



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 7 APRIL 2020**

**AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
at 7.30pm**

*"The primary object of a Council  
is to endeavour to achieve  
the best outcomes for the local community  
having regard to the  
long term and cumulative effects of decisions."*

- s3c(1) Local Government Act

**Councillors:**

The Mayor, Councillor Margaret Esakoff  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt

**Chief Executive Officer:** Rebecca McKenzie





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**1. ACKNOWLEDGEMENT**

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

**2. APOLOGIES**

**3. REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA**

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS**

Copies of Minutes previously circulated.

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 17 March 2020 be confirmed.

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

**6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**



**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY****7.1 Advisory Committees****7.1.1 ADVISORY COMMITTEE MINUTES**

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 20/165625

**Attachments:** 1. Minutes - Sustainability Advisory Committee - 6 February 2020 [↓](#)  
2. Recreation and Leisure Advisory Committee Meeting Minutes 18022020  
[↓](#)  
3. Community Grants Advisory Committee Minutes - 24 March 2020 [↓](#)

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**RECOMMENDATION**

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendations of these Committees be adopted.

1. Sustainability Advisory Committee Meeting Minutes – 6 February 2020
2. Recreation and Leisure Advisory Committee Meeting Minutes – 18 February 2020
3. Community Grants Advisory Committee Meeting Minutes – 24 March 2020

**SUSTAINABILITY ADVISORY COMMITTEE MINUTES**

Thursday 6 February 2020, 6.30pm - 8.00pm

Rippon Lea Room, Glen Eira Town Hall



<b>Attendees</b>	<b>Councillors</b> Cr Tony Athanasopoulos (TA) Cr Dan Sztrajt (DS) <b>Council Staff</b> Samantha Krull, Director Environment and Infrastructure (SK) Glenn Greetham, Manager Parks and Environment (GG) Andriana Kursar, A/Coordinator Sustainability (AK) <b>Community Representatives</b> Kim Sullivan (KS) Malcolm Dow (MD) Dr. Susie Moloney (SM) Thirumagal Arunachalam-Elanthendral (TA)
<b>Apologies</b>	Cr Clare Davey (CD) Kim Sullivan (KS)

**1. Welcome and declaration of conflicts of interest**

- None declared.

**2. Previous minutes**

- Minutes endorsed at 17 December 2019 Ordinary Council Meeting.

**3. Summary of previous SAC recommendations/actions**

- The SAC actions and recommendations from the last three meetings were presented.
- Eight recommendations/actions were complete, four were in progress and one was incomplete. The incomplete action was the RMIT report around legal implications for state government in adapting to climate change.

#### 4. Updates

##### **Nomination of new community representatives**

- The term of the current community representatives expires in May 2020. The last SAC meeting for the current community representatives will be 7 May 2020.
- Applications for new community representatives will take place between 17 February and 31 March 2020. The applications will be assessed in April and a report recommending the new community representatives will be presented at the Ordinary Council Meeting on 19 May 2020.
- Existing community representatives are able to apply.

##### **Carbon emissions profiling**

- The profile of corporate and community carbon emissions was presented.
- Reports are currently being prepared by Council officers to an Assembly Meeting on 24 March 2020 and Ordinary Council Meeting on 28 April 2020 on the implications and approaches of Council declaring a climate emergency.
- The Power Purchase Agreement (PPA) will decrease corporate carbon emissions by three-quarters.
- More than half (60 per cent) of the community's emissions come from electricity. SAC discussed that offering Solar Savers through the special rates charge would be a very effective way to reduce the community's carbon emissions.

##### **Community education**

- From 17 to 29 November 2019, a total of 117 people attended a sustainability event.
- Ten events and workshops will be held between February and May 2020.
- There is a high level of online engagement via the Sustainable living in Glen Eira and Glen Eira City Council Facebook pages and three e-newsletters.
- In relation to Facebook, since October 2019 we have seen a 300% increase in the number of people engaged and a 250% increase in the number of people reached.
- The most popular Facebook posts were a humorous post about bees, a call to start a new Love Our Street group, the launch of online nature strip planting permits, a Plastic free Elsternwick Trial update and the Target 155 water-efficiency campaign.

#### 5. Workshop

- SAC members shared their thoughts and ideas around the development of Council's next Environment Sustainability Strategy (ESS) which is due to reach the end of its initial term on June 2021. This discussion also included the potential of Council

declaring a climate emergency in April and subsequent development of a Climate Emergency Action Plan.

- The SAC discussed the use of the terms zero net emissions and carbon neutrality and how these are used interchangeably.
- The SAC discussed Darebin Council and Melbourne City Council's targets of carbon neutrality by 2020, particularly around how community carbon neutrality will be achieved.
- DS talked about the potential risk that declaring a climate emergency would become a political rather than an environmental argument.
- SM talked about the importance of ensuring a top-down approach if Council determines to declare a climate emergency.
- The SAC discussed the advantages and disadvantages of Council declaring a climate emergency.
- SM talked about the importance of including climate adaptation in the narrative of climate action.

Actions/recommendations:

- *Incorporate the feedback received in the workshop in the report to the Assembly Meeting on 24 March 2020 and Ordinary Council Meeting on 28 April 2020 on the implications and approaches of Council declaring a climate emergency.*
- *SAC to provide further feedback on the workshop outcomes at its next meeting on 7 May 2020.*

**6. Future meeting schedule**

Actions/recommendations:

- *Next SAC meeting to be held on Thursday 7 May 2020.*

**Meeting concluded at 8.11pm.**



**RECREATION & LEISURE ADVISORY COMMITTEE****Meeting Minutes**

Tuesday 18 February 2020 - 5:00pm

Rippon Lea Room, Glen Eira Town Hall



<b>Invitees</b>	<p><b>Councillors</b>            Cr Mary Delahunty (MD) - Chair            Cr Tony Athanasopoulos (TA)            Cr Jamie Hyams (JH)            Cr Anne-Marie Cade (AMC)</p> <p><b>Council Staff</b>            Samantha Krull, Director Environment and Infrastructure, (DEI)            Andrew Barden, Manager, Recreation &amp; Open Space (MRO)            Susan Cannell, Recreation Development Coordinator (RDC)</p>
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**Item****1. Welcome / Apologies / Conflict of Interest / Appointment of Chair**

- 1.1. Meeting opened at 5:10pm
  - 1.1.1. MD joined the meeting via teleconference
  - 1.1.2. Opening of meeting chaired by TA
- 1.2. Apologies - none
- 1.3. No conflict of interest declared
- 1.4. Appointment of new Chair – Mary Delahunty
  - Cr Mary Delahunty nominated by JH, seconded by TA, unanimous.
  - 1.4.1. TA chaired the meeting in place of MD

**2. Minutes 3 September 2019 and Business Arising**

- 2.1. Previous meeting minutes were adopted at the Council meeting dated 16 October 2019.
- 2.2. No business arising.

**3. Recreation and Open Space Matters for Discussion****3.1. Murrumbeena Community Hub**

Discussion with an update on the current designs prepared for the Murrumbeena Community Hub in Murrumbeena Park. The discussion included the external renders and internal floor plans.

- 3.1.1. MRO outlined that there were no significant changes to the design from what was previously presented to Councillors. MRO advised that officers had requested the architect to amend the external façade colours.
- 3.1.2. It was agreed that officers would prepare a Current Issue for Friday 21 February 2020 to inform other Councillors and that the designs would be sent to the tenant sporting clubs, be discussed at the Reserve Advisory Committee meeting to be held on Wednesday 4 March 2020 (which includes a community representative) and other stakeholder community groups for feedback.
- 3.1.3. TA requested that shadowing diagrams be included in future detailed drawings.
- 3.1.4. JH suggested the images of the cricketers on the oval as presented in the renders should be amended to better reflect cricket practices.

**ACTION: Prepare Current Issue for Councillors and undertake further discussion with tenant sporting clubs, community groups and the Reserve Advisory Committee to seek feedback.**

3.2. Covering sports facilities – Bowls clubs shade structures

Discussion to seek direction on installation of fixed structures over sports facilities located on Council land.

- 3.2.1. MRO advised that officers have received a request from Armadale Bowls Club to construct a roof over their bowling greens. This request follows the recent sale of the Southern Indoor Bowls Club (which the Armadale Bowls Club, as well as all Glen Eira clubs, will benefit from the proceeds of the sale)
- 3.2.2. MRO noted that the shelters would be required to go through the standard planning process; and that bowls clubs would be required to fund the construction, ongoing maintenance and future replacement of the roof.
- 3.2.3. Discussion ensued about the positives of providing a roof cover, but also acknowledged the negative aspects, particularly as most bowls clubs are located within residential areas. It was also identified that each club with regard to their geographical location, financial status, requirements, etc., is very different. MD requested further information regarding impacts of the roof structures, including size, space, shadowing, noise, etc.

**ACTION: TA suggested presenting the club request, with additional advice regarding impacts, at an Assembly meeting. JH asked that landlord consent options, outcomes determined on a case by case basis and the planning process be included in the report.**

**ACTION: Officers to prepare report for Assembly meeting.**

3.3. User Fees and Charges – sportsground hire for Glen Eira schools

- 3.3.1. MRO stated the current charges for sportsground hire for Glen Eira schools, is currently set at \$50 per term per school, regardless of frequency of use. Some schools had bookings five days a week, every week of term. Officers have undertaken benchmarking exercises to: identify frequency of use between different schools within Glen Eira and compared costs for school use applied by neighbouring councils.
- 3.3.2. General discussion identified that the current charge is minimal and consideration could be given to increasing this fee. Some exploration could be given to not making this a set fee, and rather a 'pay-per-use' fee. MRO advised that any fee increase would not be for 2020/21.
- 3.3.3. MD requested further information on the purpose of exploring this issue. DEI indicated that it related to a number of factors, including financial (i.e. cost recovery, maintenance costs), maintenance requirements, condition of grounds, extent of use, equity of access for other community groups and residents.
- 3.3.4. TA suggested reconsidering joint use agreements with schools.

**ACTION: TA requested officers prepare a discussion paper for a future Recreation and Leisure Advisory Committee meeting prior to an Assembly meeting. MD supported this recommendation.**

4. General Business

4.1. Sports Club and Association allocation timeframes

MRO advised that officers have received requests to extend sportsground and facility bookings from some clubs and associations to extend a six month allocation as per the *The Community Sport – Management of Grounds Policy* to a more long term allocation or lease arrangement.

**ACTION: Officers to review The Community Sport – Management of Grounds Policy and present recommendations at a future Recreation and Leisure Advisory Committee meeting.**

4.2. Dog off-leash review update and key points

- 4.2.1. RDC provided an update on the dog off-leash review, indicating that much positive feedback had been received with regard to the provision and use of off-leash areas, including the proposed changes.

**ACTION: Dog off-leash review and report following community consultation to go to Assembly meeting prior to Ordinary Council Meeting.**

4.3. Carnegie Swim Centre Update

This was listed on the agenda for this meeting, however was deferred for discussion at the Assembly meeting following this meeting. This item was not discussed.

**5. Future Meeting Items**

- 5.1. Guidelines for elite junior and senior sporting clubs/events.

**ACTION: Councillors to provide suggestions for future meetings to officers**

**6. Next meeting Tuesday 26 May 2020 at 5pm**

Meeting closed at 5:51pm



**COMMUNITY GRANTS ADVISORY COMMITTEE MEETING**  
**Minutes**

**Tuesday 24 March 2020**  
**5.30 pm**

**Ogaki Room**

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**Purpose:**

To support not-for-profit community-based organisations and groups to carry out projects and activities that contribute to the liveability, accessibility, health and safety of Glen Eira.

**Aims:**

- Strengthen community connections and collaborations;
  - Develop an accessible and inclusive community;
  - Encourage community initiatives that promote self-sufficiency, innovation and respond to community needs;
  - Help strengthen community capacity to plan and implement services;
  - Support celebration and participation in community life; and
  - Fund projects that deliver meaningful social impact.
- 

**Assembly of Councillors Record**

Meeting opened at 5.30pm

**1. Present**

Cr Dan Sztrajt (Chair)  
Cr Anne-Marie Cade (by phone)  
Peter Jones - Director Community Wellbeing

**Apologies**

Cr Claire Davey

**2. Declaration of conflict of interest**

No declarations of conflict of interest under Section 79 of the Local Government Act were received in relation to grants discussed.

**3. Matters considered**

- Glen Eira Kindergarten Association
- Request for extension/variation to Grants as a result of cancellation/postponement of events.
- Delegation to the Director Community Wellbeing
- COVID-19

**4. Glen Eira Kindergarten Association Inc**

Glen Eira Kindergarten Association (GEKA) is provided with funds through a Service Level Agreement (SLA) with Glen Eira Council. The agreement is to deliver projects with member kindergartens to support community building projects and activities that strengthen community connections in Glen Eira.

The 2019-20 annual payment to GEKA of \$33,330 is subject to approval of the proposed expenditure. Three of the proposed funding suggestions made by GEKA were outside of the scope of the SLA as the projects sought capital expenditure or sought to expend funding on staffing.

**Recommendation:** That the Committee recommend Council approves the Glen Eira Kindergarten Association Inc. proposal for allocation of Service Level Agreement funds of \$11,250 for GEKA partnership with *Family Life: "Family Seminar Series and Child safe Community and Body Safety Awareness Training"* facilitated by Body Safety Australia.

Moved: Cr Cade  
Seconded: Cr Sztrajt  
Motion Passed Unanimously

**Action:** GEKA will be asked to resubmit a proposal to expend the remaining funds to align with the use of funds as outlined in the Service Level Agreement.

**5. Requests for extension/variation to Grants as a result of cancellation/postponement of events:**

Nine Community organisations have sought an extension of time to expend their 2019-20 community grant. COVID 19 has prevented many organisations from running events and festivals, conducting education seminars or running community programs. Officers expect that a large number of organisations will seek extensions to spend their grant monies.

***Delegation to the Director Community Wellbeing***

**Recommendation:** That the Committee recommend Council delegate the Director Community Wellbeing to approve variations and extensions of time for 2019-20 approved community grants where groups make application because of delays in activities due to Covid-19 circumstances. This offer of extension to be communicated to all 2019/20 grant recipients

Moved: Cr Sztrajt  
Seconded: Cr Cade  
Motion Passed Unanimously



**6. COVID-19 Support**

The committee discussed options of supporting Community groups to provide aid to vulnerable Glen Eira residents during the COVID 19 pandemic. The Committee noted that the current community grants funding round had commenced but that it may be appropriate for additional grants to be given to organisations whose purpose is to assist vulnerable Glen Eira residents. The Committee also noted that support to community organisations during and after the current pandemic may be required and support could include rent relief or other direct funding to ensure that community organisations remain viable.

<b>Action</b>	<b>Officers to provide a revised approach to Community Grants funding rounds that takes into consideration further support for vulnerable resident and the needs of community groups to remain viable during the COVID-19 pandemic. This report to be provided to the Community Grants Committee prior to Friday 3 April 2020.</b>
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Meeting closed at **6pm**

**7.2 Records of Assembly****7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 20/172046

**Attachments:** 1. 3 March 2020 [↓](#)  
2. 10 March 2020 [↓](#)  
3. 17 March 2020 (Pre-meeting) [↓](#)

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**RECOMMENDATION**

That the Records of the Assemblies as shown below be received and noted.

1. 3 March 2020
2. 10 March 2020
3. 17 March 2020 Pre-meeting

**Assembly of Councillors****3 March 2020****Record under S 80 A (2)****Meeting commenced at 6.48pm****A. Present**

Cr Margaret Esakoff (Mayor)  
Cr Mary Delahunty  
Cr Jamie Hyams  
Cr Joel Silver  
Cr Dan Sztrajt

**Council Officers**

Rebecca McKenzie  
Keith Franklyn  
Peter Jones  
Samantha Krull  
Paul Wood  
Alexandra Fry  
Jeanette Blackwood  
Aidan Mullen

**B. Matters considered.**

1. Apologies – Cr Cade and Cr Magee
2. Hire of Council Venues - Review of Fees and Charges

6.53pm Cr Davey entered the Assembly

3. Safe Cycling Corridor: Evaluation of road scenarios

6.56pm Cr Athanasopoulos entered the Assembly

7.06pm Cr Delahunty left the Assembly

7.50pm Cr Delahunty entered the Assembly

4. Council and Community Plan Commitments 2019-2020

8.09pm Cr Sztrajt left the Assembly

8.11pm Cr Silver left the Assembly and returned at 8.13pm

8.20pm Cr Delahunty left the Assembly

8.34pm - Assembly adjourned



8.44pm - Assembly resumed

**Present**

Cr Margaret Esakoff (Mayor)  
Cr Clare Davey  
Cr Jamie Hyams  
Cr Joel Silver

8.45pm Cr Athanasopoulos entered the Assembly

5. Update on footpath renewal inspection and renewal program

8.50pm Cr Sztrajt entered the Assembly

8.59pm Cr Delahunty entered the Assembly

6. General Business
- i. CEO – Sports Infrastructure Grants.
  - ii. CEO – Parking infringements
  - iii. Acting Director Planning and Place – East Village panel report
  - iv. Acting Director Corporate Services – 290 Hawthorn Rd, Caulfield.
  - v. Cr Hyams - Waste to energy cap.
  - vi. Cr Hyams – Noise complaints after hours.
  - vii. Cr Esakoff – Nature strip tree removal requests
  - viii. Cr Esakoff – Citizenship ceremonies.
  - ix. Cr Silver – Public participation at Council meetings.

**Assembly finished at 10.10pm**

**Assembly of Councillors  
Tuesday 10 March 2020**

**Meeting commenced at 6.45pm**

**A. Present**

Cr Margaret Esakoff, Mayor  
Cr Anne-Marie Cade  
Cr Jamie Hyams  
Cr Joel Silver

**Council Officers**

Rebecca McKenzie, CEO  
Samantha Krull  
Paul Wood  
Keith Franklyn  
Mark Saunders  
John Vastianos  
Karen Oh  
Oliver Vido  
Christy Sermon  
Kate Jewell  
Tom Haysom  
Janice Pouw

**Matters considered**

1. Apologies – Cr Jim Magee, Cr Mary Delahunty
2. Caulfield Station Precinct Structure Plan Update

6.50pm Cr Clare Davey entered the Assembly

3. 2020/21 Draft Capital Works Portfolio

7.10pm Cr Sztrajt entered the Assembly

7.19pm Cr Athanasopoulos entered Assembly

4. General Business  
Chief Executive Officer
  - Parking Infringement update
  - Sports Funding letter

Cr Hyams

- Lighting in Council buildings
- Noise monitoring out of hours

Cr Athanasopoulos

- Signage at temporary bus stops

Acting Director Community Wellbeing

- Update Novel Coronavirus

8.19 pm Assembly adjourned  
8.34 pm Assembly resumed

Cr Margaret Esakoff, Mayor  
Cr Tony Athanasopoulos  
Cr Anne-Marie Cade  
Cr Clare Davey  
Cr Jamie Hyams  
Cr Joel Silver  
Cr Dan Sztrajt

General Business  
Chief Executive Officer – scam circulating re pool cleaning

5. Draft Ordinary Council Meeting Agenda – 17 March 2020
- Item 7.1 – Advisory Committees
  - Item 7.2 – Assemblies of Councillors
  - Item 8.1 – Heather Road – Road Discontinuance Submission Hearing
  - Item 8.2 – VCAT Watch
  - Item 8.3 – Parking Policy
  - Item 8.4 – Heritage Review of 380 Dandenong Road, Caulfield North
  - Item 8.5 – Foundation for Youth Excellence Applications Council  
Recommendations Quarter 1, 2020
  - Item 8.6 – Local Economy and Place Making Action Plan Report

9.07pm Cr Davey left the Assembly and re-entered at 9.10pm

- Item 8.7 – Bluestone Laneway and Kerb and Channel Reconstruction Policy
- Item 8.8 – Authorisations under the Planning and Environment Act
- Item 8.9 – Delegations by Council to Council staff
- Item 8.10 – Financial Management Report for the Period Ending 29 February 2020
- Item 10.1 – Requests for reports from a member of Council staff  
Cr Hyams – Noise monitoring out of hours
- Item 10.3 – Councillor questions  
Cr Silver – Mailout to residents

**Assembly finished at 9.18pm**

**Council Pre-Meeting****17 March 2020****Record under S 80 A (2)****Meeting Commenced at 6.45pm****A. Present**

Cr Margaret Esakoff, Mayor  
Cr Anne-Marie Cade (via telephone)  
Cr Clare Davey  
Cr Jamie Hyams  
Cr Jim Magee  
Cr Joel Silver  
Cr Dan Sztrajt

**Officers**

Rebecca McKenzie – Chief Executive Officer  
Peter Jones  
Samantha Krull  
Paul Wood  
Alan Stone  
Janice Pouw

**B. Matters considered**

1. Apologies - Nil
2. Item 8.5 – Foundation for Youth Excellence Applications Council Recommendations quarter 1, 2020
3. Item 10.1 – Request for reports from a member of Council staff
4. Item 10.3 - Councillor questions
5. Item 10.4 – Public questions to Council
6. General Business

Cr Esakoff  
– Timing of items for Council meeting

6.49pm Cr Tony Athanasopoulos entered the pre-meeting

- Public Participation at Council Meetings
- Citizenship Ceremonies

6.56pm Cr Athanasopoulos left the pre-meeting

- Anzac Day 2020
- Item 8.1 Heather Road – Road Discontinuance Submission Hearing
- Item 8.4 – Heritage Review of 380 Dandenong Road, Caulfield North

6.58pm Cr Athanasopoulos entered the pre-meeting

7.02pm Cr Cade left meeting

- Chief Executive Officer
- COVID-19 update

**Pre-meeting finished at 7.04pm**

**8. OFFICER REPORTS (AS LISTED)****8.1 SUPPORT FOR BUSINESS, RESIDENTS AND COMMUNITY GROUPS DURING COVID-19**

**Author:** Alex Francis Yu, Co-ordinator City Economy and Place Making

**Trim No:** 20/169484

**Attachments:** 1. Glen Eira COVID-19 Business and Community Support Programs [↓](#)

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**PURPOSE AND SUMMARY**

To seek Council's approval of a package of support initiatives for business, residents and community during COVID-19. The initiatives outlined in this report seek to :

- Mitigate the impact of COVID-19 on the health and wellbeing of Glen Eira City Council residents, particularly those more vulnerable, and those already experiencing disadvantage;
- Provide immediate and ongoing support to local businesses currently experience significant impact to business viability; and
- Provide immediate and ongoing support to local community groups and sporting clubs to contribute to their ongoing viability post COVID-19.

**RECOMMENDATION**

That Council :

- Notes that Council officers have already commenced a number of initiatives aimed at supporting community and local businesses respond to COVID-19;
- Authorises the COVID-19 Response and Recovery Package of support initiatives as outlined in Appendix 1 to this report;
- Notes that the indicative value of initiatives outlined in the COVID-19 Response and Recovery Package is \$7.3m, comprising \$2.8m in 2019/2020 financial year and \$4.5m in the 2020/2021 financial year;
- Notes that Council's response to COVID-19 will require a reprioritisation of Council resources, workplan and budgets and that this work is currently underway by Council officers;
- Notes that an update will be provided to the 19 May 2020 Ordinary Council Meeting outlining the progress of the COVID-19 Response and Recovery Package and recommending any further initiatives for Council's consideration.

**BACKGROUND**

The impact of the Coronavirus (COVID-19) outbreak has affected countries globally and has become one of the biggest threats to human life and the global economy ever experienced.

As COVID-19 cases spread across Australia, there is an important role for Local Government to play in supporting community resilience, providing financial relief, and in ensuring that the most vulnerable in our community are protected from further harm.

Local Government is only one tier of government providing support and relief. The Victorian State Government has issued a State Relief Plan, and the Federal Government continues to announce progressive financial relief packages as the pandemic progresses. These

initiatives are focussed not only on immediate response to the pandemic, but also on ensuring that our country and its communities are able to remain strong and sustainable once the pandemic passes.

This package of support initiatives addresses those activities under Council's control and discretion. It seeks to provide immediate relief to those at risk, while establishing a pipeline of support to assist our community to move to recovery at the earliest opportunity. It recognises the critical role that small business, community groups and our sporting clubs play in community cohesion, resilience and connectedness in a time of crisis, and their importance in supporting our community as it moves to recovery.

## **ISSUES AND DISCUSSION**

### ***Principles***

This COVID-19 Response and Recovery Package has been developed based on the following principles The Package should :

- prioritise immediate support and relief to those most vulnerable, and to those already experiencing disadvantage in our community;
- also identify recovery initiatives that will support business and community resilience once COVID-19 has passed;
- address specific gaps in support rather than duplicating or substituting support that should be provided by other levels of Government or other agencies;
- be financially responsible in the context of Council's overall long term financial sustainability;
- not impede Council's ability to deploy its Business Continuity Plan, ensuring that essential services continue uninterrupted during the pandemic;
- be easy to understand and simple to access for those in need;
- be transparent and defensible;
- remain flexible and open to review as the likely duration and impact of the pandemic becomes clearer and as the views and input of key stakeholder groups are sought.

### ***Proposed Initiatives***

The COVID-19 Response and Recovery Package contains initiatives to support residents and ratepayers, businesses, community groups and sporting clubs. Some are already underway, while others will progress subject to Council's endorsement. The initiatives (current and proposed) are outlined in Attachment 1 to this paper.

Package contains a mix of financial concessions and new initiatives. Financial concessions range from the ability to defer rates without penalty interest, waivers to certain fees and charges, rent relief for Council community tenants and sporting clubs, and a number of new grant programs.

New initiatives range from programs to support businesses to adapt and thrive in these changed circumstances, mentoring and mental health programs, increased capacity in services for the vulnerable such as delivered meals and immunisation, relaxation of parking restrictions and a community kindness campaign.

All will be underpinned by comprehensive communications with strong messaging to keep our community informed, up to date, and empowered.

**Resourcing**

The COVID-19 Response and Recovery Package contains a mix of both financial concessions and new initiatives. In the 2019/2020 financial year it will be resourced through re-prioritisation of existing budgets and the re-allocation of resources (staffing and budgetary) from activities now unable to be progressed due to COVID-19. 2020/2021 financial year implications will be reflected in the 2020/2021 Budget when it is considered by Council.

**Next steps**

This paper represents a first-cut package of initiatives to provide immediate relief to residents, businesses, sporting and community groups, and send a clear message of 'we are here to support you' and 'we are all in this together'.

There is an opportunity to mature this approach over the coming weeks through further engagement with the communities of interest that the COVID-19 Response and Recovery Package seeks to support. This will ensure that future investment is aligned to those initiatives that will make most impact in the long term and will be genuinely valued by their target audiences. Discussions have already commenced with Traders' Associations and similar conversations will also be initiated with community and sporting groups. A further paper will be presented to Council with an update on progress and suggestions regarding any additional initiatives in May 2020.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The recommendations are designed to mitigate risks to our community and local economy arising from the impact the pandemic and ensure Council provides an appropriate coordinated response having regard to initiatives from the Victorian State and Federal Governments.

It is important that initiatives implemented by Council in response to COVID-19 are both empathetic and financially responsible. While Council has always enjoyed a sound financial position, we are already experiencing a detrimental impact on previously reliable income streams as a result of the outbreak. Facility closures, changes to programming, reduced revenue and unanticipated increased expenditure will all have an impact on Council's long term financial position and liquidity.

The combined financial value of the COVID-19 Response and Recovery Package (both concessions and new initiatives) is in the range of \$7.3m.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The initiatives outlined in Appendix 1 of this report do not conflict with Council's obligations under the Local Government Act 2020.

**COMMUNICATION AND ENGAGEMENT**

The speed required to respond to COVID-19 means that there has been limited opportunity to consult with residents, businesses and community groups in the preparation of this paper. Council's proposals do however respond to those issues of concern that have been raised with Council through direct correspondence since the pandemic was declared.

The report highlights that further work needs to be done with communities of interest to mature Council's COVID-19 response and recovery initiatives. This will occur over the coming weeks, with a further paper to be considered by Council no later than Tuesday 19 May 2020.

Communication on the initiatives contained in this paper will occur through media releases, social media, Glen Eira News, and direct communication with clubs, community groups and traders' associations. Information will also be published on Council's web site.

### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Three: Safe, Healthy and Inclusive

A strong and safe community that connects people and enhances health and wellbeing.

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision making.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

### **CONCLUSION**

In a time of crisis local government has a critical role in supporting those most vulnerable and in putting in place initiatives to support long term community resilience and recovery. Ideally, response and recovery is a partnership between local, state and federal governments. This interim COVID-19 Response and Recovery Package outlines a responsible package of support for our residents and ratepayers, businesses, community groups and sporting clubs at this difficult time.



## Glen Eira COVID-19 Business and Community Support Programs

<b>Hardship, rates and charges</b>
<p>Approve a financial Hardship policy and application process to provide rates relief for individuals and businesses that have been impacted by the COVID-19 crisis.</p> <p>Key elements include:</p> <ul style="list-style-type: none"><li>• Payment plans tailored to ratepayer needs</li><li>• Reduce interest rates to 0% from 16 March 2020 until 30 June 2021</li><li>• Defer payment of rate debt accumulated from 16 March 2020 and 30 June 2021 for any ratepayer experiencing financial hardship</li><li>• No legal action on overdue rates and charges during the period of the COVID-19 crisis</li></ul>
<b>Business and community grants programs</b>
<p>Small business support grants to assist businesses move online and assist our community during the COVID-19 crisis.</p>
<p>Community Grants Program for not-for-profit and charitable organisations to assist the community during the COVID-19 crisis and to re-establish operations on the other side of the outbreak crisis.</p>
<p>Rent relief for Council Community and some Commercial tenants including those sporting tenants holding a ground lease with Council and waiver of fees for sporting clubs, associations (i.e. netball and SMJFL) for winter season allocation (1 April 2020 to 30 September 2020).</p>

Waive fees for commercial personal trainers in open space from 1 April 2020 to 30 September 2020.
Reduce fees on hiring Council facilities for community use for 3 months after facilities open.
Cease following up unpaid animal registrations until the COVID-19 crisis has passed.
Suspend Food Act and Public Health and Wellbeing Act registrations for 12 months.
<b>Business specific support</b>
Waste fees and charges relief for Bentleigh traders associated with the Bentleigh Laneway project affected by the COVID-19 crisis.
Relaxation of parking restrictions and enforcement for essential goods pick-ups in and around activity centres.
Dedicated webpage to share information and ideas from all businesses who have developed innovative and safe ways to provide goods and services to the community during the Covid-19 crisis.
Series of webinars for local businesses and traders to adapt business operations and maximise opportunities during the COVID-19 crisis.
Expand Business Mentor Partners Program to allow access for all Glen Eira businesses.
Online Portal for businesses to trade skills and resources with other businesses.
Series of business recovery webinars to be delivered through the Zoom online platform that can facilitate participation of up to 300 business at one time.

Community specific support
Relax enforcement of parking infringements whilst people are required to limit time outdoors, work from home and self-isolate.
Telephone support, advice and assistance for residents about positive family relationships and assistance for those experiencing family violence, provided by Maternal and Child Health Services.
Development of a plan to support community volunteers and community organisations to stay connected and assist the community during the COVID-19 crisis.
Support program for Rooming House operators and residents to prevent the spread of COVID-19
<i>Social Distancing Support Program</i> for young people, providing telephone support to young people in crisis.
Increase capacity of Council's Delivered Meals Program and work in partnership with Foodbank Victoria and the Red Cross to address food security issues for vulnerable residents
<i>Community Kindness Campaign</i> to enable safe and effective ways to create and strengthen community connections, to lift community spirits and reduce the negative social and mental health impacts of isolation during the COVID-19 crisis.
Increase community immunisation sessions to increase take-up of flu-vaccines to build community resilience to illness.
Promotional campaign for sporting clubs after the crisis has passed to support clubs' reactivation, membership retention and membership growth.



## 8.2 COVID-19 RATES FINANCIAL HARDSHIP POLICY

**Author:** John Vastianos, Chief Financial Officer

**Trim No:** 20/170731

**Attachments:** 1. Draft COVID-19 Rates Financial Hardship Policy [↓](#)

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### PURPOSE AND SUMMARY

This paper proposes that Council adopts a COVID-19 Rates Financial Hardship Policy to provide a policy framework for the provision of relief to individuals and business who may need assistance from the economic impacts of the COVID-19 Pandemic.

### RECOMMENDATION

That Council approves the COVID-19 Rates Financial Hardship Policy.

### BACKGROUND

COVID-19 was declared a global pandemic on 11 March 2020 and a State of Emergency was declared in Victoria on 16 March 2020.

The pandemic is having far reaching economic implications for businesses and individuals across Glen Eira and Australia more generally. Council has an opportunity to provide temporary relief to those under financial stress as a result of the pandemic, through the adoption of a financial hardship policy.

This paper implements the rate relief provisions discussed in agenda item 8.1 – Support for Businesses, Residents and Community Groups During COVID-19.

### ISSUES AND DISCUSSION

The objective of the COVID-19 Rates Financial Hardship Policy is to provide Council with a policy framework to provide financial relief to residents paying rates and waste charges ('rates') who need assistance from the economic impacts of the COVID-19 pandemic.

Council's proposed policy aims to provide temporary relief from interest during the COVID-19 event without creating additional financial stress when the pandemic ends.

It proposes an interest free deferment period, to enable ratepayers to either a) enter into a payment plan which would reduce the amount of debt owing during the pandemic or b) defer making any payment until 30 June 2021 after which point interest would start to accrue.

In summary, the policy proposes that Council will:

- a) defer payment of rate debt accumulated between 16 March 2020 and 30 June 2021 for any ratepayer experiencing financial hardship; and
- b) not levy interest on any outstanding debt for the period between 16 March 2020 and 30 June 2021.

Point (b) above recognises that there are a number of ratepayers already experiencing financial hardship regardless of the impact of COVID-19. This provision also waives interest to be charged between 16 March 2020 and 30 June 2021 on any debt accrued prior to 16 March 2020.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The cost to Council on not charging penalty interest from 16 March 2020 to 30 June 2021 is approximately \$500,000. This assumes that Council's outstanding rate debt balance will increase over the period between 16 March 2020 and 30 June 2021 and that no interest will be charged on this total debt outstanding.

**POLICY AND LEGISLATIVE IMPLICATIONS**

This policy is in accordance with the provisions of the *Local Government Act 1989*; *Valuations of Land Act 1960*; and *Fire Services Property Levy Act 2012*.

**COMMUNICATION AND ENGAGEMENT**

Assuming that Council approves this policy, officers will ensure that the options it proposes for ratepayers are widely communicated. This will include: a press release; information on Council's website; articles in Glen Eira News and promotion on Council's social media channels. Information will also be distributed with rates notices.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

It is important that Council takes an empathetic but financially responsible approach to the management of ratepayer debt during, and immediately after, the pandemic. The approval of this COVID-19 Rates Financial Hardship Policy will provide immediate relief to ratepayers under financial stress by providing for an interest free deferment period.

## COVID-19 RATES FINANCIAL HARDSHIP POLICY

<b>Date first adopted:</b>	7 April 2020
<b>Dates amended:</b>	Not Applicable
<b>Next review date:</b>	This policy reflects temporary measures taken by Council in response to COVID-19 and its review and duration will be as determined by Council.
<b>Position title of responsible business unit Manager:</b>	Chief Financial Officer
<b>Approved by:</b>	Council
<b>Internal external or both:</b>	Both

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## 1. TITLE

### COVID-19 RATES FINANCIAL HARDSHIP POLICY

## 2. BACKGROUND

The purpose of the COVID-19 Rates Financial Hardship Policy is to provide Council with a policy framework that provides financial relief to residents who are experiencing difficulty in paying rates and waste charges ('rates') because of the economic impact of the COVID-19 pandemic.

## 3. CONTEXT

COVID-19 was declared a global pandemic on 11 March 2020 and a State of Emergency was declared in Victoria on 16 March 2020.

The pandemic is having far reaching economic implications for businesses and individuals across Glen Eira and Australia more generally. Council has an opportunity to provide temporary relief to those under financial stress as a result of the pandemic, through the adoption of a financial hardship policy.

Rates are a secure and reliable source of revenue that Council uses to deliver services to the community. Council's rate income constitutes 60 per cent of our total revenue.

In times of crises it is important to remember that Council still requires cashflow to deliver critical services to the community. Despite this, there is an opportunity for Council, through this policy, to provide relief to those ratepayers for whom the COVID-19 pandemic will cause significant financial hardship.

## 4. OBJECTIVE

This policy provides direction to Council Officers when considering financial hardship that may impact the collection of rates and waste charges debts owed to Council during the COVID-19 pandemic. The policy seeks to provide assistance to those experiencing financial hardship in accordance with the *Local Government Act 1989*, while ensuring that Council's operations are not jeopardised.

The policy is guided by the following principles:

- Capacity to Pay – the policy will provide relief to individuals and businesses who are not able to meet reasonable and immediate expenses;
- Equity – all individuals and businesses will have the same level of access to the provisions of this policy and will be treated consistently and in a fair manner;
- Transparency – the policy, and how it can be accessed, will be clearly communicated;
- Efficiency – the policy is financially responsible, and it will be easy for residents and businesses to access the relief provisions.

## 5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
<b>COVID-19</b>	Coronavirus - an infectious disease.
<b>Financial Hardship</b>	A lack of financial means to pay debts when they are due. Financial hardship may be either ongoing or temporary.
<b>Debt</b>	The amount of money owed by a debtor as a result of a transaction with Council.
<b>Rates and waste charges</b>	Rates, levies and charges payable on all properties including: general rates, municipal charges, service rates and charges, special rates and special charges payable under legislation or declared by Council.
<b>Ratepayer</b>	The occupier of any rateable property who is liable for the payment of rates. This maybe the property owner or a tenant who under the lease agreement is liable to pay rates.

## 6. POLICY

### 6.1 Application

This policy will apply to all properties within the City of Glen Eira.

### 6.2 Deferral of Rates

Any ratepayer experiencing financial hardship is able to defer the payment of their rate debt accumulated between 16 March 2020 and 30 June 2021.

### 6.3 Hold on Interest

Council's aim is to provide assistance to ratepayers through the COVID-19 event without creating additional financial stress when the pandemic has been resolved.

Council will not levy interest on any outstanding debt for the period 16 March 2020 to 30 June 2021.

This will include interest on :

- Debt outstanding as at 16 March 2020, the date of declaration of the pandemic; and
- Any new debt accumulated from 16 March 2020 to 30 June 2021.

Normal interest provisions will apply to any debt outstanding as at 1 July 2021.

#### **6.4 Payment Plans**

While Council will encourage ratepayers to enter into a payment plan which would reduce the amount of debt owing by 30 June 2021, there is no obligation for a ratepayer to do so during the term of the pandemic.

Ratepayers who elect not to enter into a payment plan will accrue interest on any remaining outstanding debt as at 1 July 2021.

#### **6.5 Rates Debt Recovery Process**

Unless a payment plan is entered into, Council will make reasonable attempts to contact a customer about their overdue account. This may include a reminder notice, debt letter, email or phone call.

Council will not take any legal action for the collection of rates and charges between 16 March 2020 and 30 June 2021.

#### **6.6 Review of the Policy**

This Policy will be reviewed when the State of Emergency is lifted or at any time at the discretion of Council.

### **7. HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### **8. ASSOCIATED INTERNAL DOCUMENTS**

#### ***Payment of Rates Policy***

### **9. EXTERNAL REFERENCES/RESOURCES**

- *Local Government Act 1989 (Vic)*
- *Valuation of Land Act 1960 (Vic)*
- *Fire Services Property Levy Act 2012 (Vic)*



### 8.3 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER - COVID-19 CONTINGENCY PLANNING

**Author:** Michael O'Connor, Principal Legal Officer

**Trim No:** 20/161361

**Attachments:** 1. Attachment 1 S5 Delegations CEO - Marked up [↓](#)  
2. Attachment 2 S5 Delegations CEO - Clean [↓](#)

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#### PURPOSE AND SUMMARY

With the onset and spread of COVID-19, Council may be faced with the situation that a quorum may not be able to be achieved at an ordinary council meeting or a special council meeting.

This report is submitted to enable continued Council operations and to consider the need to increase the exercise of delegated decisions to the Council's Chief Executive Officer (**CEO**).

Section 98 of the *Local Government Act 1989* (the **Act**) presently sets out the requirements for delegating Council's powers, duties and functions.

This report makes recommendations concerning the primary delegations from Council to the CEO.

The recommendation is to update Council's Instrument of Delegation to the CEO to include an additional schedule (**Schedule B**) which provides for:

- 1) increased financial authority; and
- 2) further delegation of Council's powers, duties and functions to the CEO

to enable continued Council operations, if Council is unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors.

These changes will allow the CEO to make decisions, detailed in the Instrument of Delegation in Schedule B, which are currently reserved to Council, if the need arises.

#### RECOMMENDATION

That in order to allow for the efficient continuation of Council business should the Council not be able to achieve a quorum at Council meetings, Council delegates additional powers to the Chief Executive Officer conditional on a quorum not being achievable and for that purpose Council resolves as follows:

**1. In relation to Council's Instrument of Delegation to the Chief Executive Officer:**

- (a) there be delegated to the Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer ("*Attachment 2*") (the **Instrument of Delegation**);
- (b) the powers, duties and functions delegated to be exercised:
  - i) subject to any conditions and limitations specified in the Instrument of Delegation;
  - ii) in accordance with any policies or guidelines which Council may adopt from time to time;
- (c) the Instrument of Delegation be sealed;

- (d) the Instrument of Delegation and Schedule A comes into force immediately when the Council seal is affixed to the Instrument of Delegation;
- (e) the Instrument of Delegation remains in force until Council determines to vary or revoke it;
- (f) Schedule A of the Instrument of Delegation remains in force until Council determines to vary or revoke it or it is revoked by the coming into force of Schedule B;
- (g) Schedule B of the Instrument of Delegation comes into force when a quorum of Council cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of Councillors and remains in force until Council determines to vary or revoke it;
- (h) on the coming into force of the Instrument of Delegation, the Instrument of Delegation to the Chief Executive Officer dated 19 December 2018 is revoked.

That Council notes:

- the changes will come into effect directly following the passing of the resolution by Council and the Council seal being affixed to the Instrument of Delegation;
- Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council, but were made under delegation due to Council being unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors;
- the CEO will (where practicable) consider and take into account the views of Councillors in making the decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B of the Instrument of Delegation; and
- the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.

## BACKGROUND

The proposed amendments to the Instrument of Delegation are discussed in further detail in the “Issues and Discussion” section. The following is intended to provide background information and context to assist Councillors in considering and reviewing the proposed amendments.

On 16 March 2020, the Premier of Victoria and Minister for Health announced that a State of Emergency would begin on 16 March at midday and be in force for four weeks to assist with measures designed to ‘flatten the curve’ of COVID-19 and give the health system the best chance of managing the virus.

On 23 March 2020, the Deputy Chief Health Officer (Communicable Disease) issued a direction under the *Public Health and Wellbeing Act 2008* (Vic) to prohibit the operation of non-essential businesses and undertakings in order to limit the spread of COVID-19.

Advice from the Victorian Department of Health and Human Services is that individuals should stay at home if they are sick. If unwell with flu-like symptoms, not to go outside their property or home, and not go to work, school or shops unless it is essential.

As a result of this advice from the Victorian Department of Health and Human Services, Council may not be in a position to form a quorum at an ordinary council meeting or special council meeting due to illness or the need to self-isolate.

### Administrative

The proposed Instrument of Delegation is provided in marked-up versions (showing changes to the previous delegations) and clean versions, which incorporate the changes.

## ISSUES AND DISCUSSION

There is a risk that due to COVID-19, Council may not be able to form a quorum due to illness or the need to self-isolate.

Under the Act, Councillors must observe a number of statutory requirements when voting at a Council meeting (section 90). For example, section 90(1)(a) provides that:

*each Councillor present at a meeting of the Council and each member of a special committee present at a meeting of the special committee who is entitled to vote is entitled to one vote;*

The phrase, “present at the meeting” is not defined in the Act, but it is likely to mean present in the room in which the meeting is taking place. In other words, a quorum can only be formed if Council members are physically present.

Furthermore, the *Local Government Act 2020* (the **new Act**) does not remove the limitations of physical attendance at meetings. Advice from Local Government Victoria is that the new Act retains the existing requirement that a Councillor must be present at a council meeting to be entitled to vote. Local Government Victoria advice is that:

*“Present” means being physically present at the meeting. This requirement mirrors Parliamentary practice in which a Member must be present at a Division to vote. While there can be advantages for remotely located councillors to be able to participate in meetings without being physically present, this must be balanced against other considerations including the public transparency requirements on decision making by a publicly elected body.*

No provision of the Act nor the new Act allows a council to be exempted from the requirement for Councillors to be present at a meeting of the Council, e.g. by allowing presence by electronic means. There is also no capacity to exempt or vary quorum requirements under either Act.

In response to the uncertainty in relation to the impact of the COVID-19 pandemic on Council’s future operations, it is proposed that if a quorum cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of councillors, Schedule A of the Instrument of Delegation is revoked and Schedule B will come into operation. Schedule B of the Instrument of Delegation will continue in force until varied or revoked by Council.

The CEO can only exercise the additional powers, duties and functions in Schedule B if the CEO:

- forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
- considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

In the interests of transparency, Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B of the Instrument of Delegation.

In the interests of good governance, the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.

**Attachments 1 and 2 Instrument of Delegation to the Chief Executive Officer**

The proposed amendments to the CEO's delegations are detailed in Table 1 below. The amendments are intended to ensure continued Council operations, if Council is unable to form a quorum due to illness or the need to self-isolate.

The Instrument of Delegation provides the CEO with the powers assigned to a Council by any Act or Regulation, and identify limitations to those powers as identified in the Schedules. Most notably, according to section 98(1) of the Act, Council cannot delegate the following powers, duties or functions:

1. the power of delegation;
2. the power to declare a rate or charge;
3. the power to borrow money;
4. the power to approve any expenditure not contained in a budget approved by the Council;
5. any power, duty or function of the Council under section 223; and
6. any prescribed power (noting that such powers have been prescribed).

**Table 1: proposed amendments to the Instrument of Delegation**

Item(s)	Change	Reason
4.1 making a local law under Part 5 of the Act;  4.2 approval of the Council Plan under s.125 of the Act;  4.3 adoption of the Strategic Resource Plan under s.126 of the Act;	No change	Requires community consultation under section 223 of the Act which is non-delegable under section 98(1)(e) of the Act.
4.4 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;	Delegated to the CEO subject to the conditions in section 8.5 and 8.6 of the Schedule B of the Instrument of Delegation.	The proposed amendment, whilst not removing the requirement for community consultation under section 223 of the Act which is non-delegable under section 98(1)(e) of the Act, provides the CEO with the power to prepare or adopt the Budget or a Revised Budget under Part 6 of the Act.
4.5 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the	No change	Requires community consultation under section 223 of the Act which is non-delegable under



Item(s)	Change	Reason
Act;		section 98(1)(e) of the Act.
<p>4.6 awarding a contract:</p> <p>(a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;</p> <p>(b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;</p>	<p>Increase the CEO's financial delegation to award a contract to the value of \$20,000,000 (including GST) subject to the conditions in section 8.5 and 8.6 of the Schedule B of the Instrument of Delegation.</p>	<p>Council has 42 tenders at various stages. 23 of those tenders have a total value which is more than the CEO's current financial delegations. The increase in the financial delegation for the CEO is to ensure that Council's operations can continue.</p>
4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;	No change	No change, as the next council general elections will be held on Saturday 24 October 2020.
4.8 determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;	No change	No change required, as Council has not implemented a car parking based contributions plan.
4.9 accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);	No change	Requires community consultation under section 223 of the Act which is non-delegable under section 98(1)(e) of the Act.
4.10 subject to section 4.9, the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the	Delegated to the CEO subject to the conditions in section 8.5 and 8.6 of the Schedule B of the Instrument of Delegation.	The proposed amendment provides the CEO with the power to acquire land and enter into leases, that do not require public notice, in a timely and effective manner.

Item(s)	Change	Reason
variation does not change the area of land occupied;		
4.11 deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;	No change	On 4 February 2020, Council resolved that the 2020 election be conducted by attendance vote.
4.12 appointment of councillor or community delegates or representatives to external organisations; or 4.13 the return of the general valuation.	No change	Council should determine these matters.
5. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;	Delegated to the CEO subject to the conditions in section 8.5 and 8.6 of the Schedule B of the Instrument of Delegation.	If Council cannot form a quorum, then the CEO may make a decision which was previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council.
6. If the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:  6.1 policy; or  6.2 strategy adopted by Council; or	No change	The decision of the CEO will be made in accordance with any policies or guidelines which Council may adopt from time to time.
7. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;  8. if the determining of the issue, 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.	No change	Council does not have the authority to waive or relax statutory requirements made under the Act.

Item(s)	Change	Reason

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The amendments to the Instrument of Delegation will reduce the risk of Council's operations not continuing from an inability to exercise powers, duties or functions under legislation or to enter into contracts in time. This will support service delivery and operational efficiency. It will ensure that operational matters are decided in a timely manner.

**POLICY AND LEGISLATIVE IMPLICATIONS**

In developing this proposal, consideration has been given to the potential of loss of quorum due to the impact of COVID-19.

The amendments to the Instrument of Delegation are made in line with the *Local Government Act 1989* and the *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

Internal consultations have been conducted to ensure that the amendments to the Instrument of Delegation are consistent with day-to-day work in Council.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter. No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

With the onset and spread of COVID-19, Council may be faced with the situation that a quorum may not be able to be achieved at an ordinary council meeting or special council meeting. Increasing the delegations available to the CEO in that event reduces the risk of Council's operations not continuing from an inability to exercise powers, duties or functions under legislation or to enter into contracts in time.

It is recommended that Council approves the amendments in accordance with the Recommendation.

[ATTACHMENT 1](#)

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Chief Executive Officer**

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, Glen Eira City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief ~~Executive Officer~~ Executive Officer, the powers, duties, and functions set out in the ~~Schedule~~ Schedules to this Instrument of Delegation;

AND declares as follows:

1. this Instrument of Delegation is authorised by resolution of Council passed on ~~48-December-2018~~ 7 April 2020, and
2. the delegation in Schedule A:
  - ~~2.1.1~~ 2.1.2.1. comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - ~~2.1.2~~ 2.1.2.2. is subject to any conditions and limitations set out in ~~the~~ Schedule A; and
  - ~~2.1.3~~ 2.1.3.2.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - ~~2.4.~~ 2.4. remains in force until varied or revoked; by resolution of Council or revoked by the coming into force of the delegation in Schedule B;
3. the delegation in Schedule B:
  - ~~3.1.~~ 3.1. comes into force immediately:
    - ~~3.1.1~~ 3.1.1 the common seal of Council is affixed to this Instrument of Delegation;
    - ~~3.1.2~~ 3.1.2 the delegate forms the view that a quorum at an ordinary council meeting or a special council meeting was not formed due to illness of Councillors or the need to self-isolate by Councillors; and
    - ~~3.1.2~~ 3.1.2 the delegate forms the view that due to illness of Councillors or the need to self-isolate by Councillors a quorum of Council cannot be formed.
  - ~~3.2.~~ 3.2. is subject to any conditions and limitations set out in the Schedule B; and
  - ~~3.3.~~ 3.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - ~~3.4.~~ 3.4. remains in force until varied or revoked by resolution of Council;
- ~~3.4.~~ 3.4. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The seal of Glen Eira

City ) Council was affixed  
hereto ) in the presence  
of: )

..... Councillor

..... Chief Executive Officer

Date:

|

## SCHEDULE A

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 duty imposed or function or 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:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1. making a local law under Part 5 of the Act;
  - 4.2. approval of the Council Plan under s.125 of the Act;
  - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.4. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.5. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.6. awarding a contract:
    - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
    - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
  - 4.7. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
  - 4.8. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
  - 4.9. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
  - 4.10. subject to section 4.9, the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
  - 4.11. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
  - 4.12. appointment of councillor or community delegates or representatives to external organisations; or



4.13. the return of the general valuation.

- 5. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 6. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
  - 6.1. policy; or
  - 6.2. strategy adopted by Council; or
- 7. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
- 8. if the determining of the issue, 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.

## SCHEDULE B

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 duty imposed or function or 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:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1. making a local law under Part 5 of the Act;
  - 4.2. approval of the Council Plan under s.125 of the Act;
  - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.4. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.5. notwithstanding clause 8.3 (which provides an additional power to award a contract with a value of up to \$20,000,000 (including GST) which is conditional on clauses 8.5 and 8.6 being satisfied), awarding a contract:
    - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
    - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
  - 4.6. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
  - 4.7. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
  - 4.8. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
  - 4.9. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
  - 4.10. appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11. the return of the general valuation.
5. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
  - 5.1. policy; or
  - 5.2. strategy adopted by Council; or

6. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
7. if the determining of the issue, 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;
8. if the issue, action, act or thing is an issue, action, act or thing which:
- 8.1. Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 8.2. involves preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 8.3. involves awarding a contract to the value of \$20,000,000 (including GST) or more;
  - 8.4. involves the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
- unless the delegate:
- 8.5. forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
  - 8.6. considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

8.

ATTACHMENT 2

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Chief Executive Officer**

### Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, Glen Eira City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties, and functions set out in the Schedules to this Instrument of Delegation;

AND declares as follows:

1. this Instrument of Delegation is authorised by resolution of Council passed on 7 April 2020, and
2. the delegation in Schedule A:
  - 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 A; and
  - 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 varied or revoked by resolution of Council or revoked by the coming into force of the delegation in Schedule B;
3. the delegation in Schedule B:
  - 3.1. comes into force immediately:
    - 3.1.1 the common seal of Council is affixed to this Instrument of Delegation;
    - 3.1.2 the delegate forms the view that a quorum at an ordinary council meeting or a special council meeting was not formed due to illness of Councillors or the need to self-isolate by Councillors; and
    - 3.1.2 the delegate forms the view that due to illness of Councillors or the need to self-isolate by Councillors a quorum of Council cannot be formed.
  - 3.2. is subject to any conditions and limitations set out in the Schedule B; and
  - 3.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.4. remains in force until varied or revoked by resolution of Council;
4. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The seal of Glen Eira City )  
Council was affixed hereto )  
in the presence of: )

..... Councillor

..... Chief Executive Officer

Date:

## SCHEDULE A

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 duty imposed or function or 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:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1. making a local law under Part 5 of the Act;
  - 4.2. approval of the Council Plan under s.125 of the Act;
  - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.4. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.5. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.6. awarding a contract:
    - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
    - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
  - 4.7. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
  - 4.8. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
  - 4.9. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
  - 4.10. subject to section 4.9, the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
  - 4.11. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
  - 4.12. appointment of councillor or community delegates or representatives to external organisations; or

- 4.13. the return of the general valuation.
- 5. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 6. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
  - 6.1. policy; or
  - 6.2. strategy adopted by Council; or
- 7. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
- 8. if the determining of the issue, 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.

## SCHEDULE B

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 duty imposed or function or 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:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1. making a local law under Part 5 of the Act;
  - 4.2. approval of the Council Plan under s.125 of the Act;
  - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.4. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.5. notwithstanding clause 8.3 (which provides an additional power to award a contract with a value of up to \$20,000,000 (including GST) which is conditional on clauses 8.5 and 8.6 being satisfied), awarding a contract:
    - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
    - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
  - 4.6. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
  - 4.7. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
  - 4.8. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
  - 4.9. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
  - 4.10. appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11. the return of the general valuation.
5. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
  - 5.1. policy; or
  - 5.2. strategy adopted by Council; or



6. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
7. if the determining of the issue, 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;
8. if the issue, action, act or thing is an issue, action, act or thing which:
  - 8.1. Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 8.2. involves preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 8.3. involves awarding a contract to the value of \$20,000,000 (including GST) or more;
  - 8.4. involves the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;

unless the delegate:

- 8.5. forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
- 8.6. considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

#### 8.4 DELEGATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987- NOVEL CORONAVIRUS CONTINGENCY PLANNING

**Author:** Michael O'Connor, Principal Legal Officer

**Trim No:** 20/169567

**Attachments:** 1. Attachment 1 - S6 (Planning and Environment Act) - Mark Up [↓](#)  
2. Attachment 2 - S6 (Planning and Environment Act) - Clean [↓](#)

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#### PURPOSE AND SUMMARY

With the onset and spread of COVID-19, Council may be faced with the situation that a quorum may not be able to be achieved at an ordinary council meeting or a special council meeting.

This report is submitted to enable continued Council operations and to consider the need to increase the exercise of delegated decisions to the Council's Chief Executive Officer (**CEO**).

Section 98 of the *Local Government Act 1989* (the **Act**) presently sets out the requirements for delegating Council's powers, duties and functions.

This report makes recommendations concerning the primary delegations from Council to the CEO.

The recommendation is to:

- 1) update Council's Instrument of Delegation to staff under the *Planning and Environment Act 1987* (Vic) and Glen Eira Planning Scheme to:
  - a. amend the current delegations (**Schedule A**) to remove the requirement to convene a Delegated Planning Forum;
  - b. include an additional schedule (**Schedule B**) which provides for further delegation of Council's powers, duties and functions to the CEO to enable continued Council operations, if Council is unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors; and
- 2) suspend the operation of Council's Planning Conferences.

These changes will:

- 1) promote social distancing which will reduce the risk of exposure to COVID-19 by members of the public and Council staff; and
- 2) allow the CEO to make decisions, detailed in the Instrument of Delegation, which are currently reserved to Council, if the need arises.

#### RECOMMENDATION

That in order to allow for the efficient continuation of Council business should the Council not be able to achieve a quorum at Council meetings, Council delegates additional powers to the Chief Executive Officer conditional on a quorum not being achievable and for that purpose Council resolves as follows:

1. **In relation to Council's Instrument of Delegation to staff of powers, duties and functions under the *Planning and Environment Act 1987*:**
  - (a) there be delegated to the staff the powers, duties and functions set out in the Instrument of Delegation to staff under the *Planning and Environment Act 1987* ("*Attachment 2*") (the **Instrument of Delegation**);

- (b) the powers, duties and functions delegated are to be exercised (as applicable):
  - i) subject to any conditions and limitations specified in the Instrument of Delegation;
  - ii) in accordance with any policies or guidelines which Council may adopt from time to time;
- (c) the Instrument of Delegation be sealed;
- (d) the Instrument of Delegation and Schedule A comes into force immediately when the Council seal is affixed to it and remains in force until Council determines to vary or revoke it;
- (e) Schedule B of the Instrument of Delegation comes into force when a quorum of Council cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of Councillors and remains in force until Council determines to vary or revoke it;
- (f) on the coming into force of the Instrument of Delegation, the Instrument of Delegation to staff under the *Planning and Environment Act 1987* dated 23 December 2019 is revoked.

That Council notes:

- the changes will come into effect directly following the passing of the resolution by Council and the Council seal being affixed to the Instrument of Delegation;
- the suspension of Council's Planning Conferences;
- Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council, but were made under delegation due to Council being unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors;
- the CEO will (where practicable) consider and take into account the views of Councillors in making the decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B of the Instrument of Delegation and
- the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.

## BACKGROUND

The proposed amendments to the Instrument of Delegation are discussed in further detail in the "Issues and Discussion" section. The following is intended to provide background information and context to assist Councillors in considering and reviewing the proposed amendments.

On 16 March 2020, the Premier of Victoria and Minister for Health announced that a State of Emergency would begin on 16 March at midday and be in force for four weeks to assist with measures designed to 'flatten the curve' of COVID-19 and give the health system the best chance of managing the virus.

On 23 March 2020, the Deputy Chief Health Officer (Communicable Disease) issued a direction under the *Public Health and Wellbeing Act 2008* (Vic) to prohibit the operation of non-essential businesses and undertakings in order to limit the spread of COVID-19.

Advice from the Victorian Department of Health and Human Services is that individuals should stay at home if they are sick. If unwell with flu-like symptoms, not to go outside their property or home, and not go to work, school or shops unless it is essential.

As a result of this advice from the Victorian Department of Health and Human Services, Council may not be in a position to form a quorum at an ordinary council meeting or special council meeting due to illness or the need to self-isolate.

Further, convening a Delegated Planning Forum or Planning Conference does not promote social distancing and may increase the risk of exposure to COVID-19 by members of the public and Council staff.

#### Administrative

The proposed Instrument of Delegation is provided in marked-up versions (showing changes to the previous delegations) and clean versions, which incorporate the proposed changes.

The proposed Instrument of Delegation contains a minor typographical correction to the provision which relates to clause 73 of the *Planning and Environment Act 1989*.

### **ISSUES AND DISCUSSION**

The proposed amendments to the current Instrument of Delegation (detailed in Tables 1 through to 4 below):

1. promote social distancing and reduce the risk of exposure to COVID-19 by members of the public and Council staff; and
2. ensure continued Council operations, if Council is unable to form a quorum due to illness or the need to self-isolate.

#### **Potential impacts arising from the State of Emergency**

The Department of Environment, Land, Water and Planning advises that it is undertaking a rapid assessment of issues associated with the Victorian Government's declared State of Emergency related to COVID-19 and the potential difficulties with compliance by councils with the provisions of the *Planning and Environment Act 1987*.

Whilst certain of the potential difficulties arising from the State of Emergency can be addressed by amendment of the Instrument of Delegation, there are matters which cannot be addressed in this manner such as:

- the requirement to make available certain documents at council offices under sections 4H, 4I, 18, 21, 26, 41, 42, 46E, 46V, 46ZF, 49, 51, 97G and 147;
- the ability for councils to exercise powers of a planning authority under sections 28 and 29 (to abandon and adopt amendments);
- the ability of councils to meet statutory timelines, including Ministerial Direction 15 The Planning Scheme Amendment Process;
- section 188(3)(b) which provides that the following powers of a responsible authority are non-delegable:
  - s. 125 - Injunctions
  - s. 171(2)(b) - purchase, hold, lease and dispose of land by public auction, private treaty or otherwise on terms and conditions satisfactory to the authority
  - s. 171(2)(c) - exchange land for other land and make any financial adjustment required as a result
  - s. 171(2)(d) - consolidate, subdivide, re-subdivide and develop land for any purpose consistent with the planning scheme for which it is the responsible authority
  - s. 172 - Powers of compulsory acquisition
  - s. 191 - Appointment of committee

Council will liaise with the Department of Environment, Land, Water and Planning in relation to addressing issues with compliance with the *Planning and Environment Act 1987* which results from the Victorian Government's declared State of Emergency related to COVID-19.

**Tables 1 and 2: proposed amendments to Schedule A**

The proposed amendments to the current Instrument of Delegation (now Schedule A) are detailed in Tables 1 and 2 below. The proposed amendments remove the requirement for staff to convene a Delegated Planning Forum. The function of the Delegated Planning Forum is to enable parties involved in a planning permit application, including the applicant and objectors to talk to their submissions and to hear debate on the proposal before a decision is made by a Council delegate. The Delegated Planning Forum occurs when between six and fifteen objections have been received. This can involve in excess of 30 people in a forum session.

A Planning Conference serves a similar purpose for applications that are reported to Council.

Removing the requirement to convene a Delegated Planning Forum and suspending the operation of Planning Conferences will promote social distancing and reduce the risk of exposure to COVID-19 by members of the public and Council staff.

Council operates the Delegated Planning Forum and convenes Planning Conferences as a matter of best practice and acknowledges the impact that not holding these meetings may have on the ability of the local community to have face to face participation in the decision-making process for planning permits.

Council is presently working towards instituting online platforms which will allow a Delegated Planning Forum and a Planning Conference to be conducted without having to physically meet. Given the nature of these meetings and the diversity of stakeholders in the planning process, it is important to ensure that any on-line platform is stable, reliable and facilitates accessibility, inclusiveness and transparency in the planning process.

This proposal to remove the requirement to convene a Delegated Planning Forum and suspend the operation of Planning Conferences is to protect community safety, is in line with Victorian Government advice in relation to social distancing and does not remove the existing legislative safeguards such as notification of planning permits, right to object and the requirement for a delegate to prepare a report which describes:

- the proposal;
- the relevant policies and planning scheme requirements;
- the assessment process; and
- any submissions and referral comments, and the response to them.

A delegate is still required to make a recommendation about whether or not a planning permit should be granted. A delegate is still required to judge how well a proposal meets policy objectives in the planning scheme, and they may have to strike a balance between competing objectives.

It is proposed that, as currently detailed in the Instrument of Delegation, that Specific Planning Officers, the Director Planning and Place, Manager Urban Planning and the

Coordinator Urban Planning will continue to make the relevant decisions under the provisions listed in Tables 1 and 2 below.

**Table 1: Amendments to Schedule A – powers under the Planning and Environment Act**

<b>Section of the Planning and Environment Act</b>	<b>Relevant condition or limitation</b>	<b>Change</b>
61(1)	no more than five objections lodged	Delete “or the Delegated Planning Forum”
61(1)	where there have been more than five objections but no more than 15 objections lodged	Delete “and ii) the delegation must be exercised at a Delegated Planning Forum”
73	no more than five objections lodged	Delete “or the Delegated Planning Forum”
73	where there have been more than five objections but no more than 15 objections lodged	Delete “and ii) the delegation must be exercised at a Delegated Planning Forum”
84(1)	no more than five objections lodged	Delete “or the Delegated Planning Forum”
84(1)	where there have been more than five objections but no more than 15 objections lodged	Delete “and ii) the delegation must be exercised at a Delegated Planning Forum”

**Table 2: Amendment to Schedule A – power under the Glen Eira Planning Scheme**

<b>The clause of the Glen Eira Planning Scheme</b>	<b>Relevant condition or limitation</b>	<b>Change</b>
43.04-3	N/A	Delete “Power can only be exercised by delegate at a Delegated Planning Forum or by Council”

**Tables 3 and 4: proposed Schedule B**

The proposed Schedule B contains the provisions detailed in Tables 3 and 4 below. The proposed additional Schedule is required as there is a risk that due to the Novel

Coronavirus (COVID-19) pandemic, Council may not be able to form a quorum due to illness or the need to self-isolate.

Under the *Local Government Act 1989* (the **Act**), Councillors must observe a number of statutory requirements when voting at a Council meeting (section 90). For example, section 90(1)(a) provides that:

*each Councillor present at a meeting of the Council and each member of a special committee present at a meeting of the special committee who is entitled to vote is entitled to one vote;*

The phrase, “present at the meeting” is not defined in the Act, but it is likely to mean present in the room in which the meeting is taking place. In other words, a quorum can only be formed if Council members are physically present.

Furthermore, the *Local Government Act 2020* (the **new Act**) does not remove the limitations of physical attendance at meetings. Advice from Local Government Victoria is that the new Act retains the existing requirement that a Councillor must be present at a council meeting to be entitled to vote. Local Government Victoria advice is that:

*“Present” means being physically present at the meeting. This requirement mirrors Parliamentary practice in which a Member must be present at a Division to vote. While there can be advantages for remotely located councillors to be able to participate in meetings without being physically present, this must be balanced against other considerations including the public transparency requirements on decision making by a publicly elected body.*

No provision of the Act nor the new Act allows a council to be exempted from the requirement for Councillors to be present at a meeting of the Council, e.g. by allowing presence by electronic means. There is also no capacity to exempt or vary quorum requirements under either Act.

In response to the uncertainty in relation to the impact of the COVID-19 pandemic on Council’s future operations, it is proposed that, if a quorum cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of councillors, Schedule B will come into operation. Schedule B will continue in force until varied or revoked by Council.

The CEO can only exercise the additional powers, duties and functions in Schedule B if the CEO:

- forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
- considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

The CEO cannot exercise the additional powers, duties and functions in Schedule B in relation to a planning scheme amendment, an approval or a decision concerning:

- the East Village project; or
- heritage controls; or
- structure plans for activity centres; or
- planning provisions for activity centres.

The requirement that the exercise of the powers under the delegation in Schedule B by the CEO is subject to guidelines or policies which Council from time to time adopts is

removed. Compliance with guidelines or policies, which do not contain mechanisms to accommodate emergency and/or extraordinary circumstances such as those arising from the Victorian Government's declared State of Emergency related to COVID-19, may operationally prevent the exercise of the delegated powers.

In the interests of transparency, Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B.

In the interests of good governance, the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.

**Table 3: Additional delegations to the CEO under the Planning and Environment Act**

<b>PLANNING AND ENVIRONMENT ACT</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>CONDITIONS &amp; LIMITATIONS</b>	<b>REASON</b>
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	N/A	There are amendments currently progressing that may require a decision to be made to refer submissions to a panel.
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	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .	This is to ensure that decisions can still be made even if current delegates cannot make a decision due to the conditions and limitations placed on the exercise of this power in Schedule A.
s 73	Power to decide to grant amendment subject to conditions	The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>	This is to ensure that decisions can still be made even if current delegates cannot make a decision due to the conditions and limitations placed on the exercise of this power in Schedule A.



PLANNING AND ENVIRONMENT ACT			
PROVISION	THING DELEGATED	CONDITIONS & LIMITATIONS	REASON
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .	This is to ensure that decisions can still be made even if current delegates cannot make a decision due to the conditions and limitations placed on the exercise of this power in Schedule A.

Table 4: Additional delegation to the CEO under the Glen Eira Planning Scheme

GLEN EIRA PLANNING SCHEME			
PROVISION	THING DELEGATED	CONDITIONS & LIMITATIONS	REASON
43.04-1	Power to approve a development plan	N/A	Without this delegation, a new development plan cannot be approved. Whilst in the short term this is unlikely to be an issue in the medium term it may impact requests required to be considered under this section of the Glen Eira Planning Scheme.
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	N/A	Without this delegation, a permit under this provision cannot be granted. Whilst in the short term this is unlikely to be an issue in the medium term it may impact requests required to be considered under this section of the Glen Eira Planning Scheme.

GLEN EIRA PLANNING SCHEME			
PROVISION	THING DELEGATED	CONDITIONS & LIMITATIONS	REASON
52.28	Power to grant permit for gaming machines	N/A	Without this delegation, a permit for gaming machines cannot be granted. Whilst in the short term this is unlikely to be an issue in the medium term it may impact requests required to be considered under this section of the Glen Eira Planning Scheme.
52.46	Power to grant a permit for brothels	N/A	Without this delegation, a permit for brothels cannot be granted. Whilst in the short term this is unlikely to be an issue in the medium term it may impact requests required to be considered under this section of the Glen Eira Planning Scheme.

### FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The *Planning and Environment Act 1989* obligates Council to make certain decisions. Council does not have the authority to waive or relax statutory requirements made under the *Planning and Environment Act 1989*, such as the requirement for Council to make decisions. If Council cannot make decisions as required under the *Planning and Environment Act 1989* then this may result in a procedural defect for a planning scheme amendment, or open Council up to an application for an adverse cost order in relation to Council's failure to make a decision on a planning permit application. The proposed amendments to the Instrument of Delegation provides a mechanism to enable timely decisions to be made in respect of delegated matters in the event that a quorum cannot be formed at an ordinary council meeting or a special council meeting.

The amendments to the Instrument of Delegation will assist Council in meeting its statutory timeframes for deciding planning matters. This will support service delivery and operational efficiency. which, in turn, will reduce the risk of VCAT reviews arising from a failure to make a decision in time and ensure that planning matters that have the greatest potential impact on our community are decided in a timely manner.

The amendments to the Instrument of Delegation which remove the requirement for staff to convene a Delegated Planning Forum and the suspension of the Planning Conferences will promote social distancing and reduce the risk of exposure to COVID-19 by members of the public and Council staff.

### POLICY AND LEGISLATIVE IMPLICATIONS

In developing this proposal, consideration has been given to the potential of loss of quorum due to the impact of COVID-19.

The amendments to the Instrument of Delegation are made in line with the *Planning and Environment Act 1987*, the *Local Government Act 1989* and the *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

Internal consultations have been conducted to ensure that the amendments to the Instrument of Delegation are consistent with day-to-day work in Council.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

With the onset and spread of COVID-19, Council may be faced with the situation that a quorum may not be able to be achieved at an ordinary council meeting or special council meeting. Increasing the delegations available to the CEO in that event reduces the risk of VCAT reviews arising from a failure to make a decision in time and ensure that planning matters that have the greatest potential impact on our community are decided in a timely manner.

It is recommended that Council approves the amendments in accordance with the Recommendation.

| [Attachment 1](#)

***S6 Instrument of Delegation – Members of Staff***

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

### Instrument of Delegation

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

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

Reference	Meaning
CCSPP	Coordinator City Strategy and Place Planning
CPBC	Coordinator Planning and Building Compliance
CUP	Coordinator Urban Planning
CUPV	VCAT Coordinator
DEI	Director Environment and Infrastructure
DPP	Director Planning and Place
ESC	Engineering Services Coordinator
MCF	Manager City Futures
MCSC	Manager Community Safety and Compliance
MPI	Manager Projects and Infrastructure
MUP	Manager Urban Planning
PCESO	Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support
PStratP	Principal Strategic Planner
PUP	Principal Urban Planner
PUPS	Principal Urban Planner (Subdivisions)
SO	Subdivision Officer
SUPCE	Senior Urban Planner (Customer Experience)
Specific Planning Officers	CCSPP, CUP, CUPV, DPP, MCF, MCSC, MUP, CPBC, PStratP, PUP, PUPS, SO, SUP, SUPCE, StratP, SStratP, SP and UP
SUP	Senior Urban Planner
StratP	Strategic Planner
SStratP	Senior Strategic Planner
SP	Student Planner
UP	Urban Planner

3. declares that:
- 3.1 this Instrument of Delegation is authorised by resolution of Council passed on ~~17 December 2019~~ 7 April 2020;
- 3.2 the delegation in Schedule A:
- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked by resolution of Council;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and ~~the Schedule A~~; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
- (b) strategy
- adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
- 3.4 the delegation in Schedule B:
- 3.4.1 comes into force immediately:
- (a) the delegate forms the view that a quorum at an ordinary council meeting or a special council meeting was not formed due to illness of Councillors or the need to self-isolate by Councillors; and

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- (b) the delegate forms the view that due to illness of Councillors or the need to self-isolate by Councillors a quorum of Council cannot be formed.
- 3.4.2 remains in force until varied or revoked by resolution of Council;
- 3.4.3 is subject to any conditions and limitations set out in sub-paragraphs 3.5 and 3.6, and Schedule B; and
- 3.5 the delegate must not determine the issue, take the action or do the act or thing:
- 3.5.1 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 strategy adopted by Council; or
- 3.5.2 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, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.5.3 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
- 3.5.4 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 under the *Planning and Environment Act 1989* in relation to a planning scheme amendment, an approval or a decision concerning:
- (a) the East Village project; or
- (b) heritage controls; or
- (c) structure plans for activity centres; or
- (d) planning provisions for activity centres.
- 3.6 the delegate must not determine the issue, take the action or do the act or thing unless the delegate:
- (a) forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
- (b) considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

The seal of Glen Eira City Council    )  
was affixed hereto in                    )  
the presence of:                            )

|

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer

Date:



|

## SCHEDULE A

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Specific Planning Officers	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Specific Planning Officers	
s 4H	Duty to make amendment to Victorian Planning Provisions available	Specific Planning Officers	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	Specific Planning Officers	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	Specific Planning Officers	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Not delegated	
s 8A(5)	Function of receiving notice of the Minister's decision	Specific Planning Officers	
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	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Specific Planning Officers	
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> )	Specific Planning Officers	
s 12B(1)	Duty to review planning scheme	DPP MUP MCF	
s 12B(2)	Duty to review planning scheme at direction of Minister	DPP MUP MCF	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DPP MUP MCF	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Duty of giving copy amendment to the planning scheme	Specific Planning Officers	
s 17(2)	Duty of giving copy s 173 agreement	Specific Planning Officers	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Specific Planning Officers	
s 18	Duty to make amendment etc. available	Specific Planning Officers	
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	DPP MUP MCF	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Specific Planning Officers	
s 21(2)	Duty to make submissions available	Specific Planning Officers	
s 21A(4)	Duty to publish notice	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22	Duty to consider all submissions	Specific Planning Officers	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	Specific Planning Officers	
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)	Specific Planning Officers	
s 26(1)	Power to make report available for inspection	Specific Planning Officers	
s 26(2)	Duty to keep report of panel available for inspection	Specific Planning Officers	
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	Specific Planning Officers	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	Specific Planning Officers	
s 30(4)(b)	Duty to provide information in writing upon request	Specific Planning Officers	
s 32(2)	Duty to give more notice if required	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 33(1)	Duty to give more notice of changes to an amendment	Specific Planning Officers	
s 36(2)	Duty to give notice of approval of amendment	Specific Planning Officers	
s 38(5)	Duty to give notice of revocation of an amendment	Specific Planning Officers	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Specific Planning Officers	
s 40(1)	Function of lodging copy of approved amendment	Specific Planning Officers	
s 41	Duty to make approved amendment available	Specific Planning Officers	
s 42	Duty to make copy of planning scheme available	Specific Planning Officers	
s 46AW	Function of being consulted by the Minister	DPP MUP MCF	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	Not delegated	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	Where Council is a responsible public entity
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	DPP MUP MCF	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	Not delegated	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	DPP MUP MCF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DEI DPP MPI MUP MCF	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DEI DPP MPI MUP MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DEI DPP MPI MUP MCF	
s 46GP	Function of receiving a notice under s 46GO	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DEI DPP MPI MUP MCF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Specific Planning Officers	
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is the collecting agency
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	DEI DPP MPI MUP MCF	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GY(1)	Duty to keep proper and separate accounts and records	DEI DPP MPI MUP MCF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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>	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	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)	DEI DPP MPI MUP MCF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Specific Planning Officers	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Specific Planning Officers	
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	Specific Planning Officers	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Specific Planning Officers	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Specific Planning Officers	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DEI DPP MPI MUP MCF	
s 46Q(1)	Duty to keep proper accounts of levies paid	Specific Planning Officers	
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	Specific Planning Officers	
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	DEI DPP MUP MCF	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPP MUP MCF	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)	DPP MUP MCF	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	Specific Planning Officers	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DPP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	Specific Planning Officers	
s 46QD	Duty to prepare report and give a report to the Minister	DEI DPP MPI MUP MCF	Where Council is a collecting agency or development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	PCESO Specific Planning Officers	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Specific Planning Officers	
s 47	Power to decide that an application for a planning permit does not comply with that Act	Specific Planning Officers	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	PCESO Specific Planning Officers	
s 49(2)	Duty to make register available for inspection	PCESO Specific Planning Officers	
s 50(4)	Duty to amend application	Specific Planning Officers	
s 50(5)	Power to refuse to amend application	Specific Planning Officers	
s 50(6)	Duty to make note of amendment to application in register	PCESO Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(1)	Power to make amendment to application	PCESO Specific Planning Officers	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Specific Planning Officers	
s 50A(4)	Duty to note amendment to application in register	PCESO Specific Planning Officers	
s 51	Duty to make copy of application available for inspection	PCESO Specific Planning Officers	
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	Specific Planning Officers	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Specific Planning Officers	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Specific Planning Officers	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Specific Planning Officers	
s 52(3)	Power to give any further notice of an application where appropriate	Specific Planning Officers	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Specific Planning Officers	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Specific Planning Officers	
s 54(1)	Power to require the applicant to provide more information	Specific Planning Officers	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Specific Planning Officers	
s 54(1B)	Duty to specify the lapse date for an application	Specific Planning Officers	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Specific Planning Officers	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Specific Planning Officers	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPP MUP MCF	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Specific Planning Officers	
s 57(5)	Duty to make available for inspection copy of all objections	Specific Planning Officers	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	Specific Planning Officers	
s 57A(5)	Power to refuse to amend application	Specific Planning Officers	
s 57A(6)	Duty to note amendments to application in register	PCESO Specific Planning Officers	
s 57B(1)	Duty to determine whether and to whom notice should be given	Specific Planning Officers	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Specific Planning Officers	
s 57C(1)	Duty to give copy of amended application to referral authority	PCESO Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58	Duty to consider every application for a permit	Specific Planning Officers	
s 58A	Power to request advice from the Planning Application Committee	DPP MUP MCF	
s 60	Duty to consider certain matters	Specific Planning Officers	
s 60(1A)	Duty to consider certain matters	Specific Planning Officers	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged;</li> <li>ii) the application is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application has not been referred to the Council <del>or the Delegated Planning Forum</del> for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged;</li> <li>ii) <del>the delegation must be exercised at a Delegated Planning Forum; and</del></li> <li>iii) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>iii) an application is for use of land for a brothel; or</li> <li>iv) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>v) the application is contrary to law; or</li> <li>vi) the application is inconsistent with policy; or</li> <li>vii) a referral authority has directed refusal; or</li> <li>viii) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Specific Planning Officers	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Specific Planning Officers	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Specific Planning Officers	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Specific Planning Officers	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Specific Planning Officers	
s 62(2)	Power to include other conditions	Specific Planning Officers	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Specific Planning Officers	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Specific Planning Officers	
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	Specific Planning Officers	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Specific Planning Officers	
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)	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Specific Planning Officers	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Specific Planning Officers	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 69(1A)	Function of receiving application for extension of time to complete development	Specific Planning Officers	
s 69(2)	Power to extend time	Specific Planning Officers	
s 70	Duty to make copy permit available for inspection	PCESO Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(1)	Power to correct certain mistakes	Specific Planning Officers	
s 71(2)	Duty to note corrections in register	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged; and</li> <li>ii) the application/amending plan is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application/amending plan has not been referred to the Council <del>or the Delegated Planning Forum</del> for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application/amending plan is for use of land for a brothel; or</li> <li>ii) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions	DPP MUP CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged;</li> <li>ii) <del>the delegation must be exercised at a Delegated Planning Forum; and</del> the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>
s 74	Duty to issue amended permit to applicant if no objectors	Specific Planning Officers	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PCESO Specific Planning Officers	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 83	Function of being respondent to an appeal	Specific Planning Officers	
s 83B	Duty to give or publish notice of application for review	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPP MUP MCF CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged; and</li> <li>ii) the application/amending plan is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application/amending plan has not been referred to the Council <del>or the Delegated Planning Forum</del> for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application/amending plan is for use of land for a brothel; or</li> <li>ii) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act</i> 1987 or Planning Scheme.</li> </ul>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPP MUP MCF CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; <u>and</u></li> <li><del>ii) the delegation must be exercised at a Delegated Planning Forum; and</del></li> <li><del>iii) the application has not been called-in by a Councillor for determination at a Council meeting.</del></li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>
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	Specific Planning Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officer	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	Specific Planning Officer	
s 84AB	Power to agree to confining a review by the Tribunal	Specific Planning Officer	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	Specific Planning Officer	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPP MCSC MUP MCF CCSPP CUP CUPV CPBC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Specific Planning Officers	
s 91(2)	Duty to comply with the directions of VCAT	Specific Planning Officers	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Specific Planning Officers	

S6. Instrument of Delegation – Members of Staff

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Specific Planning Officers	
s 93(2)	Duty to give notice of VCAT order to stop development	Specific Planning Officers	
s 95(3)	Function of referring certain applications to the Minister	Specific Planning Officers	
s 95(4)	Duty to comply with an order or direction	Specific Planning Officers	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Specific Planning Officers	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Specific Planning Officers	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Specific Planning Officers	
s 96F	Duty to consider the panel's report under s 96E	Not delegated	
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> )	Specific Planning Officers	
s 96H(3)	Power to give notice in compliance with Minister's direction	Specific Planning Officers	
s 96J	Power to issue permit as directed by the Minister	Specific Planning Officers	

S6. Instrument of Delegation – Members of Staff

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	Specific Planning Officers	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Specific Planning Officers	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPP MUP MCF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPP MUP MCF	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Specific Planning Officers	

S6. Instrument of Delegation – Members of Staff

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Specific Planning Officers	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Specific Planning Officers	
s 97Q(4)	Duty to comply with directions of VCAT	Specific Planning Officers	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Specific Planning Officers	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Specific Planning Officers	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Specific Planning Officers	
s 101	Function of receiving claim for expenses in conjunction with claim	Specific Planning Officers	
s 103	Power to reject a claim for compensation in certain circumstances	DPP	
s 107(1)	Function of receiving claim for compensation	Specific Planning Officers	
s 107(3)	Power to agree to extend time for making claim	DPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 114(1)	Power to apply to the VCAT for an enforcement order	DPP MCSC MUP MCF CPBC CUP CUPV	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Specific Planning Officers	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPP MCSC MUP MCF CPBC CUP CUPV	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPP	Except Crown Land
s 129	Function of recovering penalties	DPP MCSC MUP MCF CPBC	
s 130(5)	Power to allow person served with an infringement notice further time	DPP MCSC MUP MCF CPBC	
s 149A(1)	Power to refer a matter to the VCAT for determination	DPP MCSC MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CCSPP CUP CUPV DPP MUP MCF CCSPP CUP CUPV PTP	
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)	DPP MUP MCF	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DPP	
s 171(2)(g)	Power to grant and reserve easements	DPP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan
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)	Not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DEI DPP MUP MCF MCSC	
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	Not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DEI DPP ESC MCSC MPI MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	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	DEI DPP ESC MCSC MPI MUP MCF CPBC	
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	DEI MCSC MUP MCF CPBC	
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	DEI MCSC MUP MCF CPBC	
s 178A(1)	Function of receiving application to amend or end an agreement	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DPP MUP MCF CUP CUPV PTP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPP MUP MCF CUP CUPV PTP	
s 178A(5)	Power to propose to amend or end an agreement	DPP MUP MCF	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Specific Planning Officers	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
s 178C(4)	Function of determining how to give notice under s 178C(2)	Specific Planning Officers	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Specific Planning Officers	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	Specific Planning Officers	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DEI DPP MUP MCF	
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	DEI DPP MUP MCF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DEI DPP MUP MCF	
s 179(2)	Duty to make available for inspection copy agreement	DEI MPI Specific Planning Officers	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DEI DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DEI DPP MUP MCF	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DEI DPP MUP MCF	
s 182	Power to enforce an agreement	DEI DPP MCSC MUP MCF CPBC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DEI Specific Planning Officers	
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	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	
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	DPP MUP MCF	
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	Specific Planning Officers	
s 184G(2)	Duty to comply with a direction of the Tribunal	Specific Planning Officers	
s 184G(3)	Duty to give notice as directed by the Tribunal	Specific Planning Officers	
s 198(1)	Function to receive application for planning certificate	Specific Planning Officers	
s 199(1)	Duty to give planning certificate to applicant	Specific Planning Officers	
s 201(1)	Function of receiving application for declaration of underlying zoning	Specific Planning Officers	
s 201(3)	Duty to make declaration	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	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 <u>for the purpose of a VCAT appeal</u>	Specific Planning Officers	<ol style="list-style-type: none"> <li>1. Where Council is a party to a mediation or alternative dispute resolution process before satisfaction of Council VCAT.</li> <li>2. If the matter has previously been subject to a determination by Council or delegate at a Delegated Planning Forum, can only be exercised if, in the opinion of OPP, MUP, MCF, CUP or CUPV the matter being mediated or subject to alternative dispute resolution is of a minor nature and the intent of the decision of the Council or delegate at the Delegated Planning Forum is not compromised; or</li> <li>3. If the matter has previously been subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of OPP, MUP, MCF, CUP or CUPV if the decision to settle the mediation or alternative dispute resolution process involves a power, duty or function under the <i>Planning and Environment Act</i> 1987 that has not been delegated to the delegate.</li> </ol>
	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	Specific Planning Officers	
	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	Specific Planning Officers	
-	Power to give written authorisation in accordance with a provision of a planning scheme	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to request that the Minister prepare, adopt and approve amendments to a planning scheme in relation to Interim Heritage Overlays, including by exercising powers under section 20(4)	DPP MUP MCF	<p>This power can only be exercised in relation to Interim Heritage Overlays, and where all of the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) a relevant citation for the site or precinct has been prepared;</li> <li>(b) the heritage project forms part of a heritage review previously approved by Council;</li> <li>(c) a request for demolition has been submitted to Council under section 29A of the <i>Building Act</i> 1993 or a planning application has been submitted which involves demolition or substantial alterations to building and/or works;</li> <li>(d) the proposed demolition or planning application is for a proposed heritage place, including an individually significant building or a contributory building within a proposed or revised heritage precinct; and</li> <li>(e) the proposed demolition or planning application will have an adverse impact on the cultural heritage significance of the site/precinct and is considered to have the potential to undermine the approval of the proposed heritage overlay.</li> </ul>
-	Power to request that the Minister prepare, adopt and approve prescribed amendments to a planning scheme as set out in section 20A, including by exercising powers under section 20(4)	CEO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make such changes to Planning Scheme Amendment C184 (Amendment C184) as necessary to obtain authorisation from the Minister for Planning and submit Amendment C184 to the Minister for Planning for authorisation	CEO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	PCESO Specific Planning Officers	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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	Specific Planning Officers	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	Specific Planning Officers	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CCSPP CUP CUPV DPP MUP MCF	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CCSPP CUP CUPV DPP MUP MCF	
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	PCESO Specific Planning Officers	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
All provisions of the Glen Eira Planning Scheme unless otherwise identified	Exercise Council's powers, discretions and authorities, CARRY OUT Council's duties and perform Council's functions	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act 1987</i> or regulations under that Act.
43.04-1	Power to approve a development plan	Not delegated	
43.04-3	<ul style="list-style-type: none"> <li>Power to allow a development plan to be prepared and implemented in stages</li> <li>Power to amend a development plan</li> </ul>	DPP MUP CUP CUPV	<del>Power can only be exercised by delegate at Delegated Planning Forum, or by Council</del>
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	Not delegated	
52.06-1	<ul style="list-style-type: none"> <li>Power to reduce or waive carparking</li> <li>Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at clause 52.06-5</li> </ul>	Specific Planning Officers	<p>The power to reduce or waive car parking in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.</p> <p>An application involving a reduction of more than ten car spaces may only be determined by DPP, MUP, MCF, CUP, CUPV.</p>
52.28	Power to grant permit for gaming machines	Not delegated	
52.46	Power to grant a permit for brothels	Not delegated	

SCHEDULE B

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<u>PLANNING AND ENVIRONMENT ACT 1987</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS &amp; LIMITATIONS</u>
<u>s 23(2)</u>	<u>Power to refer to a panel submissions which do not require a change to the amendment</u>	<u>CEO</u>	
<u>s 61(1)</u>	<u>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</u>	<u>CEO</u>	<u>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</u>
<u>s 73</u>	<u>Power to decide to grant amendment subject to conditions</u>	<u>CEO</u>	<u>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></u>
<u>s 84(1)</u>	<u>Power to decide on an application at any time after an appeal is lodged against failure to grant a permit</u>	<u>CEO</u>	<u>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</u>

<u>GLEN EIRA PLANNING SCHEME</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS &amp; LIMITATIONS</u>
<u>43.04-1</u>	<u>Power to approve a development plan</u>	<u>CEO</u>	
<u>52.03</u>	<u>Power to grant permit contrary to a provision under the specific sites and exclusions</u>	<u>CEO</u>	
<u>52.28</u>	<u>Power to grant permit for gaming machines</u>	<u>CEO</u>	
<u>52.46</u>	<u>Power to grant a permit for brothels</u>	<u>CEO</u>	



Attachment 2

***S6 Instrument of Delegation – Members of Staff***

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

### Instrument of Delegation

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

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

Reference	Meaning
CCSPP	Coordinator City Strategy and Place Planning
CPBC	Coordinator Planning and Building Compliance
CUP	Coordinator Urban Planning
CUPV	VCAT Coordinator
DEI	Director Environment and Infrastructure
DPP	Director Planning and Place
ESC	Engineering Services Coordinator
MCF	Manager City Futures
MCSC	Manager Community Safety and Compliance
MPI	Manager Projects and Infrastructure
MUP	Manager Urban Planning
PCESO	Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support
PStratP	Principal Strategic Planner
PUP	Principal Urban Planner
PUPS	Principal Urban Planner (Subdivisions)
SO	Subdivision Officer
SUPCE	Senior Urban Planner (Customer Experience)
Specific Planning Officers	CCSPP, CUP, CUPV, DPP, MCF, MCSC, MUP, CPBC, PStratP, PUP, PUPS, SO, SUP, SUPCE, StratP, SStratP, SP and UP
SUP	Senior Urban Planner
StratP	Strategic Planner
SStratP	Senior Strategic Planner
SP	Student Planner
UP	Urban Planner

- 3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 7 April 2020;
  - 3.2 the delegation in Schedule A:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked by resolution of Council;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and Schedule A; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategyadopted by Council; or
    - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
  - 3.4 the delegation in Schedule B:
    - 3.4.1 comes into force immediately:
      - (a) the delegate forms the view that a quorum at an ordinary council meeting or a special council meeting was not formed due to illness of Councillors or the need to self-isolate by Councillors; and

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- (b) the delegate forms the view that due to illness of Councillors or the need to self-isolate by Councillors a quorum of Council cannot be formed.
- 3.4.2 remains in force until varied or revoked by resolution of Council;
- 3.4.3 is subject to any conditions and limitations set out in sub-paragraphs 3.5 and 3.6, and Schedule B; and
- 3.5 the delegate must not determine the issue, take the action or do the act or thing:
  - 3.5.1 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 strategy adopted by Council; or
  - 3.5.2 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, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
  - 3.5.3 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
  - 3.5.4 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 under the *Planning and Environment Act 1989* in relation to a planning scheme amendment, an approval or a decision concerning:
    - (a) the East Village project; or
    - (b) heritage controls; or
    - (c) structure plans for activity centres; or
    - (d) planning provisions for activity centres.
- 3.6 the delegate must not determine the issue, take the action or do the act or thing unless the delegate:
  - (a) forms the view that the exercise of the powers, duties and functions cannot be deferred until a quorum may be available; and
  - (b) considers and takes into account the views of Councillors where practicable to do so (noting that Councillors cannot direct the delegate with respect to the exercise of delegation, and that the delegate is not bound to exercise the delegation consistently with those views).

The seal of Glen Eira City Council    )  
was affixed hereto in                    )  
the presence of:                            )

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer

Date:

## SCHEDULE A

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Specific Planning Officers	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Specific Planning Officers	
s 4H	Duty to make amendment to Victorian Planning Provisions available	Specific Planning Officers	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	Specific Planning Officers	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	Specific Planning Officers	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Not delegated	
s 8A(5)	Function of receiving notice of the Minister's decision	Specific Planning Officers	
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	DPP MUP MCF	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Specific Planning Officers	
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> )	Specific Planning Officers	
s 12B(1)	Duty to review planning scheme	DPP MUP MCF	
s 12B(2)	Duty to review planning scheme at direction of Minister	DPP MUP MCF	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DPP MUP MCF	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Duty of giving copy amendment to the planning scheme	Specific Planning Officers	
s 17(2)	Duty of giving copy s 173 agreement	Specific Planning Officers	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Specific Planning Officers	
s 18	Duty to make amendment etc. available	Specific Planning Officers	
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	DPP MUP MCF	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Specific Planning Officers	
s 21(2)	Duty to make submissions available	Specific Planning Officers	
s 21A(4)	Duty to publish notice	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22	Duty to consider all submissions	Specific Planning Officers	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	Specific Planning Officers	
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)	Specific Planning Officers	
s 26(1)	Power to make report available for inspection	Specific Planning Officers	
s 26(2)	Duty to keep report of panel available for inspection	Specific Planning Officers	
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	Specific Planning Officers	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	Specific Planning Officers	
s 30(4)(b)	Duty to provide information in writing upon request	Specific Planning Officers	
s 32(2)	Duty to give more notice if required	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 33(1)	Duty to give more notice of changes to an amendment	Specific Planning Officers	
s 36(2)	Duty to give notice of approval of amendment	Specific Planning Officers	
s 38(5)	Duty to give notice of revocation of an amendment	Specific Planning Officers	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Specific Planning Officers	
s 40(1)	Function of lodging copy of approved amendment	Specific Planning Officers	
s 41	Duty to make approved amendment available	Specific Planning Officers	
s 42	Duty to make copy of planning scheme available	Specific Planning Officers	
s 46AW	Function of being consulted by the Minister	DPP MUP MCF	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	Not delegated	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	Where Council is a responsible public entity
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	DPP MUP MCF	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	Not delegated	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	DPP MUP MCF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DEI DPP MPI MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DEI DPP MPI MUP MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DEI DPP MPI MUP MCF	
s 46GP	Function of receiving a notice under s 46GO	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DEI DPP MPI MUP MCF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DEI DPP MPI MUP MCF	
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	DEI DPP MPI MUP MCF	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Specific Planning Officers	
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is the collecting agency
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	DEI DPP MPI MUP MCF	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GY(1)	Duty to keep proper and separate accounts and records	DEI DPP MPI MUP MCF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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>	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is the development agency under an approved infrastructure contributions plan



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	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)	DEI DPP MPI MUP MCF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Specific Planning Officers	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Specific Planning Officers	
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	Specific Planning Officers	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Specific Planning Officers	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Specific Planning Officers	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DEI DPP MPI MUP MCF	
s 46Q(1)	Duty to keep proper accounts of levies paid	Specific Planning Officers	
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	Specific Planning Officers	
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	DEI DPP MUP MCF	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPP MUP MCF	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)	DPP MUP MCF	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	Specific Planning Officers	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DPP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	Specific Planning Officers	
s 46QD	Duty to prepare report and give a report to the Minister	DEI DPP MPI MUP MCF	Where Council is a collecting agency or development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	PCESO Specific Planning Officers	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Specific Planning Officers	
s 47	Power to decide that an application for a planning permit does not comply with that Act	Specific Planning Officers	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	PCESO Specific Planning Officers	
s 49(2)	Duty to make register available for inspection	PCESO Specific Planning Officers	
s 50(4)	Duty to amend application	Specific Planning Officers	
s 50(5)	Power to refuse to amend application	Specific Planning Officers	
s 50(6)	Duty to make note of amendment to application in register	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(1)	Power to make amendment to application	PCESO Specific Planning Officers	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Specific Planning Officers	
s 50A(4)	Duty to note amendment to application in register	PCESO Specific Planning Officers	
s 51	Duty to make copy of application available for inspection	PCESO Specific Planning Officers	
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	Specific Planning Officers	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Specific Planning Officers	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Specific Planning Officers	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Specific Planning Officers	
s 52(3)	Power to give any further notice of an application where appropriate	Specific Planning Officers	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Specific Planning Officers	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Specific Planning Officers	
s 54(1)	Power to require the applicant to provide more information	Specific Planning Officers	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Specific Planning Officers	
s 54(1B)	Duty to specify the lapse date for an application	Specific Planning Officers	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Specific Planning Officers	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Specific Planning Officers	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPP MUP MCF	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Specific Planning Officers	
s 57(5)	Duty to make available for inspection copy of all objections	Specific Planning Officers	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	Specific Planning Officers	
s 57A(5)	Power to refuse to amend application	Specific Planning Officers	
s 57A(6)	Duty to note amendments to application in register	PCESO Specific Planning Officers	
s 57B(1)	Duty to determine whether and to whom notice should be given	Specific Planning Officers	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Specific Planning Officers	
s 57C(1)	Duty to give copy of amended application to referral authority	PCESO Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58	Duty to consider every application for a permit	Specific Planning Officers	
s 58A	Power to request advice from the Planning Application Committee	DPP MUP MCF	
s 60	Duty to consider certain matters	Specific Planning Officers	
s 60(1A)	Duty to consider certain matters	Specific Planning Officers	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged;</li> <li>ii) the application is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application has not been referred to the Council for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged; and</li> <li>ii) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>iii) an application is for use of land for a brothel; or</li> <li>iv) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>v) the application is contrary to law; or</li> <li>vi) the application is inconsistent with policy; or</li> <li>vii) a referral authority has directed refusal; or</li> <li>viii) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Specific Planning Officers	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Specific Planning Officers	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Specific Planning Officers	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Specific Planning Officers	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Specific Planning Officers	
s 62(2)	Power to include other conditions	Specific Planning Officers	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Specific Planning Officers	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Specific Planning Officers	
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	Specific Planning Officers	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Specific Planning Officers	
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)	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Specific Planning Officers	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Specific Planning Officers	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 69(1A)	Function of receiving application for extension of time to complete development	Specific Planning Officers	
s 69(2)	Power to extend time	Specific Planning Officers	
s 70	Duty to make copy permit available for inspection	PCESO Specific Planning Officers	

S6. Instrument of Delegation – Members of Staff

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(1)	Power to correct certain mistakes	Specific Planning Officers	
s 71(2)	Duty to note corrections in register	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged; and</li> <li>ii) the application/amending plan is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application/amending plan has not been referred to the Council for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application/amending plan is for use of land for a brothel; or</li> <li>ii) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions	DPP MUP CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged; and</li> <li>ii) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act</i> 1987 or Planning Scheme.</li> </ul>
s 74	Duty to issue amended permit to applicant if no objectors	Specific Planning Officers	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PCESO Specific Planning Officers	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s 83	Function of being respondent to an appeal	Specific Planning Officers	
s 83B	Duty to give or publish notice of application for review	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPP MUP MCF CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) there have been no more than five objections lodged; and</li> <li>ii) the application/amending plan is generally in compliance with existing policy or guidelines; and</li> <li>iii) the application/amending plan has not been referred to the Council for determination; and</li> <li>iv) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application/amending plan is for use of land for a brothel; or</li> <li>ii) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPP MUP MCF CUP CUPV	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; and</li> <li>ii) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>i) an application is for use of land for a brothel; or</li> <li>ii) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>i) the application is contrary to law; or</li> <li>ii) the application is inconsistent with policy; or</li> <li>iii) a referral authority has directed refusal; or</li> <li>iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul>
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	Specific Planning Officer	
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	Specific Planning Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	Specific Planning Officer	
s 84AB	Power to agree to confining a review by the Tribunal	Specific Planning Officer	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	Specific Planning Officer	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPP MCSC MUP MCF CCSPP CUP CUPV CPBC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Specific Planning Officers	
s 91(2)	Duty to comply with the directions of VCAT	Specific Planning Officers	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Specific Planning Officers	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Specific Planning Officers	
s 93(2)	Duty to give notice of VCAT order to stop development	Specific Planning Officers	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 95(3)	Function of referring certain applications to the Minister	Specific Planning Officers	
s 95(4)	Duty to comply with an order or direction	Specific Planning Officers	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Specific Planning Officers	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Specific Planning Officers	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Specific Planning Officers	
s 96F	Duty to consider the panel's report under s 96E	Not delegated	
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> )	Specific Planning Officers	
s 96H(3)	Power to give notice in compliance with Minister's direction	Specific Planning Officers	
s 96J	Power to issue permit as directed by the Minister	Specific Planning Officers	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	Specific Planning Officers	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Specific Planning Officers	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPP MUP MCF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPP MUP MCF	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Specific Planning Officers	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Specific Planning Officers	
s 97Q(4)	Duty to comply with directions of VCAT	Specific Planning Officers	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Specific Planning Officers	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Specific Planning Officers	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Specific Planning Officers	
s 101	Function of receiving claim for expenses in conjunction with claim	Specific Planning Officers	
s 103	Power to reject a claim for compensation in certain circumstances	DPP	
s 107(1)	Function of receiving claim for compensation	Specific Planning Officers	
s 107(3)	Power to agree to extend time for making claim	DPP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 114(1)	Power to apply to the VCAT for an enforcement order	DPP MCSC MUP MCF CPBC CUP CUPV	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Specific Planning Officers	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPP MCSC MUP MCF CPBC CUP CUPV	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPP	Except Crown Land
s 129	Function of recovering penalties	DPP MCSC MUP MCF CPBC	
s 130(5)	Power to allow person served with an infringement notice further time	DPP MCSC MUP MCF CPBC	
s 149A(1)	Power to refer a matter to the VCAT for determination	DPP MCSC MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CCSPP CUP CUPV DPP MUP MCF CCSPP CUP CUPV PTP	
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)	DPP MUP MCF	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DPP	
s 171(2)(g)	Power to grant and reserve easements	DPP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan
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)	Not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DEI DPP MUP MCF MCSC	
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	Not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DEI DPP ESC MCSC MPI MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	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	DEI DPP ESC MCSC MPI MUP MCF CPBC	
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	DEI MCSC MUP MCF CPBC	
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	DEI MCSC MUP MCF CPBC	
s 178A(1)	Function of receiving application to amend or end an agreement	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DPP MUP MCF CUP CUPV PTP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPP MUP MCF CUP CUPV PTP	
s 178A(5)	Power to propose to amend or end an agreement	DPP MUP MCF	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Specific Planning Officers	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
s 178C(4)	Function of determining how to give notice under s 178C(2)	Specific Planning Officers	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Specific Planning Officers	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	DPP MUP MCF CUP CUPV PTP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPP MUP MCF CUP CUPV PTP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	Specific Planning Officers	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DEI DPP MUP MCF	
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	DEI DPP MUP MCF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DEI DPP MUP MCF	
s 179(2)	Duty to make available for inspection copy agreement	DEI MPI Specific Planning Officers	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DEI DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DEI DPP MUP MCF	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DEI DPP MUP MCF	
s 182	Power to enforce an agreement	DEI DPP MCSC MUP MCF CPBC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DEI Specific Planning Officers	
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	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	
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	DPP MUP MCF	
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	Specific Planning Officers	
s 184G(2)	Duty to comply with a direction of the Tribunal	Specific Planning Officers	
s 184G(3)	Duty to give notice as directed by the Tribunal	Specific Planning Officers	
s 198(1)	Function to receive application for planning certificate	Specific Planning Officers	
s 199(1)	Duty to give planning certificate to applicant	Specific Planning Officers	
s 201(1)	Function of receiving application for declaration of underlying zoning	Specific Planning Officers	
s 201(3)	Duty to make declaration	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	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 for the purpose of a VCAT appeal	Specific Planning Officers	<ol style="list-style-type: none"> <li>1. Where Council is a party to a mediation or alternative dispute resolution process before satisfaction of Council VCAT.</li> <li>2. If the matter has previously been subject to a determination by Council or delegate at a Delegated Planning Forum, can only be exercised if, in the opinion of OPP, MUP, MCF, CUP or CUPV the matter being mediated or subject to alternative dispute resolution is of a minor nature and the intent of the decision of the Council or delegate at the Delegated Planning Forum is not compromised; or</li> <li>3. If the matter has previously been subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of OPP, MUP, MCF, CUP or CUPV if the decision to settle the mediation or alternative dispute resolution process involves a power, duty or function under the <i>Planning and Environment Act</i> 1987 that has not been delegated to the delegate.</li> </ol>
	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	Specific Planning Officers	
	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	Specific Planning Officers	
-	Power to give written authorisation in accordance with a provision of a planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to request that the Minister prepare, adopt and approve amendments to a planning scheme in relation to Interim Heritage Overlays, including by exercising powers under section 20(4)	DPP MUP MCF	<p>This power can only be exercised in relation to Interim Heritage Overlays, and where all of the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) a relevant citation for the site or precinct has been prepared;</li> <li>(b) the heritage project forms part of a heritage review previously approved by Council;</li> <li>(c) a request for demolition has been submitted to Council under section 29A of the <i>Building Act</i> 1993 or a planning application has been submitted which involves demolition or substantial alterations to building and/or works;</li> <li>(d) the proposed demolition or planning application is for a proposed heritage place, including an individually significant building or a contributory building within a proposed or revised heritage precinct; and</li> <li>(e) the proposed demolition or planning application will have an adverse impact on the cultural heritage significance of the site/precinct and is considered to have the potential to undermine the approval of the proposed heritage overlay.</li> </ul>
-	Power to request that the Minister prepare, adopt and approve prescribed amendments to a planning scheme as set out in section 20A, including by exercising powers under section 20(4)	CEO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make such changes to Planning Scheme Amendment C184 (Amendment C184) as necessary to obtain authorisation from the Minister for Planning and submit Amendment C184 to the Minister for Planning for authorisation	CEO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	PCESO Specific Planning Officers	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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	Specific Planning Officers	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	Specific Planning Officers	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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.



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CCSPP CUP CUPV DPP MUP MCF	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CCSPP CUP CUPV DPP MUP MCF	
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	PCESO Specific Planning Officers	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
All provisions of the Glen Eira Planning Scheme unless otherwise identified	Exercise Council's powers, discretions and authorities, CARRY OUT Council's duties and perform Council's functions	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act 1987</i> or regulations under that Act.
43.04-1	Power to approve a development plan	Not delegated	
43.04-3	<ul style="list-style-type: none"> <li>Power to allow a development plan to be prepared and implemented in stages</li> <li>Power to amend a development plan</li> </ul>	DPP MUP CUP CUPV	
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	Not delegated	
52.06-1	<ul style="list-style-type: none"> <li>Power to reduce or waive carparking</li> <li>Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at clause 52.06-5</li> </ul>	Specific Planning Officers	<p>The power to reduce or waive car parking in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.</p> <p>An application involving a reduction of more than ten car spaces may only be determined by DPP, MUP, MCF, CUP, CUPV.</p>
52.28	Power to grant permit for gaming machines	Not delegated	
52.46	Power to grant a permit for brothels	Not delegated	

## SCHEDULE B

S6. Instrument of Delegation – Members of Staff

page 66

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO	
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	CEO	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .
s 73	Power to decide to grant amendment subject to conditions	CEO	The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO	The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i> .

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
43.04-1	Power to approve a development plan	CEO	
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions	CEO	
52.28	Power to grant permit for gaming machines	CEO	
52.46	Power to grant a permit for brothels	CEO	



## 8.5 WRITTEN PUBLIC QUESTIONS TO COUNCIL

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 20/171774

**Attachments:** 1. *Written Public Questions to Council Guidelines - tracked changes* [↓](#)  
2. *Written Public Questions to Council Guidelines - Clean Version* [↓](#)

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### PURPOSE AND SUMMARY

That Council endorses the amended Written Public Questions to Council Guidelines. The purpose is to remove the requirement for submitters having to attend council meetings to have their questions read out and included in the council minutes and to advise of the cancellation of Public Participation at Council meetings.

### RECOMMENDATION

That Council endorses the revised Written Public Questions to Council Guidelines attached to this report and confirms that public participation at Council meetings has been cancelled until further notice.

### BACKGROUND

The current Written Public Question to Council guidelines state that a person must be present in order for their question to be read out and included in the council meeting minutes.

The proposed guidelines have been reviewed and amended to assist the community in submitting questions to Council, removing the requirement to attend council meetings. All questions received within the timeline stipulated and complying with the guidelines will be read at Council meetings and included in the council minutes.

This review has been undertaken following the advice of Prime Minister, Premier of Victoria and Minister for Health that individuals should stay home unless it is essential due to COVID-19.

The main points changed in the guidelines are as follows:

1. Public not required to attend Council meetings for their questions to be read and included in the council meeting minutes;
2. Written Public Question Time may be bought forward via a resolution of Council to an earlier stage of each meeting;
3. References to Public Participation at council meetings removed from the guidelines and that Public Participation be cancelled until further notice.

### ISSUES AND DISCUSSION

The current guidelines provide the community with an opportunity to attend and participate in council meetings either through public participation or by submitting public questions to Council. To have public questions included in the minutes of the council meeting, submitters must be present at the time that public questions are considered by Council. The current guidelines showing proposed changes (tracked) are included as Attachment 1. A final version of the proposed guidelines are shown as Attachment 2.

By amending the guidelines, no-one is required to attend meetings to have their question(s) included in the meeting minutes as long as they comply with the revised guidelines.

In accordance with section 35(1)(a) of the Council Meeting Procedure Local Law, public participation is at the discretion of the Chairperson. For the continued good health of our community and to help prevent the spread of COVID-19, it has been decided that the public participation section at Council meetings be cancelled until further notice. The public participation guidelines will no longer be applicable until public participation is reinstated by Council.

As the Guidelines are incorporated into the Local Law the change will need to be gazetted. The gazettal is planned for the first available Gazette which is Thursday 16 April 2020.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

There is a risk to community members, councillors and staff due to COVID-19, if the current guidelines are not amended.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

There are no policy and legislative implications associated with this report.

### **COMMUNICATION AND ENGAGEMENT**

There was no communication and engagement associated with this report.

### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

### **CONCLUSION**

That Council endorses the amended guidelines to avoid the requirement for submitters of questions having to attend council meetings and that public participation at Council meetings be cancelled until further notice.



## WRITTEN PUBLIC QUESTIONS TO COUNCIL

Written questions to Council is available if you wish to ask a question in writing relating to Council's role, functions or business.

These guidelines for Written Public Questions to Council (**Guidelines**) are incorporated into the Glen Eira City Council Meeting Procedure 2019 (**Council Meeting Procedure**) under clause 9 of the Council Meeting Procedure and provide the public with a means of participating in ordinary council meetings. ~~in addition to the public participation at ordinary council meetings under clause 35 of the Council Meeting Procedure.~~

The process in these Guidelines provides the local community with an opportunity to submit written questions to Council relating to Council's role, functions or business.

As a result of the impact of COVID-19, public participation previously available at Council Meetings has been cancelled.

~~If the question you are asking is not suitable for this format, you are invited to take part in public participation at ordinary council meetings under clause 35(1)(a) of the Council Meeting Procedure or contact Council's Customer Service Centre on mail@gleneira.vic.gov.au or by telephone 9524 3333.~~

### A. SUBMISSION OF WRITTEN QUESTIONS

1. Questions must be received no later than 12 noon on the business day preceding the day of the ordinary council meeting. Questions should be clearly headed "Public Question" and may be submitted to Council by email ([publicquestions@gleneira.vic.gov.au](mailto:publicquestions@gleneira.vic.gov.au)), fax (9524 3358), mail (Glen Eira City Council PO Box 42 Caulfield South VIC 3162), ~~or personal delivery (Glen Eira City Council, Glen Eira Rd & Hawthorn Road, Caulfield VIC 3162)~~ or via a form on Council's website (<https://www.gleneira.vic.gov.au/>).
2. Questions must bear the questioner's printed name and address, the date, and a telephone number at which the questioner may be contacted for verification.
3. Questions must be a maximum of 150 words. Questions exceeding 150 words will not be accepted.
4. Each person may submit a maximum of two (2) questions to any ordinary council meeting. If more than two (2) questions are received from any one (1) person, only the first two (2) questions will be processed in accordance with these Guidelines.

### B. RESPONDING TO QUESTIONS

- ~~5. If the person asking the question is present at the ordinary council meeting, the Chief Executive Officer or person acting in the role of Chief Executive Officer may read the question to the meeting. If the person submitting the question is not present, the question will not be read to the meeting but will be answered in the mode that it was received (e.g. mail or email).~~
5. Until further notice, all questions deemed appropriate under section 6 and complying with these guidelines may be read to the meeting by the Chief Executive Officer or person acting in the role of Chief Executive Officer and will be included in the minutes of the meeting. Submitters are not required to be present for their questions to be read out and included in the minutes of the meeting. This will remain in force until further notice.

6. The Chief Executive Officer or another officer designated by him or her will:
    - (a) examine the proposed question;
    - (b) recommend to the Chairperson for the Chairperson's decision any question deemed to be inappropriate having regard to paragraph 16; and
    - (c) if not deemed inappropriate read the question to the meeting.
  7. The Chairperson may decide to either—
    - (a) personally answer the question; or
    - (b) refer the question to the appropriate Councillor; or
    - (c) refer the question to the appropriate member of Council staff; or
    - (d) advise that the question is taken on notice and that a written response will be provided at a later date.
  8. Responses provided under paragraph 7(d) will be given within a reasonable time.
  9. All questions and answers shall be as brief as possible and, subject to paragraph 11, no discussion on the question and answer will be allowed.
  10. Where a question is asked about an individual Councillor in their capacity as a Councillor, the question may be redirected to the Councillor concerned.
  11. Where a Councillor disagrees with, or is aggrieved by the response provided by a fellow Councillor appointed by the Chairperson to answer the question, he or she may seek leave of the Chairperson to make an appropriate brief explanatory statement as provided for under the right to make a statement in clause 43 of the Council Meeting Procedure.
  12. The total allotted time for written questions shall be no longer than fifteen (15) minutes unless determined otherwise by the Chairperson having regard to the other business on the agenda of the meeting.
  13. If Council is unable to respond to any of the questions asked ~~by a person who is present at the meeting~~ during the time allotted for written questions, the unanswered question shall be taken on notice as per paragraph 7(d) above for separate reply.
  14. The minutes shall record questions read to the meeting (unless the question is inappropriate for any of the reasons set out under paragraph 16). The minutes shall also record any answers which are given at the meeting. The minutes of the next ordinary council meeting shall record the unanswered questions ~~of any person present~~ at the meeting and any answer given by separate reply under paragraph 13.
  15. A report will be submitted to a public meeting of Council quarterly showing the numbers of questions read, number ruled inappropriate, number answered at the meeting and time taken to reply to questions taken on notice.
- C. RESPONDING TO QUESTIONS**
16. A question may be deemed inappropriate upon the grounds that it—
    - (a) relates to matters that are outside the role, functions or business of Council; or
    - (b) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or

- (c) is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action; or
  - (d) if answered could constitute a breach of:
    - i. the **Privacy and Data Protection Act 2014 (Vic)**; or
    - ii. the confidentiality provisions or any other provision of the **Local Government Act 1989 (Vic)**; or
    - iii. any other relevant legislation.
  - (e) relates to an electoral matter during an election period; or
  - (f) exceeds 150 words.
17. The Chairperson will make the final decision as to whether a question is deemed inappropriate under paragraph 16 above.
18. Where a question is deemed inappropriate by the Chairperson, the Chief Executive Officer or designated member of Council staff may read to the meeting only the name and suburb of the person asking the question and the ground under paragraph 16 above upon which the question was deemed inappropriate.
- ~~18-19.~~ Council may seek to move a motion moving Item 10.4 on the agenda 'Written public questions to Council' to an earlier stage of the meeting.

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## WRITTEN PUBLIC QUESTIONS TO COUNCIL

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Written questions to Council is available if you wish to ask a question in writing relating to Council's role, functions or business.

These guidelines for Written Public Questions to Council (**Guidelines**) are incorporated into the Glen Eira City Council Meeting Procedure 2019 (**Council Meeting Procedure**) under clause 9 of the Council Meeting Procedure and provide the public with a means of participating in ordinary council meetings. The process in these Guidelines provides the local community with an opportunity to submit written questions to Council relating to Council's role, functions or business.

As a result of the impact of COVID-19, public participation previously available at Council Meetings has been cancelled.

### A. SUBMISSION OF WRITTEN QUESTIONS

1. Questions must be received no later than 12 noon on the business day preceding the day of the ordinary council meeting. Questions should be clearly headed "Public Question" and may be submitted to Council by email ([publicquestions@gleneira.vic.gov.au](mailto:publicquestions@gleneira.vic.gov.au)), fax (9524 3358), mail (Glen Eira City Council PO Box 42 Caulfield South VIC 3162), or via a form on Council's website (<https://www.gleneira.vic.gov.au/>).
2. Questions must bear the questioner's printed name and address, the date, and a telephone number at which the questioner may be contacted for verification.
3. Questions must be a maximum of 150 words. Questions exceeding 150 words will not be accepted.
4. Each person may submit a maximum of two (2) questions to any ordinary council meeting. If more than two (2) questions are received from any one (1) person, only the first two (2) questions will be processed in accordance with these Guidelines.

### B. RESPONDING TO QUESTIONS

5. Until further notice, all questions deemed appropriate under section 6 and complying with these guidelines may be read to the meeting by the Chief Executive Officer or person acting in the role of Chief Executive Officer and will be included in the minutes of the meeting. Submitters are not required to be present for their questions to be read out and included in the minutes of the meeting. This will remain in force until further notice.
6. The Chief Executive Officer or another officer designated by him or her will:
  - (a) examine the proposed question;
  - (b) recommend to the Chairperson for the Chairperson's decision any question deemed to be inappropriate having regard to paragraph 16; and
  - (c) if not deemed inappropriate read the question to the meeting.
7. The Chairperson may decide to either—
  - (a) personally answer the question; or
  - (b) refer the question to the appropriate Councillor; or
  - (c) refer the question to the appropriate member of Council staff; or

- (d) advise that the question is taken on notice and that a written response will be provided at a later date.
8. Responses provided under paragraph 7(d) will be given within a reasonable time.
  9. All questions and answers shall be as brief as possible and, subject to paragraph 11, no discussion on the question and answer will be allowed.
  10. Where a question is asked about an individual Councillor in their capacity as a Councillor, the question may be redirected to the Councillor concerned.
  11. Where a Councillor disagrees with, or is aggrieved by the response provided by a fellow Councillor appointed by the Chairperson to answer the question, he or she may seek leave of the Chairperson to make an appropriate brief explanatory statement as provided for under the right to make a statement in clause 43 of the Council Meeting Procedure.
  12. The total allotted time for written questions shall be no longer than fifteen (15) minutes unless determined otherwise by the Chairperson having regard to the other business on the agenda of the meeting.
  13. If Council is unable to respond to any of the questions asked during the time allotted for written questions, the unanswered question shall be taken on notice as per paragraph 7(d) above for separate reply.
  14. The minutes shall record questions read to the meeting (unless the question is inappropriate for any of the reasons set out under paragraph 16). The minutes shall also record any answers which are given at the meeting. The minutes of the next ordinary council meeting shall record the unanswered questions at the meeting and any answer given by separate reply under paragraph 13.
  15. A report will be submitted to a public meeting of Council quarterly showing the numbers of questions read, number ruled inappropriate, number answered at the meeting and time taken to reply to questions taken on notice.

#### **C. RESPONDING TO QUESTIONS**

16. A question may be deemed inappropriate upon the grounds that it—
  - (a) relates to matters that are outside the role, functions or business of Council; or
  - (b) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
  - (c) is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action; or
  - (d) if answered could constitute a breach of:
    - i. the **Privacy and Data Protection Act 2014 (Vic)**; or
    - ii. the confidentiality provisions or any other provision of the **Local Government Act 1989 (Vic)**; or
    - iii. any other relevant legislation.

- (e) relates to an electoral matter during an election period; or
  - (f) exceeds 150 words.
17. The Chairperson will make the final decision as to whether a question is deemed inappropriate under paragraph 16 above.
18. Where a question is deemed inappropriate by the Chairperson, the Chief Executive Officer or designated member of Council staff may read to the meeting only the name and suburb of the person asking the question and the ground under paragraph 16 above upon which the question was deemed inappropriate.
19. Council may seek to move a motion moving Item 10.4 on the agenda 'Written public questions to Council' to an earlier stage of the meeting.



## 8.6 VCAT WATCH

**Author:** Kristian Cook, Coordinator Urban Planning

**Trim No:** 20/154150

**Attachments:** 1. VCAT Watch - Attachment - 7 April 2020 [↓](#)

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### PURPOSE AND SUMMARY

To report to Council applications currently before, and any recent decisions of the Victorian Civil and Administrative Tribunal (VCAT).

### RECOMMENDATION

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal.

### BACKGROUND

The VCAT process is an integral part of the planning permit process and provides opportunity of independent review of planning decisions. VCAT is required to take into consideration any relevant planning policy.

### ISSUES AND DISCUSSION

This report includes an attachment that provides an overview of all applications currently before VCAT and those that have recently been decided by the VCAT. The attachment table is broken down into 'New Appeals lodged with the VCAT', 'Current matters before VCAT' (including upcoming hearings or where Council is waiting for a decision after the hearing has taken place) and 'Recent decisions of the VCAT'.

Since the previous report there have been four new appeals lodged and one application directly to VCAT to amend an existing permit at 441-495 Inkerman Road, St Kilda East. The applicant has not yet served a copy of the application to amend a permit on Council at the time of preparing this report. There has been one new decision.

#### Information to note

Officers attended an event held by the Victorian Planning and Environmental Law Association on 12 March 2020 regarding the year ahead for VCAT. The forum was chaired by Deputy President's Bisucci and Dwyer of the Tribunal who disclosed that the following changes are planned to affect from 1 July 2020:

- All appeals lodged by objectors will have a compulsory conference before they proceed to a hearing. A compulsory conference is similar to mediation.
- There will be no Practice Day Hearings (PDH) for matters listed on the Major Case List (MCL), unless requested. At the moment, all MCL appeals are listed for a PDH.
- VCAT has recently acquired an additional location in Oakleigh to ease pressure on hearing room availability at their city location, whilst also making it easier to access

from suburban areas. Some hearings and compulsory conferences will soon be held in Oakleigh and Glen Eira has been identified as a Council who will use this facility. It is

- expected that shorter hearings (1-2 day) with no more than 5 parties will be held here.
- New format VCAT Orders that will be more succinct.
- New Short Cases List (SCL) that will look to target 15% of appeals. The SCL hearing will 12 weeks from lodgement, require pre-circulation of submissions and hearings will be 3 hours, but only 2 for submissions. The additional hour will be for the member to determine the matter. Verbal submissions will not be mandatory, as pre-circulated submissions will be considered as read. Decisions will usually be verbal, or in a short form within 2 weeks of the hearing. Applications likely to be listed in the SCL list are developments up to 4 dwellings with no more than 3 parties.

The above changes are seen as a positive step forward by VCAT, as it will ensure more efficient processing times at the Tribunal, more opportunities for consultation with residents, better accessibility for our residents and less strain on Council resources.

#### VCAT and in the impact from the onset of the Coronavirus (COVID-19)

Council has been informed that VCAT venues are closed to the public and that no face-to-face hearings are scheduled up to and including 17 April 2020. VCAT however is working hard to expand the range of matters that can be heard by telephone.

#### **RECENT VCAT DECISIONS**

<b>Address</b>	10 Quinns Road, Bentleigh East
<b>Proposal</b>	Construction of four, three storey dwellings
<b>Council decision</b>	Planning Permit
<b>VCAT decision</b>	No changes to contested conditions
<b>Appellant</b>	HML Quinns Pty Ltd

Councillors may recall this application that was approved at the 30 April 2019 Ordinary Council Meeting subject to conditions, two of which related to compliance with the relevant ResCode standards for side setbacks and overshadowing of adjoining secluded private open space (SPOS). These conditions were subsequently contested by the applicant at VCAT.

In determining its decision, the Tribunal considered that the impact of overshadowing to the adjoining SPOS areas of numbers 14 St Georges Avenue and 8B Quinns Road would be unreasonable and that compliance with the conditions should be achieved. On this basis, the Tribunal affirmed Council's conditions and directed that the permit not be amended.



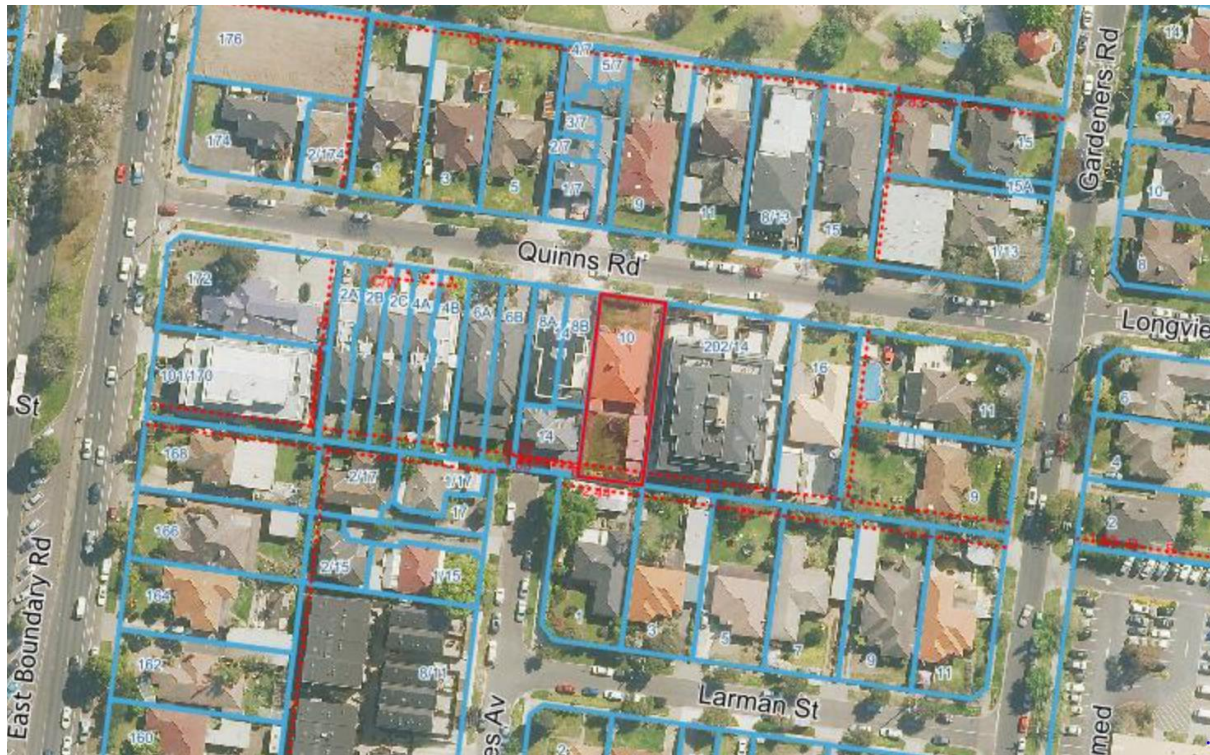


Figure 1 – Aerial view of subject site and surrounding properties

## COMMUNICATION AND ENGAGEMENT

There has been no communication or engagement for this report.

## LINK TO COUNCIL AND COMMUNITY PLAN

Theme One: Liveable and Well Designed  
A well planned City that is a great place to live.

## OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

## CONCLUSION

The report provides an update of the applications before VCAT and the recent decisions made by the Tribunal.

## APPLICATIONS BEFORE AND RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Delegate For Decision	Next Type of Hearing	Next VCAT Date
51 Hawthorn Road CAULFIELD NORTH	P290/2020	Buildings and works including, part demolition, external alterations to the existing building, construction of a four storey addition to the rear of the existing building and a reduction in the car parking requirements	s77 (Refusal)	C1Z	Refusal	Council	Merits Hearing	20/7/20
430-434 Neerim Road MURRUMBEENA	P125/2020	Construction of a nine storey mixed use building, use of the land for a residential building (Student Housing), and a reduction in the statutory car parking requirements	s77 (Refusal)	C1Z	Refusal	Officer	Merits Hearing	20/7/20
39 Lilac Street BENTLEIGH EAST	P2412/2019	Construction of three double storey dwellings	s82 (Objector)	GRZ1	NOD	Coordinator	Merits Hearing	28/7/20
441 Inkerman Road, St Kilda East	P194/2020	Permit allows: Construction of a building associated with a section 2 use and within a special building overlay and use of the land for accommodation (retirement village). Proposed amendment: Changes to conditions of the permit.	S87A (Amend a permit)	NRZ1	Not yet decided	N/A	Merits Hearing	17/8/20
9 Faulkner Street BENTLEIGH	P293/2020	Construction of a double storey dwelling on a lot less than 300 square metres	s82 (Objector)	GRZ1	NOD	Coordinator	Merits Hearing	19/8/20

## MATTERS BEFORE THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (\*INCLUDING APPEALS AWAITING A DECISION)

Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Delegate For Decision	Next Type of Hearing	Next VCAT Date
103 Gardenvale Road, Gardenvale	P1559/2019	Development of the site for a 4 storey mixed use development comprising ground floor retail, 2 levels of offices and use of the upper level for a dwelling with a reduction in car parking requirements within a Special Building Overlay	s77 (Refusal)	C1Z	Refusal	Officer	Merits Hearing	*
6-8 Bevis Street, Bentleigh East	P840/2019	Construction of a 3 storey building comprising up to 22 apartments and a basement car park	s77 (Refusal)	GRZ1	Refusal	Council	Merits Hearing	*

11 Carre Street, Elsternwick	P70/2020	Partial demolition and construction of a double storey extension to the existing dwelling in a Neighbourhood Character Overlay	S80 (Conditions)	RGZ1	Permit	Officer	Merits hearing	5/5/20
5 Porter Road, Carnegie	P2338/2019	Construction of four double storey dwellings on a lot affected by the Special Building Overlay	S77 (Refusal)	NRZ1	Refusal	Council	Merits	11/5/20
10-16 Selwyn Street, Elsternwick	P263/2019	Part demolition of the site and construction of a mixed use building of up to 14 storeys; use of the land as a shop, place of assembly and for the sale of packaged liquor	s77 (Refusal)	MUZ1	Refusal	Council	Merits Hearing	25/5/20 (10 days)
456 Glen Eira Road, Caulfield	P2164/2019	Construction of five double storey dwellings and alteration to access to a road in a Road Zone	S82 (Objector)	NRZ1	NOD	Council	Merits	29/5/20
51 Hawthorn Road CAULFIELD NORTH	P290/2020	Buildings and works including, part demolition, external alterations to the existing building, construction of a four storey addition to the rear of the existing building and a reduction in the car parking requirements	s77 (Refusal)	C1Z	Refusal	Council	Merits Hearing	20/7/20
430-434 Neerim Road MURRUMBEENA	P125/2020	Construction of a nine storey mixed use building, use of the land for a residential building (Student Housing), and a reduction in the statutory car parking requirements	s77 (Refusal)	C1Z	Refusal	Officer	Merits Hearing	20/7/20
39 Lilac Street BENTLEIGH EAST	P2412/2019	Construction of three double storey dwellings	s82 (Objector)	GRZ1	NOD	Coordinator	Merits Hearing	28/7/20
441 Inkerman Road, St Kilda East	P194/2020	Permit allows: Construction of a building associated with a section 2 use and within a special building overlay and use of the land for accommodation (retirement village). Proposed amendment: Changes to conditions of the permit.	S87A (Amend a permit)	NRZ1	Not yet decided	N/A	Merits Hearing	17/8/20
9 Faulkner Street BENTLEIGH	P293/2020	Construction of a double storey dwelling on a lot less than 300 square metres	s82 (Objector)	GRZ1	NOD	Coordinator	Merits Hearing	19/8/20

## RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Address	VCAT Reference	Description of proposal	Type of appeal	Zone	Council decision	Delegate for decision	Appeal outcome	Date of VCAT decision	VCAT Decision (effect on Council decision)
10 Quinns Road, Bentleigh East	P1285/2019	Construction of four (4) three storey attached dwellings	s80 (Conditions)	GRZ 1	Planning Permit	Officer	Merits Hearing	27/2/20	Affirmed, no changes to conditions.



## 8.7 ANALYSIS OF VCAT DECISIONS

**Author:** Deanne Mason, Executive Assistant - Planning and Place

**Trim No:** 20/169535

**Attachments:** Nil

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### PURPOSE AND SUMMARY

At the 25 February 2020 Ordinary Council Meeting, Cr Magee requested that officers prepare a report comparing the number of dwellings approved by VCAT as a result of overturning Council decisions over the last five years.

Due to the manual analysis required to complete the report, officers request that the report be presented to the 28 April 2020 Ordinary Council Meeting.

### RECOMMENDATION

That Council approves the 'Analysis of VCAT Decisions' report be presented at a future Ordinary Council Meeting.

### BACKGROUND

At the 25 February 2020 Ordinary Council Meeting (OCM), Cr Magee requested that officers prepare a report comparing the number of dwellings approved by VCAT as a result of overturning Council decisions over the last five years.

The report was to be presented to the 7 April 2020 Council meeting and should include analysis of the number of VCAT appeals against Council's decisions over this period; a comparison with similar Councils; and analysis on whether Council's structure planning has impacted the number of VCAT appeals.

### ISSUES AND DISCUSSION

Officers had indicated that they would be able to have this report prepared in time for the 7 April 2020 OCM. This was on the basis that an automated report could be generated that would contain the data that forms the substance of the report.

Unfortunately, it has come to their attention that this background data will require a considerable amount of manual data analysis, meaning that the report has now been scheduled for the following OCM on 28 April 2020.

### FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There were no financial, resource, risk or asset management implications associated with this report.

### POLICY AND LEGISLATIVE IMPLICATIONS

There were no policy or legislative implications associated with this report.

### COMMUNICATION AND ENGAGEMENT

There was no communication and engagement required for this report.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme One: Liveable and Well Designed  
A well planned City that is a great place to live.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

That the report be presented to an upcoming Ordinary Council Meeting with a aim for it to be presented on 28 April 2020.

## 8.8 HEATHER ROAD CAULFIELD SOUTH - ROAD DISCONTINUANCE

**Author:** Jeanette Blackwood, Property Consultant

**Trim No:** 20/170418

**Attachments:** 1. Attachment 1 - Plan of proposed road discontinuance [↓](#)  
2. Attachment 2 - Submissions [↓](#)  
3. Attachment 3 - Minutes of submission hearing [↓](#)

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### PURPOSE AND SUMMARY

On 5 February 2019 Council resolved to commence the statutory procedures to discontinue part of Heather Road as part of a process to create a new park at Aileen Avenue, Caulfield South.

Council gave public notice of the proposal to discontinue part of Heather Road and received four submissions. The submissions were heard at the Council meeting on 17 March. Following consideration of submissions, a decision is now required to determine if a section of Heather Road will be discontinued.

### RECOMMENDATION

That Council, having considered both the written and verbal submissions received under Section 223 of the Local Government Act, 1989 to the proposed discontinuance of the section of Heather Road, Caulfield South, shown hatched on Attachment 1 and being of the opinion that the road is not reasonably required as a road for public use, hereby directs that:

- (a) the road be discontinued in accordance with the provisions of section 206 and Schedule 10, Cause 3 of the Local Government Act, 1989;
- (b) a notice be published in the Victoria Government Gazette;
- (c) the land from the road be retained by Council for municipal purposes for incorporation into a proposed park, and
- (d) the submitters be informed of the decision that Council considers the open space that can be delivered by the road discontinuance will benefit the local community.

### BACKGROUND

Council purchased 6 Aileen Avenue in August 2016 with the intention of creating a new local open space. The property has continued to be leased since purchase and will conclude on 30 April 2020.

Community consultation for the proposed park, including the discontinuance of a section of Heather Road, was undertaken in late 2018. The outcome was presented to Council on 5 February 2019 where Council resolved to commence the formal road discontinuance process in accordance with section 206 and Schedule 10(3) of the Local Government Act, 1989 (LGA).



Council gave public notice on 20 November 2019 in the Caulfield Leader, the Moorabbin Leader and on Council's website. A letter was also delivered to 18 nearby properties. The following week notification was extended to include an additional 140 households, this included all properties along Aileen Avenue, York Street, Heather Road and Mercury Street.

Four submissions were received, shown in Attachment 2. The submissions were heard at the Council meeting on 17 March 2020. Two of the submitters spoke in support of their submissions. A copy of the minutes (Attachment 3) is provided.

## ISSUES AND DISCUSSION

The issues raised by submitters relate to traffic concerns created by the proposal to discontinue, and the effect on the access of the owners of 1 York Street. Further explanation provided by those speaking in support of submissions identified the following issues:

- Increased traffic volumes in area;
- Current difficulties parking in the area;
- The discontinuance will push more traffic onto Fernhill Road, which is already dangerous;
- Closing Heather Road will put more pressure on surrounding roads;
- Concern for access for 1 Heather Road;
- Princes Park provides open space nearby;
- Aileen Avenue suffers poor traffic management with speed and volumes creating difficulties including use of the area by buses;
- Concern that the traffic management report is out dated and doesn't provide current data or projections;
- Concerns about the road being part of the safe cycling route; and
- Consultation was inadequate.

The following provides responses to these issues. It should also be noted that a number of these issues were previously considered by Council on 5 February 2019.

### *Vehicle Movement and Parking*

In undertaking the traffic assessment, all previous traffic data in the study area was reviewed. Updated traffic surveys were collected in August 2017 at two locations on Heather Street, two locations on York Street, in Fernhill Road and Sea View Street. The 2012 traffic counts taken on Aileen Avenue were used in the analysis.

Whilst the Aileen Avenue traffic data was not re-captured, the traffic counts undertaken for all the other streets reflects the expected traffic that would be transferred from Heather Street to the adjoining streets, including Aileen Avenue. These other streets are the streets that would be more affected than Aileen Avenue by the Heather Road closure proposal.

The assessment considered average weekday traffic volumes and the morning peak and the likely distribution of traffic to adjoining streets. These assessments concluded the closure would not result in any additional operational or safety issues for the surrounding road network, including Aileen Avenue.

The traffic movement analysis conducted by Council's traffic consultants and supported by Council's traffic engineers indicates that the closure of Heather Street will have minimal



impact on the traffic volumes in Aileen Avenue and the adjoining streets. The predicted new volumes on the streets are all within the acceptable traffic volume ranges for streets of this type.

It is understood from some community feedback, that there are existing concerns with the use of Aileen Avenue for rat running and potential speed concerns. Council's Traffic Engineers will review the traffic safety measures in Aileen Avenue to address these concerns and install any necessary improvements. It is noted however, that these resident experiences relate to existing conditions in Aileen Avenue, and the closure of Heather Street is not expected to add a significant number of additional vehicles to Aileen Avenue.

As previously reported, Council's Traffic Engineers consultant provide the following information:

*Initial traffic analysis shows that the closure of Heather Road (between Aileen Avenue and York Street) will not have a significant impact on traffic volumes, parking and safety along Aileen Avenue and the surrounding nearby streets. The anticipated traffic volumes along Aileen Avenue and the other surrounding streets all fall within acceptable traffic volume ranges for streets of this type.*

*Notwithstanding the above, traffic and parking conditions will continue to be monitored and relevant action will be taken as required.*

*The small local park is not expected to create additional parking demands, as the majority of park users will be from the immediate area and will walk to the park rather than drive.*

Regarding the bus route, there will be no impact to bus travel/movement as the recommendation is to retain the roundabout. Additionally, this has other benefits including:

- The roundabout continues to provide improved safety for vehicle movements at T-intersection;
- The splitter islands associated with the roundabout provide improved safety and access for pedestrians crossing Aileen Avenue and Mercury Street; and
- The roundabout provides speed control for Aileen Avenue.

As mentioned above, Council's Traffic Engineers will review the traffic in Aileen Avenue to address any safety concerns and install any necessary improvements.

#### *Property Access*

Access to residential properties at 1 York Street and 1 Heather Road will be maintained. The proposed discontinuance includes an easement along the boundary of 1 York Street to ensure ongoing access.

#### *Consultation Process*

Concern was raised in relation to Council's level of consultation. The statutory process to discontinue the road follows on from the previous new local park broad community consultation in October and November 2018 which included the following:

- Distribution of 750 information flyers to nearby residents;
- Article in Council's November Glen Eira News (distributed to all residents);
- Signage boards at 6 Aileen Avenue facing Heather Road and facing Aileen Avenue;
- Plans, interactive mapping and feedback sections on Council's 'Have Your Say' online forum;
- Promoted on Council's website with a link to the plans and further information; and

- Emails to registered users of 'Have Your Say' and subscribers of Council's Consultation E-Newsletter.

Feedback on this consultation was considered by Council on 5 February 2019, and as listed in the report there were an overwhelming number of supportive comments.

The proposed discontinuance notice was published in the Caulfield Leader and Moorabbin Leader newspapers on 20 November 2019 and advertised on Council's website.

Macquarie Lawyers, who have assisted with the proposed discontinuance, forwarded a letter to 18 residents who directly abut the subject land and in the vicinity. The following week, Council officers delivered notification to a further 140 households along Aileen Avenue, York Street, Heather Road and Mercury Street.

There was a point raised on not erecting a sign on site to advertise the proposed discontinuance, however this was not a requirement and the discontinuance was previously advertised and all residents were directly notified.

The engagement approach aligns with Council's *Community Engagement Strategy 2017*. This process is consistent with the process that Council normally carries out for road discontinuances.

#### *Proximity of Princes Park*

Council's Open Space Strategy has identified the area as lacking in open space and recommends in providing a new small local open space (Action 6.8A-2). Features appropriate to small local spaces include garden beds, pathways, a minor playground, seating, trees and water sensitive urban design infrastructure.

Smaller parks compliment larger destination parks and open spaces have the ability to be scattered throughout the community, to provide opportunity and impact on the everyday lives of nearby residents in different ways to large open spaces. A focus towards green spaces and walk-friendly neighbourhoods will contribute towards improving the mental and physical health and wellbeing of our community and the ecological health of our urban environments.

#### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The cost to Council in undertaking the road discontinuance procedure will be approximately \$15,000. This includes costs for surveying, public notice, legal and titles office registration fees.

#### **POLICY AND LEGISLATIVE IMPLICATIONS**

The road discontinuance process has been undertaken in accordance with Council's Roads and Reserves Discontinuance and Sale Policy 2015.

#### **COMMUNICATION AND ENGAGEMENT**

Community consultation was undertaken in late 2018 in relation to the development of the open space and was considered in the Council report of 5 February 2019.

Furthermore, Council has given public notice of the proposal to discontinue the Road and has received four submissions. The submissions were received and noted on 17 March 2020. Council must now consider the matter and determine whether to proceed with the road discontinuance.

#### **LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

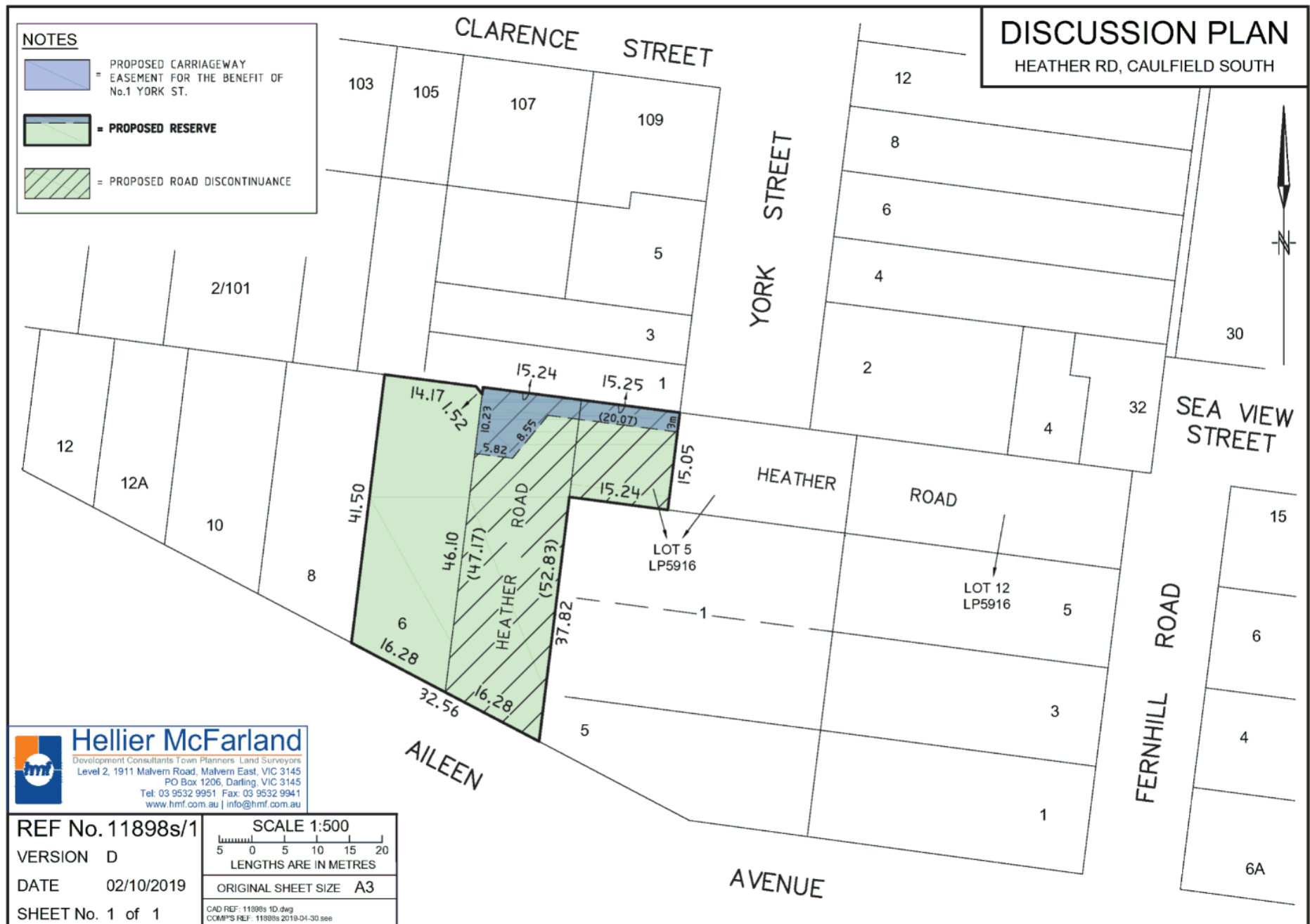
A well governed Council that is committed to transparency and engages residents in decision-making.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

That Council determine if they should proceed with the road discontinuance for the section of Heather Road, Caulfield South as shown on Attachment 1.



Submission 1

13/12/2019



Caulfield South 3162



**PROPOSED DISCONTINUANCE OF PART OF HEATHER RD. CAULFIELD SOUTH**

Reference 19/2620

Manager Buildings and Properties Glen Eira City Council  
PO box 42 Caulfield South 3162

Dear Sirs

I wish to offer my objections to the closing of Heather Road adjacent to Aileen Avenue.

Heather Road is used on a Day To Day basis by local traffic.

If Heather Road is closed, Traffic will be diverted to Fernhill Road. Fernhill is quite narrow and with parked Cars becomes a single Lane. With increased Traffic flow Cars travelling in opposite directions on Fernhill will create a hazard.

When turning from Fernhill Road either way into Aileen Avenue vision is limited due to parked Cars and the Bend in Aileen Avenue.

These Traffic conditions will be exacerbated at School and peak times.

With a suitable fence erected around the Park, Heather Road could remain open.



## Submission 2



CAULFIELD SOUTH 3162

16th December 2019

Manager Building and Properties  
Glen Eira City Council  
PO Box 42,  
CAULFIELD SOUTH 3162

**Re: Proposed Discontinuance of Part of Heather Road, Caulfield South****Public Notice Reference: 19/2620**

Dear Sir or Madam

I would like to make a submission to council and raise my objection, to the discontinuance of part of Heather Road, Caulfield South, as described by the Glen Eira Public Notice Reference 9/2620.

Submission:

- Heather Road is required, as a road for public use for present and future needs of parking within the local area and to provide continuity for an existing road network and other public roads to avoid future traffic flow concerns. It provides practical safe vehicular access to surrounding residential roads, due to increasing housing density in the area and expected population influx.
- Heather Road currently provides 5 nearby needed parking spaces, to support the lack of parking in Aileen Avenue, due to "no parking" arrangements for residents outside their premises, immediately east and west of the roundabout at Aileen Avenue, due to the bus zones and their proximity to the roundabout.
- Heather Road provides a quicker alternative route, for vehicles travelling north and south, rather than from turning right into very busy Kooyong and Hawthorn Roads at peak times, where a number of accidents have already occurred, due to the driver poor road visibility at these locations.
- Heather Road provides safe vehicle access to the rear entrance of the property of 1 York Street. The closure of this section of Heather Road, will greatly reduce the ease of accessibility of vehicle entry, by the residents of 1 York Street.
- The closure of Heather Road would cause the short Fernhill Road to become the new alternative route, for vehicles travelling north to Glenhuntly Road, or south to North Road. The road closure will increase an already congested minor Fernhill Road by 87%.
- Heather Road connects with Aileen Avenue at a roundabout and allows for unrestricted and risk-free vehicle movement by the PTV transit bus and large school bus vehicles, to travel east along Aileen Avenue, to get through the roundabout.
- Council is using an outdated Traffic Management Assessment of Aileen Avenue from 2012, which is now almost eight years old, along with 2017 data for Heather Road, Fernhill Road, York Street and Seaview Street. Traffic in Aileen Avenue has increased considerably since 2012.

The traffic report provided states:

- The potential impact as leading to an increase in the average weekday vehicle daily traffic volumes, in the surrounding road network at peak times.
- Vehicles would be diverted from the shortest route available (Heather Road), which is currently under consideration for road closure, onto the minor Fernhill Road.
- Fernhill Road traffic volume to increase from 277 to 519 vehicles per day, a 87% increase.
- Heather Road traffic volume to increase (east of York Street) from 545 to 706 vehicles per day, a 29.5% increase.
- Aileen Avenue traffic volume to increase (west of Fernhill Road) from 1166 to 1347 vehicles per day, a 14.4% increase.

Where are the future traffic volume projections, to understand what the impact in the future will be to the surrounding streets. The report only concludes that that Kooyong Road and Hawthorn Road can absorb any increases. Hawthorn Road and Kooyong Road are already very congested in peak times and Aileen Avenue is used as a rat run; therefore, Heather Road is a necessary alternative route for traffic.

Sincerely,





## Submission 3

10 December 2019

Manager Buildings and Properties  
Glen Eira City Council  
PO Box 42  
CAULFIELD SOUTH VIC 3162



To Whom It May Concern:

**Reference: 19/2620**

**Proposed Discontinuance of Part of Heather Road, Caulfield South**

As a residence of nearby Mars Street, I strongly disapprove of the continuance of that small part of Heather Road. With constant heavy traffic in nearby Kooyong Road and Aileen Avenue, additional roadways are welcomed. In particular, turning right from Aileen Avenue towards Glenhuntly Road takes forever, so we often use that part of Heather Road to head towards Glenhuntly Road. The more "avenues" of roads to be taken, the better the traffic flow, particularly in a small area of small roads.

I have no objection to the creation of a park on the nominated block of land.

I therefore respectfully request that this section of Heather Road be left open and available to local traffic.

Regards



Caulfield South Vic 3162



Submission 4

**From:** [REDACTED]  
**Sent:** Thursday, 19 December 2019 3:53 PM  
**To:** Glen Eira City Council  
**Subject:** For the attention of the Manager of Buildings and Properties (ref 19/2620)

Dear Sir/Madam,

I am sending you my submission regarding the above matter via email as I have no guarantee that you will receive my postal submission in time, given the time of year.

I wish to object to the discontinuance of Heather Rd as the proposal currently stands, for the following reasons :

1. Aileen Avenue suffers by way of traffic management and the fact that it is widely used as a rat run.
- 2.Speed is a real and ongoing issue. The roundabout is by no way big enough to slow traffic down as has to accommodate a number of buses.
- 3.Closing Heather Rd will now mean that vehicles travelling towards Kooyong Road will have no reason to slow down and give way to the right.
4. This proposal needs to be considered in conjunction with an appropriate traffic management solution, of which there is none. A traffic assessment from 7 years ago has no relevance, given that traffic volume will have increased in line with population influx.

Until we the residents are presented with all the facts and implications of this proposal, we cannot be expected to make an informed decision.

I am more that happy to appear in person in support of my submission at a future Council meeting.

Yours sincerely,

[REDACTED]

[REDACTED]

Caulfield South 3162

[REDACTED]

## ORDINARY COUNCIL MEETING MINUTES

17 MARCH 2020

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**8. OFFICER REPORTS (AS LISTED)**

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**8.1 HEATHER ROAD - ROAD DISCONTINUANCE SUBMISSION HEARING**

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Judy Kras was not present in the Chamber to speak to her submission.

The Mayor invited Frank Greco to speak to his submission.

Mr Greco spoke to his submission and was thanked by the Mayor.

The Mayor then invited anyone in the gallery to speak to this item. Sandy Togias spoke on this item.

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**Moved: Cr Silver****Seconded: Cr Delahunty**

That Council:

1. notes the four submissions received in relation to a proposal to discontinue part of Heather Road Caulfield South, as shown on the attached plan as Attachment 1 pursuant to section 206 and Schedule 10(3) of the Local Government Act, 1989;
2. hears the submitter who has requested to be heard; and
3. notes that a further report be presented to the Council meeting of 7 April 2020 to determine if part of Heather Road will be discontinued.

**CARRIED UNANIMOUSLY**

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**8.2 VCAT WATCH**

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**Moved: Cr Silver****Seconded: Cr Hyams**

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal.

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS**

**10. ORDINARY BUSINESS**

**10.1 Requests for reports from a member of Council staff**

**10.2 Right of reply**

**10.3 Councillor questions**

**10.4 Written public questions to Council**

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**