  
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# Ros Spence MP

STATE MEMBER FOR YUROKE



Cr Joseph Haweil  
 Mayor  
 Hume City Council  
 PO Box 119  
 DALLAS VIC 3047

Dear Mayor 

**Support for Businesses Impacted by Circuit-Breaker Action**

I am writing to inform you that the Andrews Labor Government has launched a \$143 million support package to assist businesses that were affected by the 5-day circuit-breaker action.

This assistance is expected to help more than 50,000 businesses that incurred costs such as the loss of perishable goods, foregone trading, and cancelled gigs. The package contains four initiatives that are targeted at businesses including small and micro businesses.

- The \$92 million **Business Costs Assistance Program** offers grants of \$2,000 for eligible businesses in hospitality, food wholesaling, tourism and selected retail industries.
- A \$24.9 million injection to the **Licensed Hospitality Venue Fund** will give previous recipients of this grant an automatic one-off \$3,000 per premises payment.
- The \$16.2 million **Victorian Accommodation Support Program** recognises the impact on accommodation providers with grants of up to \$4,500 available.
- \$10 million **Regional and Melbourne Travel Voucher Scheme**: new travel vouchers for metropolitan Melbourne and more for regional Victoria.

There are many local businesses we love in Hume, and it is my hope that these support measures support as many of them as possible so that they can continue doing what they do best. For businesses that may require more information, please visit <https://www.business.vic.gov.au>.

Kind regards



**The Hon. Ros Spence MP**  
 State Member for Yuroke  
 Minister for Multicultural Affairs  
 Minister for Community Sport  
 Minister for Youth

 / 2021

CC: Aitken & Meadow Valley Ward Councillors

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