



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:

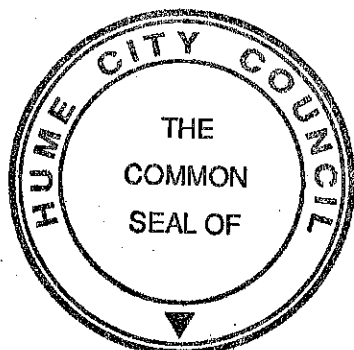
1. this Instrument of Delegation is authorised by a resolution of Council passed on 22/03/2021.
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in Schedule 1;
 - 2.3 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.

THE COMMON SEAL of HUME CITY COUNCIL

was hereto affixed on the 24 March 2021 in the presence of

COUNCILLOR

CHIEF EXECUTIVE OFFICER



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;
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.

| FOOD ACT 1984 | | |
|----------------------|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| s.38(3) | power to exempt any food premises or class of food premises from registration with the council. | |

| LOCAL GOVERNMENT ACT 1989 | | |
|----------------------------------|---|--|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| 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 | |

| LOCAL GOVERNMENT ACT 2020 | | |
|----------------------------------|---|---|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| 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. |

| PLANNING AND ENVIRONMENT ACT 1987 | | |
|--|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| 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 | |

| PLANNING AND ENVIRONMENT ACT 1987 | | |
|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| 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 | |

| ROAD MANAGEMENT ACT 2004 | | |
|---------------------------------|---|--|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| 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 | |

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

| WATER ACT 1989 | | |
|-----------------------|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 |
| PROVISION | POWER | CONDITIONS & LIMITATIONS |
| s.179 | power to submit a proposal to the Minister for declaration of a sewerage district | |