



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 6.00 PM ON  
21 MARCH 2016**

**CM479**

## MISSION

TO PROVIDE  
THE BEST POSSIBLE  
FACILITIES, SERVICES,  
ADVOCACY AND LEADERSHIP  
FOR LATROBE CITY, ONE OF  
VICTORIA'S FOUR MAJOR  
REGIONAL CITIES.

## VALUES

- » Providing affordable people focused community services
- » Planning strategically and acting responsibly, in the best interests of the whole community
- » Accountability, transparency and honesty
- » Listening to and working with the community
- » Respect, fairness and equity
- » Open to and embracing new opportunities

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*Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.*

**2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*I would like to acknowledge the traditional owners upon whose land we are meeting on today, the Gunaikurnai people and pay my respects to their Elders past and present.*

*If there are other Aboriginal people/Elders present I would also acknowledge them.*

**3. APOLOGIES AND LEAVE OF ABSENCE****4. DECLARATION OF CONFLICT OF INTEREST****5. ADOPTION OF MINUTES****RECOMMENDATION**

**That the minutes of the Ordinary Council Meeting held on 29 February 2016 be confirmed.**

**6. ACKNOWLEDGEMENTS**

*Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.*

**7. PUBLIC QUESTION TIME**

*Members of the public who have registered before 12.00 Noon on the day of the Council meeting are invited to speak to an item on the agenda or to ask a question of the Council.*

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**8. ITEMS HELD OVER FOR REPORT AND/OR  
CONSIDERATION/QUESTIONS ON NOTICE**

Council Meeting Date	Item	Resolution	Status Update
<b>City Development</b>			
06 May 2013  City Development	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	<p>Item on hold pending Council's review of Committees.</p> <p>A further report will be presented to Council once the review is complete.</p> <p><b>05 February 2016</b></p> <p>Manager Arts &amp; Events is preparing a submission for the Tourism Advisory Board to consider options to broaden the scope of the Terms of Reference to include matters relating to Major Events. The submission will be presented to the Advisory Board meeting scheduled for April.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p style="text-align: center;">14 September 2015</p> <p style="text-align: center;">City Development</p>	<p>Consideration of the Recommendations of the Panel Report for C87</p>	<p>That Council defer the Consideration of the recommendations of the Panel Report for C87 until the following have taken place:</p> <p>1. That Council communicates with the Premier to organise a meeting with the EPA, interested Councillors, relevant Council Officers, Australian Paper and relevant stakeholders to discuss Urban Amenity Buffer solutions</p>	<p><b>05 February 2016</b></p> <p>A Councillor Briefing with EPA and Australian Paper took place on 1 February 2016 to discuss the urban amenity buffer.</p> <p><b>09 March 2016</b></p> <p>EPA, AP and LCC met with Tyers landowners on 03 March 2016, and will organise to meet with the Traralgon West, Morwell North and community groups on 21 March 2016.</p> <p>The draft Risk Assessment has been received and reviewed by Council Officers.</p> <p>A Councillor Briefing was held on 07 March 2016 to discuss the Risk Assessment report.</p> <p>A second Councillor Briefing will be organised with DEDJTR regarding their position on coal buffers and the AGL Work Plan variation. This date will be communicated to Councillors once confirmed.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
04 May 2015  City Development	Latrobe Heavy Industry Park and Gippsland Logistics Precinct - Project Update and Proposed Next Steps	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the progress made on the Gippsland Logistics Precinct and the Latrobe Heavy Industry Park projects.</li> <li>2. Reopens a Request for Proposal process aimed at securing private sector involvement in the Gippsland Logistics Precinct.</li> <li>3. Initiates specific discussions with the Victorian Government to identify opportunities to assist the Government in marketing the potential of the Latrobe Heavy Industry Park to the private sector.</li> </ol>	<p><b>Complete – 09 March 2016</b></p> <p><b>05 February 2016</b></p> <p>Heavy Industry Park – land is in the process of sale to adjacent landowner.</p> <p>GLP - A proposal to access a portion of the \$10 Million funding commitment to review and update the masterplan for the site has been submitted to Regional Development Victoria (RDV).</p> <p>A presentation by the Chair of the Gippsland Logistics Precinct project control group was made to Council on the 1st February 2016.</p> <p><b>09 March 2016</b></p> <p>RDV has advised that approval has been given for Council to spend up to \$100,000 to review the Master Plan and provide recommendations for expenditure of the remaining funds.</p>



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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
06 July 2015  City Development	Latrobe Performing Arts and Convention Centre Review <b>(continued below)</b>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopt the Review of the Latrobe Performing Arts and Convention Centre Feasibility Study and Business Case June 2015.</li> <li>2. Consider the Latrobe Performing Arts and Convention Centre as two separate projects – Latrobe Performing Arts Centre and Latrobe City Convention Centre.</li> <li>3. In relation to the Latrobe Performing Arts Centre:               <ol style="list-style-type: none"> <li>a) Confirms the site of the existing Latrobe Performing Arts Centre in Traralgon as the site for the new Latrobe Performing Arts Centre.</li> <li>b) Undertake a detailed business case for the Latrobe Performing Arts Centre including a strong evidence base for the new facility and confirmation of key design elements.</li> <li>c) Engage a specialised theatre design consultant to confirm key design elements and complete a functional design brief to detail costs of the Latrobe Performing Arts Centre.</li> </ol> </li> </ol>	<p><b>05 February 2016</b></p> <p>In relation to the Latrobe City Convention Centre, a project brief will be prepared in the first half of 2015/16 to engage a consultant to undertake investigation to confirm potential demand for a dedicated convention centre. It is envisaged that this will be completed in the 2015/16 financial year, subject to budget approval by Council.</p> <p>A further report will be presented to Council at this time and depending on the outcome of the demand analysis, a business case including establishment of a working group will be progressed.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
06 July 2015  City Development	Latrobe Performing Arts and Convention Centre Review <b>(continued)</b>	<p>d) Allocate \$200,000 from the 2015/16 Financial Year surplus to develop the Latrobe performing arts business case and functional concept design.</p> <p>e) Establish a representative community working group to steer the business case and design for the Latrobe Performing Arts Centre.</p> <p>f) Receive a report pending the outcome of the funding submission to the National Stronger Regions Fund – Round 2.</p> <p>g) Continue to liaise with the Victorian and Commonwealth governments in relation to potential funding opportunities.</p>	<p><b>05 February 2016</b> Following the Councillor Briefing on Wednesday 27 January, a report will be presented to Council on Monday 08 February ahead of the submission being lodged with the State Government.</p> <p><b>09 March 2016</b> Following the appointment of Williams Boag Pty Ltd Architects in December 2015, a Business Case and Functional Concept Design has been prepared in relation to what is now called the Latrobe Creative Precinct.</p> <p>The Precinct incorporates a new Latrobe Performing Arts Centre, outdoor event spaces, educational and vocational training facilities and a digital learning hub; in addition to the existing Library and Service Centre and Maternal and Child Health Centre.</p> <p>Applications for funding have been prepared and lodged with the State Government and Federal Governments, following Council's resolution to provide \$10 million towards the project.</p> <p>If successful, Council will move to the preparation of detailed planning for the new Precinct in coming months.</p>

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<p>06 July 2015</p> <p>City Development</p>	<p>Latrobe Performing Arts and Convention Centre Review <b>(continued)</b></p>	<p>4. In relation to the Latrobe City Convention Centre:</p> <p>a) Confirms Morwell as the location of the Latrobe City Convention Centre.</p> <p>b) Undertakes further detailed analysis and investigation to confirm potential demand for a dedicated convention centre in Latrobe City.</p> <p>c) Establish a representative community working group, to steer the business case and design for the Latrobe City Convention Centre.</p> <p>d) Allocate funding in future budgets to assist with the development of a business case and functional concept design for the Latrobe City Convention Centre.</p> <p>e) Investigate funding options for the Latrobe City Convention Centre.</p> <p><b>27 July 2015</b></p> <p>That Council:</p> <p>1. Receives a report outlining State Government funding opportunities and recommendations on applying for funding through National Stronger Regions Fund Round 3.</p>	<p>As above.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
26 October 2015  City Development	2015/20 - Traralgon Court House Status Update	That a report be brought back to Council on the status of the plans for the Traralgon Court House.  That the report includes:  (a) the options on how Council proposes to fund the plans; and  (b) the actions for 2015/16 and any actions proposed for 2016/17	Officers will prepare a report for Council meeting in May  <b>05 February 2016</b>  Preparation of report is on schedule.
26 October 2015  City Development	Economic Development Engagement Plan	That Council:  1. Approves the 2015/16 Economic Development Engagement Plan to improve information sharing and active communication with Council staff, investors, government, business and industry leaders.  2. Receives quarterly reports during the 2015/16 financial year on the activities of the Economic Development Engagement Plan, and  3. Receives a report in September 2016 detailing the annual results of the Economic Development Engagement Plan.	<b>05 February 2016</b>  The Economic Development Engagement Plan Quarterly report was presented to Council in February 2016. Report to be presented to the Ordinary Council Meeting on 29 February 2016.  <b>09 March 2016</b>  The next quarterly report will be presented to Council in May 2016.  The annual report will go to Council for consideration in September 2016.

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p>16 November 2015</p> <p>City Development</p>	<p>Planning Permit Application 2015/133- Refurbishment of amenities block, construction of two new amenities blocks and new wastewater treatment system at Hazelwood Pondage Caravan Park</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Defer this matter to the first meeting in February 2016</li> <li>2. Receive a further briefing from officers in relation to possible options that may be considered in relation to a new wastewater treatment system</li> <li>3. Refer this matter to Latrobe City's Tourism Advisory Board for comment.</li> </ol>	<p><b>Complete – 09 March 2016</b> Council deferred this item to February 2016 Council Meeting.</p> <p>Planning Department will be working on further actions required by Council</p> <p>Report to be presented to Council for consideration 08 February 2016</p> <p><b>05 February 2016</b> Alternative conditions request was made by Cr White and was circulated to all Councillors on 4 Feb 2016.</p> <p><b>09 March 2016</b> Council resolved to issue a Notice of Decision at the 08 February Ordinary Council Meeting.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
07 December 2015  City Development	Federation University Australia Gippsland Campus Initiatives with Taizhou, China	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Supports the consideration of an allocation of Council resources to complement the Gippsland Campus of Federation University Australia proposed initiatives with Latrobe City's Sister City, Taizhou China.</li> <li>2. Requests a further report be brought back in 2016, in accordance with the Sister Cities Policy.</li> </ol>	<p>Email correspondence has recently taken place with the Taizhou Foreign Affairs Officer in relation to a proposed Educational Marketing Campaign in Taizhou and also a possible Taizhou Foreign Affairs Officer secondment for 8 weeks in February/March 2016. However, due to time constraints it is unlikely that the secondment will come to fruition.</p> <p>Initial feedback on the marketing campaign was positive; we are waiting to hear more information in coming weeks. Positive feedback from the Taizhou Foreign Affairs office indicates that the Federation University marketing campaign in Taizhou is a real possibility. Further conversation will be held once Dr Harry Ballis returns from overseas in late January.</p> <p><b>05 February 2016</b> Contact will be made this month with Dr Ballis.</p> <p><b>09 March 2016</b> Correspondence has been sent to the Taizhou Government. Further information will be provided once a response is received.</p>

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Council Meeting Date	Item	Resolution	Status Update
07 December 2015  City Development	Planning Scheme Amendment C85 - Crinigan Road, Morwell	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Defer the consideration of Amendment C85 until advice has been received from the landowner on how they wish to proceed with the amendment.</li> <li>2. That a report outlining the next steps be presented to Council no later than 30 October 2016.</li> <li>3. Advises those persons who made written submissions to Amendment C85 of Council's decision</li> </ol>	<p>The land owner has been advised of Council's decision, and are now considering their options. No further action will be undertaken until further advice from the landowner has been received.</p> <p><b>05 February 2016</b> The landowner (Hancock Victorian Plantations) has been contacted recently and has advised they are yet to make a decision pending a future HVP Board meeting. Further advice from the landowner is expected by the end of March.</p>
07 December 2015  City Development	Proposed - Community Amenity Local Law No. 2 2015	<p>That Council resolves:</p> <ol style="list-style-type: none"> <li>1. To give notice of its intention to make the Community Amenity Local Law No. 2 2015 as outlined in the Local Law Community Impact Statement (att 2)</li> <li>2. To publish notice to like effect in the Victorian Government Gazette</li> <li>3. That a further report be presented to Council allowing the consideration of any submissions.</li> </ol>	<p>Proposed Community Amenity Local Law No 2, 2015 has been released for public comment from 7 Dec. 2015 until 26 Feb. 2016.</p> <p>Notices will be published on the Government Gazette and Latrobe Valley Express on 7 Dec. 2015.</p> <p>Submissions received will be submitted to Council at its meeting on 21 March 2016.</p> <p><b>05 February 2016</b> The document is still on exhibition for public comment and as such no further update at this stage.</p> <p><b>09 March 2016</b> Council will consider submissions received at the Ordinary Council Meeting 21 March 2016.</p>

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<b>Infrastructure &amp; Recreation</b>			
<p>06 November 2013</p> <p>Infrastructure &amp; Recreation</p>	<p>Latrobe Regional Motorsport Complex</p>	<ol style="list-style-type: none"> <li>1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers.</li> <li>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</li> <li>3. That a further report be presented to Council at such time that site options have been investigated</li> </ol>	<p><b>2015</b></p> <p>Initial advice from Energy Australia and HVP is that land is not currently available for this use. Officers continuing to work with both parties to identify potential sites for further investigation.</p> <p>An on-site meeting with Cr Middlemiss occurred in December 2014 to investigate further site options.</p> <p>Further evaluation will be undertaken of sites identified during on-site meeting.</p> <p>A briefing report and Council report will be presented in April 2016.</p>



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<p>23 March 2015</p> <p>Infrastructure &amp; Recreation</p>	<p>Riggall Road Local Area Traffic Management Options <b>(continued below)</b></p>	<p>That Council</p> <ul style="list-style-type: none"> <li>• Line mark 29 parallel parking bays in Argyle Street, Traralgon, within 100 metres of the subject site;</li> <li>• Reinstate the 'Local Traffic Only' and 'Load Limit' signage at each end of Riggall Road;</li> <li>• Install 'One Way Only' signage along Argyle Street opposite the exits of the subject site and Reece Plumbing, and paint a directional arrow on Argyle Street to reinforce the one way nature of the road;</li> <li>• Advise the community that it intends to implement a partial closure of the southern end of Riggall Road, Traralgon to prevent traffic from entering Riggall Road from Argyle Street.</li> <li>• Undertake a community information session for the residents of Riggall Road and the broader community in relation to the proposed closure.</li> </ul>	<p><b>Complete – 09 March 2016</b></p> <p>Line marking, and signage completed in May/June 2015</p> <p>Notification of closure to occur in September 2015.</p> <p>Meeting occurred with landowners / residents on 16 September 2015. Concept of traffic islands to make traffic one way presented to community members.</p> <p>Submissions closed 5 October 2015, with five submissions in favour and zero against.</p> <p>Road Safety Audit completed in October 2015.</p> <p>Council voted to implement the partial road closure at the 26 October 2015 Council Meeting.</p> <p>Letters were sent to residents advising of the outcome on 18 November 2015.</p> <p>Officers have procured a contractor to complete the road closure works in March 2016</p>

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23 March 2015 Infrastructure & Recreation	Riggall Road Local Area Traffic Management Options <b>(continued)</b>	<ul style="list-style-type: none"> <li>• Public Notice of the proposed partial closure and of the rights of the person to make a submission under Section 223 of the Local Government Act be given in the Latrobe Valley Express.</li> <li>• Council send separate notices advising of the proposed partial closure to all owners in the area as detailed on the attached map.</li> <li>• That a Road Safety Audit is undertaken in relation to the proposed partial closure.</li> </ul>	As above
25 October 2015 Infrastructure & Recreation	Petition Presented to Council in Regards to Raising the Temperature at Latrobe Leisure Moe Newborough (LLMN) One Day Per Week.	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Continues to heat the Latrobe Leisure Moe Newborough pool one day per week for the remainder of the 2015/16 financial year.</li> <li>2. Requests a further report presented to council prior to the end of the financial year detailing the metrics of the extension to the heating of the pool for hydrotherapy.</li> </ol>	<p><b>2015</b></p> <p>A further report, detailing the results of the trial, including any financial implications and attendances will be provided following the end of the trial period in July 2016.</p>

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25 May 2015  Infrastructure & Recreation	Draft Tracks, Trails And Paths Strategy	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Releases the draft Tracks, Trails and Paths Strategy for a period of 6 weeks from Tuesday 26 May 2015 to Friday 7 July 2015.</li> <li>2. Request a further report be presented to Council with the results of the community consultation process.</li> </ol>	<p><b>09 March 2016</b></p> <p>The Tracks Trails and Paths Strategy and Implementation plan will be presented to Council in May 2016.</p>

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25 May 2015  Infrastructure & Recreation	Request to Air Condition Latrobe Leisure Stadium Facilities <b>(continued below)</b>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Considers allocating funding in the 2016/17 financial year for the installation of air handling systems at the following Latrobe Leisure facilities, Traralgon Sports Stadium, Latrobe Leisure Morwell, Latrobe Leisure Moe Newborough and Latrobe Leisure Churchill;</li> <li>2. Instructs Council Officers to undertake further investigation in relation to energy efficiency improvements, heat load reduction and air conditioning systems for the facilities;</li> <li>3. Identifies and allocates the funding for the investigations detailed in point 2 from savings from the 2014/15 budget;</li> <li>4. Request a report be presented to Council prior to the development of the 2016/17 budget detailing the results of the investigations detailed in point 3;</li> </ol>	<p><b>2015</b></p> <p>Quotes are currently being requested for investigation in relation to energy efficiency improvements, heat load reduction and air conditioning systems for the facilities.</p> <p>Quotes are currently being requested for the provision of temporary air handling units for the BVC Event in 2016.</p> <p>A report is planned to be presented to the April Council Meeting.</p>

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
25 May 2015 Infrastructure & Recreation	Request to Air Condition Latrobe Leisure Stadium Facilities <b>(continued)</b>	5. Instructs Council Officers to investigate the ability to hire, and the costs associated with, temporary air handling units for the BVC event in 2016;  6. Consider the costs of item 5 is as part of the mid year budget review; and  7. Advise Basketball Victoria Country of Councils' decision.	As above
11 June 2015 Infrastructure & Recreation	Catterick Crescent Reserve Master Plan	That Council defers the decision on this matter until a report can be returned detailing user group numbers and increases or decreases of said numbers over a six year period.	<b>Complete – 09 March 2016</b>  At the Ordinary Council Meeting on 29 February 2016, Council approved in principle the Catterick Crescent Reserve Master Plan
11 June 2015 Community Infrastructure & Recreation	Maryvale Reserve Master Plan	That Council defers the decision on this matter until a report can be returned detailing user group numbers and increases or decreases of said numbers over a six year period.	<b>Complete – 09 March 2016</b>  At the Ordinary Council Meeting on 29 February 2016, Council approved in principle the Maryvale Reserve Master Plan

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
27 July 2015  Infrastructure & Recreation	2015/15 - Request for Investigation into Traralgon Netball Court Resurfacing	That Council engage an Independent investigator to investigate the Traralgon Netball Court resurfacing tender process including;  1. The materials used 2. The written Tender brief 3. The overseeing process utilised and reporting details 4. The report with all of these details be brought back to Open Council as soon as practical.	<b>2015</b> Officers have not as yet engaged an independent investigator to investigate the Traralgon Netball Court resurfacing tender process. Council Officers are currently focused on finalising the remediation process with the Contractors who undertook the works.  A project brief is currently being developed and quotes will be sought for the investigation during March. The investigation report will be provided to the Council Meeting in May 2016.

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p style="text-align: center;">14 September 2015</p> <p>Infrastructure &amp; Recreation</p>	<p>Petition in relation to the completion of the Traralgon West Sporting Complex</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Agrees to lay the petition on the table requesting Council provide assistance to complete the first floor of the Traralgon West Sporting Pavilion.</li> <li>2. Request a report be presented to the 26 October 2015 Ordinary Council meeting providing Council with information in relation to the petition.</li> <li>3. Notify the head petitioner about the Council decision in relation to the petition.</li> <li>4. That a meeting is arranged between Officers, Councillors and user groups to discuss the petition while the petition lays on the table</li> </ol>	<p><b>Complete – 09 March 2016</b> User Group meeting was held on 8 October 2015. A further report detailing the outcomes of this meeting is being presented for consideration at the 08 February 2016 Council Meeting.</p> <p><b>09 March 2016</b> At the Ordinary Council Meeting on 08 February 2016, Council resolved to consider a funding allocation in the 2016/17 Budget.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
05 October 2015  Infrastructure & Recreation	Waste Management Strategy 2010-2017 Review	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the review of the Waste Management Strategy 2010 – 2017.</li> <li>2. Requests a further report to Council in relation to: <ul style="list-style-type: none"> <li>• The Kitchen Organics trial in Churchill that was undertaken by Council in Latrobe City in 2012</li> <li>• The future provision of kerbside hard waste services in Latrobe City</li> </ul> </li> </ol>	<p>The report for Hard Waste Review will be tabled at the March 2016 meeting.</p> <p>The report for the Kitchen Organics Trial was presented at the 07 December 2015 Council meeting.</p> <p><b>09 March 2016</b></p> <p>The Hard Waste Review report has been scheduled for the 11 April 2016 Council meeting.</p>
05 October 2015  Infrastructure & Recreation	Draft Play Space Strategy – Release for Public Exhibition	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Releases the draft Play Space Strategy for a period of 8 weeks from Tuesday 06 October 2015 to Friday 27 November 2015.</li> <li>2. Request a further report be presented to Council with the results of the community consultation process.</li> </ol>	<p>The draft Play Space Strategy is now on public exhibition until 27 November 2015. The draft Play Space Strategy can be found on Latrobe City Council's "Have a Say" webpage. Notices have been placed on the Council Noticeboard and an email has been sent to all identified stakeholders. Council officers will be present at the Children's Expo in late October to further engage with the community.</p> <p><b>09 March 2016</b></p> <p>A further report will be presented to a Councillor Briefing on 09 May 2016, and the Ordinary Council Meeting on 23 May 2016.</p>



**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
26 October 2015	2015/19 - Modular Design of Female Friendly Change Facilities	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Establish a working group consisting of a representative from the following organisations to develop a modular design that can be easily implemented to provide female change facilities <ul style="list-style-type: none"> <li>• Three representatives from local community sporting clubs</li> <li>• Two reps from local sporting associations</li> <li>• Three nominated Councillors</li> <li>• A suitably experienced design consultant</li> </ul> </li> </ol> <p>The final design be brought back to Council by March 2016.</p>	<p>An update was included in the Councillor Bulletin on 18 November 2015.</p> <p>An Expression of Interest process will be undertaken and report to Council to adopt the members of the working group.</p> <p>Information from Hume City Council is being obtained as they currently have portable female change facilities.</p> <p>A report is being presented to the 27 January 2016 Councillor Briefing in relation to Committee representation.</p> <p><b>09 March 2016</b></p> <p>A further report will be presented to Council in April 2016.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p>07 December 2015</p> <p>Infrastructure &amp; Recreation</p>	<p>Kitchen to Compost Trial</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives this report and notes that any future advancement in a satisfactory solution from EOI - Gippsland Resource Recovery and Waste Management Services and Infrastructure be the instrument for the management of organics recovery in conjunction with the Waste Management Strategy.</li> <li>2. Defers any decisions for the management of green organics recovery until the proposed EOI - Gippsland Resource Recovery and Waste Management Services and Infrastructure is finalised that may provide cost effective and sustainable options.</li> </ol>	<p><b>Complete – March 2016</b></p> <p>An Expression of Interest process closed late 2015.</p> <p>Gippsland Resource, Recovery and Waste Management Services and Infrastructure are currently evaluating proposals.</p> <p>Kitchen Organics report was presented to Council in 2012. There has been no further advancement in this domain and will remain in the Waste Management Strategy as an action to be activated when and if a suitable, cost effective process is developed.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

Council Meeting Date	Item	Resolution	Status Update
<b>Community Services</b>			
18 February 2013  Community Services	Affordable Housing Project – Our Future Our Place	<ol style="list-style-type: none"> <li>1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.</li> <li>2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.</li> </ol>	Project review underway, almost at completion.  <b>09 March 2016</b>  A report will be presented to a Councillor Briefing in May 2016

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p>08 February 2016</p> <p>Community Services</p>	<p>Gippsland Train Services – Ongoing Service Issues</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Writes to the Premier, Daniel Andrews &amp; Minister for Public Transport, Jacinta Allan, requesting an urgent meeting to discuss and seek action regarding the ongoing issues of service cancellations, disruptions and overcrowding impacting Latrobe Valley users of Gippsland train services.</li> <li>2. Requests that the Mayor seek the support of GLGN to undertake a Gippsland campaign to overcome the ongoing rail transport issues impacting on the region.</li> <li>3. Requests that a report be presented to a future Ordinary Council Meeting detailing the outcomes of these approaches and representations.</li> </ol>	<p><b>11 February 2016</b> A draft has been prepared and is in the process of being forwarded to the Mayor for his consideration.</p> <p><b>09 March 2016</b> The letters are expected to be signed, and sent week ending 11 March 2016.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

Council Meeting Date	Item	Resolution	Status Update
<b>Corporate Services</b>			
05 December 2011  Corporate Services	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	<p>That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.</p> <p><b>26 October 2015</b> That Council release the draft policy for community consultation for at least 28 days, and a report be brought back to Council</p>	<p>A Briefing occurred on 27 April 2015, and a further briefing occurred on 10 August 2015.</p> <p>The Policy was presented to Council for consideration on 26 October 2015, where it was resolved to send the policy out for community consultation.</p> <p>Council has advertised in the Express and on Council's website calling for public submissions into draft policy on Hubert Osborne Park.</p> <p>The advertisement commenced Monday 02 November 2015.</p> <p>The policy will be released again for public comment in January 2016 to ensure the 28 day period is met.</p> <p>A report will then be presented to Council in April 2016.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p>23 March 2015</p> <p>Corporate Services</p>	<p>2015/02 - Notice of Motion - Grants Acquittal</p>	<p>That Council Officers conduct a review and prepare a report for Council detailing:</p> <ol style="list-style-type: none"> <li>1. The methods of acquittal currently used for all Council grants and other funds dispersed through Council to external entities or individuals on behalf of the State or Federal Government;</li> <li>2. Internal and external Legislation, Regulations and Policy Requirements around acquittal of such funds; and</li> <li>3. Council compliance obligations and best practice in regard to the acquittal of the above.</li> </ol>	<p>The internal committee convened on 18 January 2016 with a copy of the results of the audit undertaken.</p> <p>Further work has been identified in the audit on grant management which is currently under consideration by management. This has been tabled at the next Audit and Risk Committee meeting held in March 2016.</p>

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>
<p>26 October 2015</p> <p>Corporate Services</p>	<p>Proposed Road Discontinuance - Craighburn Place, Traralgon East</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>In accordance with Schedule 10 Clause and section 223 of the Local Government Act 1989 (Act), authorise the commencement of the statutory procedures relating to Council's intention to discontinue and sell by private treaty part of Craighburn Place, Traralgon East, (subject land) by giving public notice and inviting written submissions on the proposal in the Latrobe Valley Express.</li> <li>Receives written submissions and hear submissions on the proposal to discontinue and transfer the subject land from persons who have made a written request to be heard in person or by a party representing them as specified in their submission in accordance with the Act, at its Ordinary Meeting of Council on Monday, 7 December 2015.</li> </ol>	<p>A public notice was prepared inviting community consultation.</p> <p>A further report was presented to Council on 07 December 2015.</p> <p>A Notice of Rescission was received on 07 December 2015, and will be heard at the Ordinary Council Meeting on 08 February 2015.</p> <p>No action has been taken on the 07 December 2015 resolution.</p> <p>Resolution subsequently rescinded at Council meeting held on 8 February 2016.</p> <p>Further report to be considered by Council at meeting to be held on 21 March 2016.</p>

# NOTICES OF MOTION



**9. NOTICES OF MOTION**

**9.1 2016/05 - NOTICE OF RESCISSION - PLANNING PERMIT  
APPLICATION 2015/168 - USE OF LAND FOR A BROTHEL  
WITHIN THE INDUSTRIAL 3 ZONE AT NO. 4/40 STANDING  
DRIVE, TRARALGON**

**Cr Christine Sindt**

I, Cr Christine Sindt, hereby give notice that at the Ordinary Meeting to be held on Monday 21 March 2016 I will move the following motion relating to Item 14.1 of the Ordinary Meeting held on 29 February 2016 be rescinded.

**That Council rescinds the motion at the Council meeting held on 29 February 2016 in relation to item 14.1 Planning Permit Application 2015/168 - Use of Land for a Brothel within the Industrial 3 Zone at No. 4/40 Standing Drive, Traralgon, being:**

***That Council issues a notice of decision to grant a planning permit for the use of land for a brothel within the Industrial 3 Zone at No. 4/40 Standing Drive, Traralgon (Lot 4 PS 619488) subject to the following conditions:***

***Endorsed Plans***

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

***Management Plan***

- 2. Within three months of the date of the issue of this permit, a Management Plan must be prepared and submitted for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:***
  - a) Details of the security arrangements within the premises;***
  - b) The measures to be taken by management and staff in dealing with unruly, violent or intoxicated patrons on and outside the premises;***
  - c) The maintenance of an incidents register; and***
  - d) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner at all time.***

***Display of Planning Permit***

- 3. A copy of the Planning Permit, clearly setting out the conditions for the use must be displayed at the front reception of the premises.***

***Number of Rooms***

- 4. The number of rooms to be used for the purpose of prostitution must not exceed two (2).***

***Number of staff and patrons***

5. ***No more than five (5) persons (including staff and patrons) are to be on the premises at any one time.***

***Hours of operation***

6. ***The use hereby permitted may only operate between the hours of 10.00 am to 10.00 pm seven (7) days a week.***

***No Alcohol***

7. ***No alcohol may be stored or consumed on the premises.***

***Amenity***

8. ***The use must be managed so that the amenity of the area is not detrimentally affected, through the:***
- a) ***transport of materials, goods or commodities to or from the land;***
  - b) ***appearance of any building, works or materials;***
  - c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;***
  - d) ***presence of vermin;***
  - e) ***or otherwise, to the satisfaction of the Responsible Authority.***

***Health Service Department Conditions***

9. ***Prior to the commencement of the use evidence is to be provided to the satisfaction of the Responsible Authority to ensure that the proposed brothel is exempt from registering with a licensing authority the business is required to demonstrate that they are exempt from the requirement to hold a licence pursuant to Section 23 of the Sex Work Act 1994.***
10. ***Prior to the commencement of the use in accordance with Consumer Affairs Victoria this business is required to register with the Business Licensing Authority – Consumer Affairs Victoria in order to be issued with an exemption registration number.***
11. ***Prior to the commencement of the use this business is required to be allocated with a SWA (Sex Work Act 1994) exempt registration number from the Business Licensing Authority that must be used when advertising this brothel or escort agency. This number cannot be transferred to or used by any other person or applicant.***
12. ***All services that are conducted at this business are required to be maintained under the following sections of Public Health and Wellbeing Act 2008 – Part 8 Management and Control of Infectious Diseases, Micro-organisms and medical conditions are required to apply during the operation of this business:***
- Section 158 – Provision and storage of condoms***
- Section 159 – Use of Condoms***

**Section 160 – Refusal of Service**

**Section 161 – Evidence of medical examination**

**Section 162 – Information to sex workers and clients**

**Section 163 - Clean linen and towels**

**Section 164 – Showers and baths**

**Expiry of Permit**

- 13. This permit will expire if the use is not started within two years of the date of this permit, or if the use ceases for a period of two years or greater.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.**

**Note 1: The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.**

**Note 2: A copy of these business details must be entered onto a register with the Business Licensing Authority and maintained by the Registrar. This register is not available to the public, but must be allowed for inspection by:**

- **the Director of Consumer Affairs Victoria**
- **members or staff of the Business Licensing Authority**
- **authorised police officers**
- **authorised local council officers.**

**Note 3: If this establishment employs persons beyond the scope Sex Work Act 1994 – Section 23 exemptions then this sex work service provide is required to be licensed under Sex Work Act 1994 – Section 22**

**Sex work service providers to be licensed**

- 1) A person must not knowingly or recklessly carry on business as a sex work service provider—**
- a) without holding a licence; or**
  - b) in breach of any condition of a licence; or**
  - c) when a licence is suspended.**

**Penalty: Level 6 imprisonment (5 years maximum) or a level 5 fine (1200 penalty units maximum) or both.**

**Note 4: In accordance to Sex Work Act 1994 – Section 22 (1A) if this premise no longer meets exemptions for registration then the business is required to cease operating until registration under Sex Work Act 1994 – Section 22 is gained**

**A person must not carry on business as a sex work service provider**

- a) *without holding a licence; or*
- b) *in breach of any condition of a licence; or*
- c) *when a licence is suspended.*

*Penalty: Level 7 fine (240 penalty units maximum)*

**Note 5:** *In accordance with the Public Health and Wellbeing Act 2008 – Section 165 a licensed premise is required to be inspected to ensure that each brothel in respect of which a licence is in force under Part 3 of the Sex Work Act 1994 is inspected at least once in every 12 months by an authorised officer.*

*In this section, " authorised officer" means an authorised officer appointed by the Secretary under section 30 of Public Health and Wellbeing Act 2008 whose appointment includes the power to conduct inspections and interviews under this section.*

**Note 6:** *The serving of any beverage or food on the land requires registration under the Food Act 1984 prior to the start-up of operation. It is recommended that you contact Council's Health Services Team prior to starting any works.*

**Note 7:** *If required: Any swimming pool or spa bath facility must be installed and operated in compliance with the Latrobe City Council under the Public Health and Wellbeing Act 2008.*

**Note 8:** *All wastewater shall be treated and disposed of to the reticulated sewer to the satisfaction of the Responsible Authority.*

**Note 9:** *Please contact Gippsland Water to discuss whether the proposed development requires a Trade Waste Agreement for the business operation planned for this site.*

Attachments  
Nil

**ITEMS REFERRED BY  
THE COUNCIL TO THIS  
MEETING FOR  
CONSIDERATION**

**10. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION**

**10.1 POTENTIAL SALE OF FORMER MOE EARLY LEARNING CENTRE AT 38 FOWLER STREET MOE**

**General Manager**

**Corporate Services**

**For Decision**

**PURPOSE**

This report provides Council with the opportunity to further consider the potential sale of the former Moe Early Learning Centre (MELC) at 38 Fowler Street Moe.

**EXECUTIVE SUMMARY**

At its meeting of 7 December 2015, Council resolved to give public notice of its intention to consider the sale of the former MELC and invite written submissions to be considered at the Ordinary Council Meeting to be held Monday, 21 March 2016.

In accordance with the Council resolution, Council gave public notice inviting submissions. As no submissions were received, it is now appropriate for Council to determine if the former MELC is surplus to both community and Council and proceed with the potential sale.

Council is required to comply with the *Local Government Act 1989*, the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land and Council's Sale of Land Policy, to proceed with the sale of this land.

**RECOMMENDATION**

That Council:

1. Having complied with sections 189 and 223 of the *Local Government Act 1989* by:
  - a. Giving public notice of its intention to consider the sale of the former Moe Early Learning Centre at 38 Fowler Street Moe, being Lot 1 on Title Plan 549920F, contained in Certificate of Title Volume 8654 Folio 639;
  - b. Providing an opportunity to those who have requested to be heard at Council's Ordinary Meeting of 21 March 2016;
  - c. Noting no submissions were received;
2. In accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Moe Early Learning Centre is surplus to both community and Council requirements.
3. Resolves to sell the former Moe Early Learning Centre at 38 Fowler Street Moe, being Lot 1 on Title Plan 549920F, contained in Certificate of Title Volume 8654 Folio 639.
4. Authorise the Chief Executive Officer or nominated representative:
  - a. to prepare the former Moe Early Learning Centre at 38 Fowler Street Moe, being Lot 1 on Title Plan 549920F, contained in Certificate of Title Volume 8654 Folio 639 for sale;
  - b. to appoint selling agent/s;
  - c. to determine the desired sale price based on an independent valuation;
  - d. in consultation with the selling agent/s, determine the preferred method of sale for the former Moe Early Learning Centre at 38 Fowler Street Moe.
5. Obtain a current valuation.
6. Authorise the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street Moe.

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

#### Latrobe 2026: The Community Vision for Latrobe Valley

##### *Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

#### Latrobe City Council Plan 2013 - 2017

##### Theme and Objectives

##### *Theme 3: Efficient, effective and accountable governance*

##### *Legislation*

Section 189 of the *Local Government Act 1989* gives Council the power to sell land, however, prior to doing so it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) Obtain from a person who holds qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

This power is subject to Section 223 of the *Local Government Act 1989*, which requires Council 'publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section'.

Council must then consider any written submissions that have been received and any person who has made a submission and requested they may be heard are entitled to appear before a meeting of Council.

##### *Policy – Sale of Council Owned Property Policy 11 POL-4*

The principal aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property. The purpose of this policy is to serve as an accountability mechanism to the community.

It is Council's preference that the sale of Council owned property would be via public auction unless circumstances exist that justify an alternative method of sale.

All sales of Council owned property must be consistent with the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land prepared by the Department of Planning and Community Development.



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

### **BACKGROUND**

The future of the former Moe Early Learning Centre (MELC) has been under discussion since December 2011 and has been the subject of a number of Council reports and resolutions. These Council decisions are summarised:

<i>Council Meeting</i>	<i>Resolution</i>
5 December 2011	Council resolved to give public notice of its intention to consider the sale of the former MELC and invite public submissions.
4 June 2012	Council resolved the former MELC was surplus to both community and Council requirements and to sell to Latrobe Health Services.
3 December 2012 (items closed to the public)	Council resolved to retain ownership of the former MELC for use as a community organisation centre providing office accommodation, meeting and storage space in recognition of community need.
At the 6 May 2013 Council Meeting (item closed to the public)	<p>Council resolved that a community engagement process be undertaken to inform a potential expression of interest for funding from the state government's <i>Putting Locals First Program</i> to redevelop the former MELC as a centre for community organisations.</p> <p>Following this Council resolution, community consultation was undertaken with the results of this consultation used to develop an expression of interest for funding. An application for \$400,000 was submitted on 4 June 2014 to the state government's <i>Putting Locals First Program</i>. In October 2014 Council received advice that its funding application had been unsuccessful</p>
At the meeting of 15 December 2014 (items closed to the public)	Council resolved in part to proceed with the sale of the former MELC site at 38 Fowler Street Moe.

In February 2015 representatives of the Gunia Ldj Child Care Centre contacted Council officers regarding the temporary occupation of the former MELC whilst the Gunia Ldj Child Care Centre located in Morwell underwent renovations for an initial term of eight weeks.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

The sale of the property was temporarily placed on hold due to Gunia Ldj Child Care Centre occupying the former MELC. As the Gunia Ldj Child Care Centre's renovations took longer than anticipated the Child Care Centre did not vacate the former MELC until August 2015.

More recently, at the meeting of 7 December 2015, Council pursuant to sections 189 and 223 of the Local Government Act 1989 resolved to:

1. *Give public notice of its intention to consider the sale of the former Moe Early Learning Centre at 38 Fowler Street Moe, being Lot 1 on Title Plan 549920F, contained in Certificate of Title Volume 8654 Folio 639, and invite written submissions;*
2. *Consider any submission received regarding the proposed sale of the former Moe Early Learning Centre at 38 Fowler Street Moe, being Lot 1 on Title Plan 549920F, contained in Certificate of Title Volume 8654 Folio 639, at the Ordinary Council Meeting to be held Monday 21 March 2016.*

### **KEY POINTS/ISSUES**

As Council has not received any written submissions in respect to its intention to sell the former MELC it is now appropriate for Council to determine if the former MELC is surplus to both community and Council requirements and consider the potential sale. Council currently values the property at a Capital Improved Value of \$292,000. This should not be interpreted as a potential market value to a willing purchaser.

If sold there would be no ongoing maintenance or running costs associated with the former MELC.

No other Council functions have been identified to use this building.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

There is an inherent risk in owning a vacant building, the building appearance may deteriorate and it can become the target of repeated vandalism attacks.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

It will be necessary to obtain a market valuation from an independent valuer. This figure will be used to determine the sale price of the property. Council would also incur legal costs associated with the transfer of the property.

In the event that Council retains ownership, ongoing operational and overhead costs will continue to be incurred. These costs include electricity, water and sewerage connection costs, daily security patrols, building and ground maintenance.

To return the building to a level that would allow its use as office space would total approximately \$159,000, as detailed in the report considered by Council at its meeting held on 4 June 2012. These costs will have increased since this initial costing was provided.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

Public comment on the proposed sale of land were sought via the following methods:

- Public notices in the Latrobe Valley Express
- Notice displayed at Council's Corporate Headquarters and Moe Service Centre
- Details placed on the Latrobe City Council website.
- Letter sent to Latrobe Community Health Service as adjoining landowner who had previously expressed an interest in acquiring the property.

#### *Details of Community Consultation / Results of Engagement:*

In accordance with Section 223 of the *Local Government Act 1989* any submissions that are received regarding this matter will be referred for consideration at a future meeting of Council.

As Council has not received any written submissions in respect to its intention to consider the sale of the former MELC it is now appropriate for Council to determine that the former MELC is surplus to community and Council's requirements and consider the potential sale.

### **OPTIONS**

The following options are available to Council:

1. Invite expressions of interest from registered real estate agent/s to determine the sale price based on an independent valuation and in consultation with the selling agent/s determine the preferred method of sale for the former MELC.
2. Not proceed with the sale of the former MELC at 38 Fowler Street, Moe and retain ownership of this property.

### **CONCLUSION**

Section 189 of the *Local Government Act 1989* requires Council to give public notice of its intention to sell a property, invite submissions and consider any received at a future Council Meeting to determine whether the property is surplus to Council's and the community's requirements.

Council initially resolved to give public notice of its intention to sell the former MELC in December 2011. As four years have passed, Council considered it necessary to again give public notice of its intention to sell the property and invite public comment on the proposal.

Attached for information is a copy of the Certificate of Title and Title Plan for the property.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)****SUPPORTING DOCUMENTS**

Item 11.6.3 report considered by Council at its meeting held on 5 December 2011.

Item 7.4 report considered by Council at its meeting held on 6 February 2012.

Item 7.1 report considered by Council at its meeting held on 4 June 2012.

Item 15.11 (items closed to the public) report considered by Council at its meeting held on 3 December 2012.

Item 15.2 (items closed to the public) report considered by Council at its meeting held on 6 May 2013.

Item 17.10 (items closed to the public) report considered by Council at its meeting held on 15 December 2013.

Item 17.3 report considered by Council at its meeting held on 7 December 2015.

**Attachments**

1. Land Titles Office Search of Certificate of Title Volume 8654 Folio 639
2. Title Plan 549920F

## **10.1**

### **Potential sale of former Moe Early Learning Centre at 38 Fowler Street Moe**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>Land Titles Office Search of Certificate of Title Volume<br/>8654 Folio 639 .....</b> | <b>47</b> |
| <b>2</b> | <b>Title Plan 549920F.....</b>   | <b>49</b> |



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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 549920F</b>						
<b>Location of Land</b> Parish: MOE Township: MOE Section: 11 Crown Allotment: 21 (PT) Crown Portion:  Last Plan Reference: Derived From: VOL 8654 FOL 639 Depth Limitation: 50 FEET		<b>Notations</b>     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
<b>Description of Land / Easement Information</b>  <b>E-1 = EASEMENT CREATED BY C/E C578330</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 03/07/2000 VERIFIED: MP						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 21 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 21 (PT)	
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PARCEL 1 = CA 21 (PT)								
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

**10.2 PROPOSED ROAD DISCONTINUANCE - CRAIGBURN PLACE,  
TRARALGON EAST**

**General Manager**

**Corporate Services**

**For Decision**

**PURPOSE**

This report further considers a request from SMEC Australia, on behalf of AGL Loy Yang Pty Ltd, for Council to undertake the statutory process to discontinue part of Craighburn Place, Traralgon East.

**EXECUTIVE SUMMARY**

Council has received a request from SMEC Australia, on behalf of AGL Loy Yang Pty Ltd, requesting that Council discontinue and transfer part of Craighburn Place, Traralgon East.

This road reserve was formerly part of the Hyland Highway (also known as Traralgon-Yarram or Yarram-Traralgon Road) however its classification as a state highway was rescinded by VicRoads in 2004 and it subsequently became a local unclassified road which is the responsibility of Council.

Having undertaken further consultation with the adjoining landowners and AGL Loy Yang Pty Ltd and having received additional submissions regarding the proposal from two of the adjoining landowners, Council may now determine if this section of Craighburn Place is to be discontinued and transferred, or retained for future use.

**RECOMMENDATION**

**That Council:**

- 1. Having considered submissions received, resolves to retain the section of Craighburn Place, Traralgon East, south of the existing gate;**
- 2. Authorises the Chief Executive Officer to enter into licence agreements with adjoining property owners to allow their use of the road and clarify their responsibilities; and**
- 3. Advises AGL Loy Yang Pty Ltd and the adjoining property owners of its decision.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.



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### Latrobe 2026: The Community Vision for Latrobe Valley

#### *Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

### Latrobe City Council Plan 2013 - 2017

#### Theme and Objectives

*Theme 3: Efficient, effective and accountable governance*

*Theme 4: Advocacy for and consultation with our community*

*Strategic Direction – To provide open, transparent and accountable governance.*

#### Legislation

##### *Local Government Act 1989*

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act 1987*-

- (i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land.”

This power is subject to Section 223 of the *Local Government Act 1989* which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section”.

Council must then consider any submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

*Policy – Council has not adopted a policy relating to the discontinuance of roads.*

### **BACKGROUND**

Craigburn Place originally formed part of the Traralgon-Yarram Road, or Yarram-Traralgon Road, until its classification as a state highway was rescinded by VicRoads via a notice in the Victoria Government Gazette on 25 March 2004. This rescission made the road a local unclassified road and a municipal road under the care and management of Council.

Council currently maintains the first 660 metres of Craigburn Place from Shakespeare Street to an existing gate installed by AGL Loy Yang Pty Ltd and it is listed as a sealed access road on Council’s Public Road Register.

There are three properties that utilise Craigburn Place for access (50 Stuart Street, 60 Craigburn Place and 65 Craigburn Place). Access is before the existing gate. The segment of road reserve south of the gate is

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

the section of road that is subject to the AGL Application to be discontinued and transferred, refer Attachment 1.

Council originally considered this matter at its meeting held on 26 October 2015 where it was resolved:

*That Council:*

1. *In accordance with Schedule 10 Clause 3 and Section 223 of the Local Government Act 1989 (Act), authorise the commencement of the statutory procedures relating to Council's intention to discontinue and sell by private treaty part of Craighburn Place, Traralgon East, (subject land) by giving public notice of the proposal in the Latrobe Valley Express.*
2. *Receives written submissions and hear submissions on the proposal to discontinue and transfer the subject land from persons who have made a written request to be heard in person or by a party representing them as specified in their submission in accordance with the Act, at its Ordinary Meeting of Council on Monday, 7 December 2015.*

Council considered a submission received from the owner of 65 Craighburn Place at its meeting held on 7 December 2015 and resolved the following:

*That Council:*

1. *Having complied with Section 206, Schedule 10 and Section 223 of the Local Government Act 1989:*
  - a) *By giving public notice;*
  - b) *By considering submissions that have been received;**forms the opinion that the section of road reserve is no longer required for public traffic and resolves to discontinue part of Craighburn Place, Traralgon East and publish a notice in the Government Gazette;*
2. *Resolves to transfer the land to AGL Loy Yang Pty Ltd by private treaty at a purchase price to be determined by an independent valuation;*
3. *Authorises the Chief Executive Officer to sign and seal a Transfer of Land document for the transfer of the section of discontinued road reserve to AGL Loy Yang Pty Ltd;*
4. *Advises AGL Loy Yang Pty Ltd of its decision.*

A Notice of Rescission was received during the meeting and the Council Resolution was held in abeyance subject to Council considering the Notice of Rescission which Council Carried Unanimously at its meeting held on 8 February 2016.

### **KEY POINTS/ISSUES**

The potential discontinuance and transfer of a section Craighburn Place is again presented for Council consideration.

Following the Council meeting held on 8 February 2016 where the previous resolution to discontinue and transfer part of Craighburn Place was rescinded, Council officers wrote to each of the adjoining property

**ORDINARY COUNCIL MEETING AGENDA  
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owners and AGL Loy Yang Pty Ltd seeking further comment on the proposal.

As part of this process, the adjoining property owners at 50 Stuart Street, 60 Craighburn Place and 65 Craighburn Place were invited to provide further detail on their requirements for the road reserve to determine if there was any possibility of an outcome that could satisfy the needs of all parties.

In response to this request, two further submissions have been received from the owners of 76 Stuart Street and 65 Craighburn Place requesting that the road not be discontinued.

Furthermore, a discussion was held with a representative of AGL Loy Yang Pty Ltd to determine their position with regard to the proposed road discontinuance and ascertain if a compromise was possible.

Before Council can decide whether to discontinue the section of Craighburn Place road reserve and transfer the land, Council needs to firstly determine if the road is required for public traffic and, secondly, whether the occasional use by the adjoining property owners warrants the road being retained by Council.

As stated previously, this section of Craighburn Place, Traralgon East, south of the locked gate is not currently maintained by Council and is not accessible to the general public. This has been the case for over ten years since VicRoads revoked its status as a state highway and the gate was put in place.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Should Council resolve to discontinue this section of Craighburn Place and transfer the land to AGL Loy Yang Pty Ltd it would be sold by private treaty based upon an independent valuation that would be obtained by Council.

Alternatively, the road could be discontinued and transferred at valuation to one or both of the adjoining property owners who benefit from its use. This option has not been explored.

If the road is retained by Council the additional section of Craighburn Place will need to be added to the Public Road Register and maintained to an appropriate standard that will need to be determined. If discontinued, the road reserve would be maintained by AGL Loy Yang Pty Ltd.

**INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

Public comment on the proposed road discontinuance was originally sought via:

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

- Public notices published in the Latrobe Valley Express on Thursday 5 and Monday 9 November 2015;
- Letters sent to the owners of 60 Craighburn Place, 65 Craighburn Place and 76 Stuart Street, Traralgon East;
- Notice displayed at the corporate headquarters and Traralgon Service Centre, and
- Details placed on the Latrobe City Council website

In response to the public notices and correspondence two verbal enquiries and one formal submission was received regarding the proposed road discontinuance.

Following the Council meeting held on 8 February 2016 where the previous resolution to discontinue and transfer part of Craighburn Place was rescinded, Council officers again wrote to each of the adjoining property owners and AGL Loy Yang Pty Ltd seeking further comment on the proposal.

*Details of Community Consultation / Results of Engagement:*

In response to the most recent correspondence, two additional submissions have been received from the owners of 76 Stuart Street and 65 Craighburn Place. Council officers have also had a discussion with a representative of AGL Loy Yang Pty Ltd. Copies of both submissions are attached for the information of Councillors at attachment 2 and 3 of this Report.

The two submissions are summarised as follows:

<b>Submission Summary</b>	<b>Officer Comment</b>
The submission received from the owner of 65 Craighburn Place states that “access to this road is a crucial necessity for all three landowners”	Submission does not provide any specific detail on their need to use the road reserve or why this access is “crucial”.
When the gate was erected, Loy Yang Power issued property owners with keys to the gate padlock. AGL have replaced the lock and not issued replacement keys.	AGL Loy Yang Pty Ltd have indicated that, while in the past it was possible to provide adjoining land owners with a key to the gate, current legislative requirements pertaining to security of the mine this is no longer possible.
External access to respective property boundaries necessary for weed control in existing road reserve.	A recent inspection has shown that the road reserve beyond the gate does appear to have been maintained with minimal weeds present.

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<b>Submission Summary</b>	<b>Officer Comment</b>
<p>Concerned that “all Traralgon maps and GPS’s say it is Craighburn Place only <u>up to</u> the barricade and then Yarram Road from the barricade to the south.”</p> <p>Motorists still trying to travel to Yarram along the former Yarram Road. Concerned that this may be a problem if it was necessary to call emergency services.</p>	<p>A check of Google Maps displays Craighburn Place from Shakespeare Street to Stuart Street. The road is then shown as Yarram Road beyond this point to the existing gate.</p> <p>VicNames roads database lists Craighburn Place as a registered road name for the section currently maintained by Council. The section of former Traralgon-Yarram Road that was within the Loy Yang Mine Area is not registered on the VicNames Road Database. The section of Traralgon-Yarram Road that is included on the database commences at the southern end of Bartons Lane, Flynnns Creek.</p> <p>Emergency Services responding to a triple zero call use the VicNames Road Database and mapping system.</p> <p>If the road reserve was discontinued beyond the gate there would not be any impact upon public safety.</p>
<p>The road reserve is required to move hay and cattle between paddocks</p>	<p>A recent inspection has shown that the owner of 76 Stuart Street has a gate from the property directly onto the road reserve and is currently grazing cattle on the road reserve beyond the gate.</p> <p>Whist the present arrangement may be convenient for the property owner; the movement of hay and stock can be undertaken within the property.</p>
<p>The road is required to provide access to a Telstra pit that is located in the road reserve.</p>	<p>A recent inspection has confirmed that there are existing Telstra assets on the eastern side of the road reserve and a connection on the western side of the road to 76 Stuart Street.</p> <p>In the event Council was to discontinue the road, Telstra’s right title and power to access it’s assets would be maintained.</p>

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As stated in previous reports, AGL Loy Yang Pty Ltd have made a similar application to the Department of Environment, Land, Water and Planning (DELWP) for the closure and purchase of the former Traralgon-Yarram Road beyond the section that is the responsibility of Council as this is a Government road.

While AGL Loy Yang Pty Ltd remain interested in acquiring the road, if Council were to determine that this section of Craighburn Place is to be retained, AGL have advised that it is their intention to erect a further fence/gate at the southern extent of the Council road once the acquisition of the former Yarram-Traralgon Road has been finalised.

A recent inspection has shown that the properties owned by AGL Loy Yang Pty Ltd that are currently used for grazing may also require access to the road in the future.

Both submissions agree that the location of the current gate has been successful in preventing the road from being used for the dumping of rubbish and that regardless of the outcome the gate should remain in place.

A compromise solution would be for Council to retain this section of the road and allow it to continue to be used by the adjoining property owners and AGL Loy Yang Pty Ltd. This could be achieved by adding an additional padlock on the gate and a key provided to each of property owner on the proviso that they enter into a licence agreement with Council to legitimise their use of the road and clarify their responsibilities.

**OPTIONS**

Council has the following options:

1. Resolve to discontinue this section of Craighburn Place, Traralgon East, and transfer the land to AGL Loy Yang Pty Ltd at a purchase price based upon an independent valuation.
2. Resolve to discontinue this section of Craighburn Place, Traralgon East, and offer to transfer the land to the adjoining property owners at 60 and 65 Craighburn Place at a purchase price based upon an independent valuation.
3. Resolve not to discontinue this section of Craighburn Place, Traralgon East, retain the road and enter into licence agreements with each of the adjoining property owners for its use.

**CONCLUSION**

Whilst the section of Craighburn Place, Traralgon East, requested to be discontinued is not required as part of Council's road network and is not presently maintained by Council, it may be required by the adjoining property owners at 76 Stuart Street and 65 Craighburn Place.

It is therefore recommended that the road reserve be retained and that Council enter into licence agreements with each of the relevant adjoining property owners to legitimise their ongoing use of this section of Craighburn Place and clarify responsibilities with regard to the road.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Aerial Image Craighburn Place
2. Craighburn Place Submission 1 (Published Separately) (Confidential)
3. Craighburn Place Submission 2 (Published Separately) (Confidential)
4. Craighburn Place Location Plan
5. Craighburn Place Photographs

## **10.2**

### **Proposed Road Discontinuance - Craighburn Place, Traralgon East**

<b>1</b>	<b>Aerial Image Craighburn Place .....</b>	<b>59</b>
<b>4</b>	<b>Craighburn Place Location Plan.....</b>	<b>61</b>
<b>5</b>	<b>Craighburn Place Photographs .....</b>	<b>63</b>









**Photograph One:** Existing gate on Craighburn Place, Traralgon East, looking south.



**Photograph Two:** Existing gate on Craighburn Place, Traralgon East, looking north.



**Photograph Three:** Existing gate providing access to road from 76 Stuart Street.



**Photograph Four:** Existing Telstra connection for 76 Stuart Street on western side of road.



**Photograph Five:** End of road reserve looking towards Craighburn Place.



**Photograph Six:** End of road reserve, existing gates preventing access to AGL Loy Yang Pty Ltd property.

# CORRESPONDENCE

**11. CORRESPONDENCE**

Nil reports

# PRESENTATION OF PETITIONS



**12. PRESENTATION OF PETITIONS**

**12.1 PROPOSED COMMUNITY AMENITY LOCAL LAW NO.2 2015 -  
PETITION SUBMISSION**

**General Manager**

**City Development**

**For Decision**

**PURPOSE**

The purpose of this report is to present Council with a petition received objecting to clause 94 Recreational vehicles and vehicle tracks on private property of the proposed draft Community Amenity Local Law No.2 2015.

It is proposed that this petition be considered at this meeting and not be laid on the table.

**EXECUTIVE SUMMARY**

This report seeks to convey a collection of 478 signatories of the community that are in objection to the proposed clause 94 Recreational vehicles and vehicle tracks on private property contained within Community Amenity Local Law No. 2 2015.

In accordance with Local Law No.1 - Meeting Procedure Local Law, Council is required to lay the petition on the table. The petition can only be dealt with at this meeting if it is considered as urgent business. Urgent business is defined in Section 26 of Local Law No.1, As this petition is in relation to the proposed Community Amenity Local Law No. 2 2015, and as this matter is subject to Section 223 of the Local Government Act 1989 (Act), it is appropriate and good governance practice to afford the ability to the petitioners to have their concerns considered at the same time as other submitters to this matter which ensures compliance with the requirements under Section 223 of the Act.

**RECOMMENDATION**

**That Council:**

- 1. In accordance with Local Law No.1, Meeting Procedure Local Law Section 63, considers the petition presented as urgent business in accordance with Section 26 to allow the matter to be heard in conjunction with other submissions tabled on the proposed Community Amenity Local Law No. 2 2015 as listed in the Council Meeting agenda for consideration; and**
- 2. Notifies the head petitioner of this action.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

#### *Latrobe 2026: The Community Vision for Latrobe Valley*

##### *Strategic Objectives - Our Community*

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe connected and proud.

##### *Strategic Objective – Built Environment*

In 2026, Latrobe valley benefits from a well-planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

#### *Latrobe City Council Plan 2013 - 2017*

##### *Theme and Objectives*

*Theme 1: Job creation and economic sustainability*

*Theme 2: affordable and sustainable facilities, services and recreation*

*Theme 3: Efficient, effective and accountable governance*

*Theme 4: Advocacy for and consultation with our community*

*Theme 5: Planning for the future*

### **BACKGROUND**

A petition has been received by Latrobe City signed by 478 members of the community. The petition statement: “we oppose the changes proposed by Latrobe City Council. We believe the proposed changes would negatively impact the lifestyles of rural and semi-rural living Latrobe City residents” – Referring to clause 94 Recreational vehicles and vehicle tracks on private property.

This petition was received in response to the resolution made by Council to give notice of the proposed Community Amenity Local Law No. 2 2015.

### **KEY POINTS/ISSUES**

The petitioners are opposed to clause 94 Recreational vehicles and vehicle tracks on private property of the proposed draft Community Amenity Local Law No. 2 2015.

Concern has been raised from petitioners in relation to the use of recreational vehicles on rural property.

### **RISK IMPLICATIONS**

There is not considered to be any risks associated with this report.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)****FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications for Latrobe City Council arising from this report

**INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

This petition has been submitted as a result of the community consultation initiated by Latrobe City Council in respect of the proposed Community Amenity Local Law No. 2 2015.

*Details of Community Consultation / Results of Engagement:*

Community consultation for the proposed community Amenity Local Law No. 2 2015 was initiated on 7 January 2016 and submissions closed on 26 February 2015 at 5 pm.

**OPTIONS**

Council has the following options:

1. Consider the petition at this meeting due to its reference to the Proposed Community Amenity Local Law No. 2 2015 – In order to do this Council would be required to resolve that the petition is considered urgent business in accordance with Local Law No.1 Division 19 Sections 26 and 63.
2. Lay the petition on the table.

**CONCLUSION**

This petition highlights residents' concerns in relation to the proposed Community Amenity Local Law No .2 2015, Clause 94 Recreational vehicles and vehicle tracks on private property. This petition should be considered as an objection to the proposed Community Amenity Local Law.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Petition in objection to clause 94 Community Amenity Local Law No.2 2015  
(Published Separately) (Confidential)

# CHIEF EXECUTIVE OFFICE

**13. CHIEF EXECUTIVE OFFICE**

Nil reports

# CITY DEVELOPMENT

**14. CITY DEVELOPMENT****14.1 COMMUNITY AMENITY LOCAL LAW NO 2 2015  
CONSIDERATION OF SUBMISSIONS****General Manager****City Development****For Decision****PURPOSE**

The purpose of this report is to present Council with submissions received for consideration after the public consultation period for the proposed "Community Amenity Local Law No.2 2015".

**EXECUTIVE SUMMARY**

This report recommends that Council notes and considers the submissions made in respect to the proposed draft "Community Amenity Local Law No.2 2015" having been resolved to give notice of intention at the Ordinary Council Meeting 7 December 2015. The proposed "Community Amenity Local Law No.2 2015" was drafted in accordance with the guidelines stipulated and published by the Department of Planning and Community Development in the "*Guidelines for Local Laws Manual*".

The objectives of the draft "Community Amenity Local Law No.2 2015" are to:

- enhance neighbourhood amenity;
- secure community safety;
- protect public assets;
- provide for the peace, order and good government of the municipal district.

The community consultation period commenced on 7 January 2016 and remained open for submission by members of the community until 26 February 2016. During the community consultation period Council received 414 submissions with 88.5% (368) of all submissions objecting to Clause 94 Recreational Vehicles and Vehicle Tracks on Private Property.

**RECOMMENDATION****That Council:**

- 1. Notes and considers all submissions received in relation to the proposed draft Community Amenity Local Law No.2 2015.**
- 2. Requests a further report be presented no later than 20 June 2016 that identifies and adopts any changes to the proposed draft Community Amenity Local Law No.2 through consideration of these submissions.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Our Community*

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe connected and proud.

*Strategic Objective – Built Environment*

In 2026, Latrobe valley benefits from a well-planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

Theme 1: Job creation and economic sustainability

Theme 2: affordable and sustainable facilities, services and recreation

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

Theme 5: Planning for the future

*Local Government Act 1989 - Sect 111*

*Power to make local laws*

(1) A Council may make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

(2) A local law must not be inconsistent with any Act or regulation.

(3) A local law is inoperative to the extent that it is inconsistent with any Act or regulation.

(4) If a planning scheme is in force in the municipal district of a Council, the Council must not make a local law which duplicates or is inconsistent with the planning scheme.



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### **BACKGROUND**

At its Ordinary Meeting held on 7 December 2015 Latrobe City Council resolved to release the proposed draft Community Amenity Local Law No. 2 2015 for public consultation in accordance with sections 111 and 119 of the *Local Government Act 1989*.

The purposes of this Local Law are to:

- a) provide for the peace, order and good government of the municipality;
- b) prohibit, regulate and control activities, events, practices or behaviour on Council Land, public places and private property;
- c) protect Council's assets and regulate their use;
- d) enhance the quality of life for residents and visitors to the municipality;
- e) provide for matters which require a Local Law under the *Local Government Act 1989* and any other Acts; and
- f) provide for the administration of Council powers and functions.

### **KEY POINTS/ISSUES**

Section 111 of the *Local Government Act 1989* provides councils with the authority to make local laws. Local laws are designed to assist councils to balance the needs of the individual against the needs of the broader community, but are limited to areas which local councils have jurisdiction (except those dealt with under the planning scheme) and cannot be inconsistent with any other laws (either state or federal).

#### **Summary of submissions received:**

Proposed Community Amenity Local Law No. 2 – Public Consultation Submissions		
Support	2	0.5%
Object – Clause 94	368	88.5%
Object – Others	45	11%
Total Submissions	414	100%

Of the total 414 submission received 364 (87%) were from residents within Latrobe City Council.

In conjunction with the submissions Latrobe City Council received a petition containing 478 signatories in objection to clause 94 Recreational vehicles and vehicle tracks on private property.

The key issues raised from submissions indicated that a large number of community members are concerned about the future of recreational vehicle use on rural property.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Framework. There is not considered to be any risks associated with this report.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

However it is acknowledged that there has been significant feedback with the release of the proposed draft Community Amenity Local Law No.2 2015. Council is required under section 223 of the *Local Government Act 1989* to give consideration to submissions received, which is designed to minimise risks associated with poor consultation.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

#### *Financial:*

The cost of reviewing Local Law No. 2 has been absorbed as part of Council's budget.

#### *Resources:*

It is anticipated that this project will be managed effectively within current resource allocation.

### **INTERNAL/EXTERNAL CONSULTATION**

#### **External Consultation**

Mach 2 Consulting was engaged by Council to assist in the review of Local Law No 2 (2009) by facilitating a consultation process designed to engage the community in the development of regulatory measures. A key objective of the consultation process was to ensure that the community was provided with an opportunity to contribute to the development of regulatory measures for Latrobe City. Focusing on this objective, a focus group discussion process was undertaken to provide an opportunity for the community and key stakeholders to express their thoughts on key issues relating to the development of Council's Local Laws.

#### **The Focus Group Process**

On 3 October 2013 two discussion groups were implemented engaging directly some 14 community members representing a range of community groups. A morning discussion held at Moe attracted four participants and an evening discussion at Morwell engaged 10 participants.

Throughout the discussion process participants were asked a series of questions relating to a number of key issues and challenges for Latrobe City around the review and development of Local Law No. 2. To encourage an informed discussion, participants were provided with background information relating to the issues and the proposed local law.

#### **Project Assurance Group**

Internal consultation was conducted through the establishment of a Project Assurance Group; this group was made up of staff from across the organisation that had expertise or an interest in key areas of the local law. The Project assurance group met regularly and provided valuable feedback and detailed information in regards to the review.

**ORDINARY COUNCIL MEETING AGENDA  
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- Councillor Briefing – 15 November 2013
- Councillor Briefing - 28 September 2015
- Council Meeting – 07 December 2015

*Details of Community Consultation / Results of Engagement:*

On 7 January 2016 the community consultation period commenced allowing for members of the community to make their submissions in relation to the local law – in accordance with section 223 of the *Local Government Act 1989*, the consultation period closed at 26 February 2016 at 5 PM after a 7 week consultation period. Notice was published in the Government Gazette on 7 January 2016 – further advertisements published via The Latrobe Valley Express, Social Media and Latrobe City Councils website during this period. TV and Radio interviews via various media channels by senior Council staff were held prior to Christmas 2015 and during the consultation period.

**CONCLUSION**

The community consultation period has highlighted the concerns of the community, especially in relation to Clause 94 of the proposed Community Amenity Local Law No.2 2015 relating to the use of recreational vehicles on private property. Council should consider the submissions and request a future report containing recommended amendments prior to adopting the proposed Community Amenity Local Law No. 2.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Community Amenity Local Law No.2 2015 - Community Impact Statement
2. Proposed Community Amenity Local Law No.2 2015
3. Community Amenity Local Law No.2 2015 Submissions (Published Separately)  
(Confidential)

# **14.1**

## **Community Amenity Local Law No 2 2015 Consideration of Submissions**

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**LATROBE CITY COUNCIL**

**LOCAL LAW COMMUNITY IMPACT  
STATEMENT**

**COMMUNITY AMENITY  
LOCAL LAW NO. 2  
2015**

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## Local Law Community Impact Statement

This Local Law Community Impact Statement is designed to assist the community in understanding the proposed Community Amenity Local Law No. 2, 2015 and its intent.

The objectives of the proposed local law are to:

- enhance neighbourhood amenity;
- secure community safety;
- protect public assets;
- provide for the peace, order and good government of the municipal district.

In 2010, the State Government, through Local Government Victoria, released 'Guidelines for Local Laws Manual', listing new best practice guidelines for the creation and enforcement of Local Laws. The key features of these best practice guidelines are summarised as follows:

- the key aim is to improve accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity, and transparency.
- regulation should be viewed as a last resort, because it imposes a burden of compliance on the community and a burden of enforcement on the council.
- the community should be involved from the commencement of the law-making process, not just at the final formal submissions stage under section 223 of the Local Government Act 1989.
- Local Laws should not allow discretions on the part of those administering/enforcing them without clear guidelines being in place.
- where Local Laws rely on other documents such as Council policies or permit conditions, those documents should be as accessible to the public as the Local Laws and, if necessary, incorporated into the Local Laws.
- councils should produce a Local Law Community Impact Statement for all new or materially altered local laws.

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## **1. Background**

Section 111 of the Local Government Act 1989 provides councils with the authority to make local laws. Local laws are designed to assist councils to balance the needs of the individual against the needs of the broader community, but are limited to areas which local councils have jurisdiction (except those things dealt with under the planning scheme) and cannot be inconsistent with any other laws (either state or federal).

The Local Government Act 1989 allows Council to make local laws to provide for peace, order and good government within the municipal district. Local laws assist Council to meet community expectations by allowing it to manage and respond to a wide range of issues including complaints and the abatement of nuisances.

Latrobe City Council last reviewed Local Law No 2 in 2009, the decision to conduct this review was in response to;

- New State Government (local law development) Guidelines,
- Amended State legislation,
- Inconsistencies and duplications in many existing Local Law provisions,
- Promote greater community interest and ownership.

The proposed Community Amenity Local Law No. 2, 2015 is the result of that review. To ensure that the local law provides effective regulation and is consistent with current and future needs of the community all provisions in the existing local law were reviewed and extensive internal and external consultation was conducted including community focus group sessions.

This review and consultation resulted in inconsistencies and duplications being removed from the local law and new provisions been included to regulate matters that could not effectively be regulated by existing laws. While the proposed local law maintains a similarity with those found in most Victorian municipalities, this local laws has been specifically tailored to meet the needs of the Latrobe City community.

## **2. Existing legislation**

In reviewing the local law Council sought where practicable to remove any clauses that relate to matters addressed under existing legislation, a number of clauses in the current local law have been deleted or amended as a result of this approach.

Section 2 provides details in relation to these matters.

## **3. Overlap / Duplication with Existing Legislation**

During the desk top review and project assurance group meeting many areas were identified in the current local law that overlapped or duplicated existing legislation. It is believed that the provisions of the new local law supplement State legislative provisions without duplicating, overlapping or creating any inconsistencies.

## **4. Overlap with Planning Scheme**

Council does not believe that the new local law overlaps or creates any inconsistencies with the Planning Scheme.

## **5. Risk assessment**

A risk assessment approach was undertaken in the early stages of this review, all local law



clauses were subjected to an analyses in relation to possible impacts;

Impacts (risk assessment);

- Protection of amenity.
- Abatement of nuisance.
- Health and safety.
- Prevention of damage.
- Liability of Council.

## **6. Legislative approaches adopted**

The approach adopted in the new local law places a minimum burden on the community. This is evident by the way of:

- Minimum possible number of offence provisions.
- Clear and unambiguous provisions.
- A community engagement and education approach rather than enforcement.
- Wherever possible, provisions for permits rather than prohibition of activities
- Reasonable enforcement procedures including provision for the giving of compliance notices and warnings where appropriate, provision of an internal review process.

## **7. Restriction of competition**

### **National Competition Policy**

In 1996, the Federal Government introduced a National Competition Policy (NCP). This policy aims to ensure that where applicable, competition across and within sectors is fair and balanced. All levels of government are required to comply with this policy and principles it contains. The principles are reproduced below.

Prices oversight of Government Business Enterprises to limit monopoly pricing capacity of public monopolies Competitive Neutrality Policy and Principles to remove any net competitive advantage enjoyed by significant government businesses enterprises by virtue of their public sector ownership Structural Reform of Public Monopolies to introduce greater competition into markets traditionally supplied by public monopolies Legislation Review to review and, where appropriate, reform all legislation and regulation which restricts competition Access to Services provided by means of Significant Infrastructure Facilities to allow third party access to significant infrastructure facilities where required for effective competition in an upstream or downstream market

The new local law does not breach these principles and is considered to be compliant.

## **8. Penalties**

Council considers that the penalties proposed are sufficient to act as a deterrent and to reflect the seriousness of the offences.

## **9. Permits**

The new local law will continue to make use of permits as a means of controlling activities, rather than using prohibition. Council has found that the use of permits is a very effective means of managing activities fairly and reasonably.

## **10. Fees and Charges**

The Local Government Act 1989 and the new Local Law allows Council to set fees and charges annually.

This will be undertaken as part of the budget process.

## **11. Performance standards / measuring Success**

The success of Council's new Local Laws will be monitored and reported annually to the community. The key performance indicators for measuring success will include:

- Number of customer complaints received annually
- The surveyed level of community satisfaction with community safety resulting from the Local Laws
- Number of Local Law breaches detected by Authorised Officers
- Numbers of Compliance notices, Official Warnings and Infringement Notices conducted annually
- Annual number of requests for review of decisions made under Local Laws.

## **12. Comparison with neighboring and like Councils**

The provisions within the proposed Local Law have been compared with the Local Laws of Wellington Shire, Baw Baw Shire, South Gippsland Shire, Greater City of Geelong, City of Ballarat, City of Greater Bendigo, Melbourne City Council, Boroondara City Council, Frankston City Council and Yarra City Council.

The provisions were found to be similar in most cases to the proposed Local Law.

## **13. Charter of Human Rights**

Council conducted a review of its Local Laws in 2009, as a result of the Charter of Human Rights being implemented. In the main that review found the Local Laws to be compliant, however Council adopted some policy and procedure in relation to review of decisions, to ensure that both the spirit and the letter of the Charter were addressed. That policy and procedure has been incorporated into the new Local Laws.

With the inclusion referred to above, Council believes that the new Local Laws appropriately reflect the objectives of the Victorian Charter of Human Rights.

## **14. Community Consultation**

Mach 2 Consulting was engaged by Council to assist the Review of Local Law No 2 (2009) by facilitating a consultation process designed to engage the community in the development of regulatory measures.

In October 2013 two community focus group sessions were held with a key objective to ensure that the community was provided an opportunity to contribute to the development of regulatory measures for Latrobe City. Focusing on this objective, a discussion process was undertaken to provide an opportunity for the community and key stakeholders to express

their thoughts on key issues relating to the development of Council's new local law.

**15. Submissions**

Council will give public notice of the proposed local law. Section 223 submissions will be considered at a Special Meeting of Council.

## **Part 2, 3 & 4 – Analysis of new provisions in the proposed Local Law and deleted provisions from previous Local Law.**

### **PART 2 - Deleted clauses**

#### **CLAUSE 11 (LL No 2 2009) – REGISTER OF DETERMINATIONS AND GUIDELINES**

**Purpose** - Outlines the use of determinations and guidelines in the local law.

**Amendment** – Delete Clause.

**Comment** – Advice for Maddock Solicitors that a register of determinations is not required. The Local Government Act details that guidelines must be incorporated at the time the local law is made or would require an amendment to be incorporated at a later date.

#### **CLAUSE 15 (LL No 2 2009) - TIME TO COMPLY (NOTICE TO COMPLY)**

**Purpose** – Specifies that a Notice to Comply must state the time within by which the situation must be remedied.

**Amendment** – Delete Clause.

**Comment** – The provisions of the Clause has been includes into new Clause 15 – Notice to Comply.

#### **CLAUSE 20.1 (LL No, 2 2009) – APPLICATION FOR A PERMIT**

**Purpose** – Stipulates a specific form to be used when applying for a permit.

**Amendment** – Delete clause.

**Comment** – This form has been deleted. Forms are developed and amended as required, therefore they cannot be included in the Local Law.

#### **CLAUSE 20.2 (LL No, 2 2009) – APPLICATION FOR A PERMIT**

**Purpose** – The Council may require an applicant to give Public Notice.

**Amendment** – Delete clause.

**Comment** – Advice from Maddocks Solicitors, this is a duplication of section 223 of the Local Government Act and therefore not required.

#### **CLAUSE 21 (LL No, 2 2009) – PERMIT MAY BE CONDITIONAL AND CORRECTION RIGHTS**

**Purpose** – Specifies that conditions and corrections can be made to a permit.

**Amendment** – Delete clause.

**Comment** – This provision has been included into clause 18 Permits.

#### **CLAUSE 22 (LL No, 2 2009) – ADDITIONAL INFORMATION**

**Purpose** – Provision to allow for additional information to be requested from applicants.

**Amendment** – Delete clause.

**Comment** – This provision has been included into clause 18 Permits.

#### **CLAUSE 23 (LL No, 2 2009) – DURATION OF PERMITS**

**Purpose** – Sets a Permit expiry date of 30 June.

**Amendment** – Delete clause.

**Comment** – Amendment to Clause 18.7. A Permit now expires 1 year after the date of issue or the date specifically stated in the Permit.

#### **CLAUSE 33 (LL NO 2 2009) – NOTICE TO COMPLY**

**Purpose** – This clause give the power to issue a Notice to Comply for Clause 32.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is included in Clause 10.

**CLAUSE 35 (LL NO 2 2009) – FENCES NOT TO CAUSE AN OBSTRUCTION**

**Purpose** – This clause regulated property fence heights and obstructions caused by such fences at intersections.

**Amendment** – Delete clause.

1. **Comment** – This clause is a Duplication of Section 427 of the Building Regulation 2006

**CLAUSE 35.2 (LL NO 2 2009) – FENCES NOT TO CAUSE AN OBSTRUCTION**

**Purpose** – A person must not allow any fence or part thereof the cause and obstruction.

**Amendment** – Delete clause.

2. **Comment** – This is a Duplication of Clause 34.2.

**CLAUSE 36 (LL NO 2 2009) – NOTICE TO COMPLY**

**Purpose** – This clause give the power to issue a Notice to Comply for Clause 35 and 36.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is included in Clause 10.

**CLAUSE 37.2 (LL NO 2 2009) – CONSIDERING THE ALLOCATION OF ANY NAME TO A ROAD**

**Purpose** – This clause requires Council to consider any standards and the Geographic Place Names Act 1998 before allowing the use of a road name.

**Amendment** – Delete clause.

**Comment** – This Clause is a duplication of Schedule 10 of the Local Government Act 1989 and requirement under the Geographic Place Names Act 1998.

**CLAUSE 39 (LL NO 2 2009) – PROPERTIES NOT DISPLAYING NUMBERS**

**Purpose** – This clause allows a Notice to Comply to be issued for non-compliance relating to house numbering provisions.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 40 (LL NO 2 2009) – CHANGES TO ROAD NAMES**

**Purpose** – This clause give Council the power to approve road names changes.

**Amendment** – Delete clause 40.

**Comment** – This clause is not required as it duplicates Schedule 10 (5) of the Local Government Act.

**CLAUSE 41 (LL NO 2 2009) – RECORD OF ROAD NAMES**

**Purpose** – This clause requires Council to keep a record of all road names and name changes agreed to by the Council and must accurately record the names, locations and the dates the changes became operative.

**Amendment** – Delete clause.

**Comment** – This clause is not required as it duplicates Schedule 10 (5) of the Local Government Act.

**CLAUSE 42 (LL NO 2 2009) – ADVICE TO GEOGRAPHIC NAMES REGISTER**

**Purpose** – This clause requires Council to advise the Register of Geographic Names of any action by Council to approve, assign or change the name of a road.

**Amendment** – Delete clause.

**Comment** – This clause is not required as it duplicates Schedule 10 (5) of the Local Government Act.

**CLAUSE 43 (LL NO 2 2009) – ADVICE TO OTHER ORGANISATIONS**

**Purpose** – This clause requires Council to notify every authority supplying water, gas, electricity, postal services, telephone services, the State Land Tax Office, the

Commonwealth Electoral Office and any other relevant authority as required by Clause 4.4.2 of the Guidelines for Geographic Names.

**Amendment** – Delete clause.

**Comment** – This clause is not required as it duplicates Schedule 10 (5) of the Local Government Act.

**CLAUSE 44.3 (LL No, 2 2009) – A VEHICLE CROSSING IS REQUIRED**

**Purpose** – Power for an authorised officer to issue a notice to comply.

**Amendment** – Delete clause.

**Comment** – Notice to Comply provisions are now included in Part 3 Notice to Comply.

**DIVISION 4 (LL NO 2 2009) - FENCES TO CONTAIN ANIMALS**

**CLAUSE 48 (LL NO 2 2009) – FENCES TO CONTAIN LIVESTOCK**

**Purpose** – Requires the owners or occupiers of land use for the grazing of livestock to fence the land adequately to prevent the animals from straying onto any adjacent road.

**Amendment** – Delete Division 4 and Clause 48.

**Comment** – This clause is not required as it duplicates section 16A & 16B of the Impounding of Livestock Act.

**CLAUSE 49 (LL NO 2 2009) – NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 48.

**Amendment** – Delete clause.

**Comment** – Clause 48 has been deleted and the power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 50-54 (LL NO 2 2009) – PROHIBITION OF VEHICLES LIKELY TO DAMAGE THE ROAD**

**Purpose** – Specify classes of vehicles prohibited from using roads.

**Amendment** – Delete clause.

**Comment** – Clause 50-54 is a duplication of Road Management Act.

**CLAUSE 55 (LL No, 2 2009) – LIVESTOCK DRIVING IN THE MUNICIPAL DISTRICT**

**Purpose** – Permit required to drive livestock.

**Amendment** – Delete clause.

**Comment** – Amended into See Clause 37.

**CLAUSE 56 (LL No, 2 2009) – FORM OF APPLICATION**

**Purpose** – Specified the form of application to be used.

**Amendment** – Delete clause.

**Comment** – Application forms are no longer prescribed in the Local law.

**CLAUSE 57 (LL NO 2 2009) - FORM OF PERMITS**

**Purpose** –. Before issuing a Permit to Drive Livestock Council must consider guidelines and standard.

**Amendment** – Delete Clause.

**Comment** – The information contained in this clause has been included in Clause 56.

**CLAUSE 58 (LL No, 2 2009) – SPECIFIED ROADS**

**Purpose** – Allows a permit condition to be varied.

**Amendment** – Delete clause.

**Comment** – No longer required, this would need a permit variation in clause 20.

**CLAUSE 59 (LL No, 2 2009) – DEPARTURE FROM ROUTE**

**Purpose** – Allows a permit condition to be varied.

**Amendment** – Delete clause.

**Comment** – No longer required, this would need a permit variation in clause 20.

**CLAUSE 60 (LL No, 2 2009) – TIME FOR DRIVING LIVESTOCK**

**Purpose** – Requires that permit conditions be adhered to.

**Amendment** – Delete clause.

**Comment** – Not required detailed in clause 21.1 (d)

**CLAUSE 62 (LL NO 2 2009) - CURRENCY OF PERMIT**

**Purpose** – Specifies the expiry date for a Driving of Livestock Permit.

**Amendment** – Delete Clause.

**Comment** – The information contained in this clause is a duplication of Clause 22 - DURATION OF PERMITS.

**CLAUSE 64 (LL No, 2 2009) – POWER TO IMPOUND LIVESTOCK**

**Purpose** – Power to impound livestock.

**Amendment** – Delete clause.

**Comment** – Inconsistent with the Impounding of Livestock Act 1994

**CLAUSE 66 (LL NO 2 2009) - RESPONSIBILITY OF APPLICANT**

**Purpose** – Allows an authorised officer to require an applicant to make a declaration to the effect that the livestock are fit, healthy and free from disease and able to travel.

**Amendment** – Delete Clause 66

**Comment** – This Clause is no longer required as the provisions of the Livestock Disease Control Act 1994 and Prevention of Cruelty to Animals Act 1986 place a responsibility on the livestock owner.

**CLAUSE 68- PERMITS CONDITIONS TEMPORARY OUTDOOR EATING FACILITY**

**Purpose** – To specify permit conditions applicable to the establishment of a temporary outdoor eating facility.

**Amendment** – Delete clause.

**Comment** – To include conditions of use as currently detailed on issued permits.

**CLAUSE 69 (LL No, 2 2009) – USE OF TOY VEHICLES/WHEELED RECREATION DEVICE**

**Purpose** – Designates areas where toy vehicles can not be used.

**Amendment** – Delete clause.

**Comment** – Incorporated into clauses 46 and 47.

**CLAUSE 74 (B) - (LL NO 2 2009) - PARKING (HEAVY VEHICLES) IN RESIDENTIAL AREAS**

**Purpose** – This clause regulates the parking of heavy vehicle in residential areas. A heavy vehicle cannot park on a road within a residential area for longer than 2 hours.

**Amendment** – Delete Clause 74 (b).

**Comment** – Clause 74 (b) contradicts and duplicates section 200 (2) of the Road Safety Road Rules 2009, parking of heavy vehicles in built up areas. The Road Safety Road Rules 2009 specifies that a heavy vehicle must not stop on a length of road in a built-up area for longer than 1 hour.

**CLAUSE 75 (LL No, 2 2009) – PERMIT APPLICATION**

**Purpose** – Stipulates a specific form to be used when applying for a permit.

**Amendment** – Delete clause.

**Comment** – This form has been deleted. Forms are developed and amended as required, therefore they cannot be included in the Local Law.

**CLAUSE 76 (LL No, 2 2009) – PERMIT AND CONDITIONS**

**Purpose** – Specifies need to consider permit conditions.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits

**CLAUSE 77 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 74.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 79 (LL No, 2 2009) – PERMITS FOR ADVERTISING SIGNS**

**Purpose** – Specifies need to consider permit conditions.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 80.2 (LL No, 2 2009) – IMPOUNDING SIGNS**

**Purpose** – Specifies actions that must be taken following the impoundment of items.

**Amendment** – Delete clause.

**Comment** – See clause 12 IMPOUNDMENT, RELEASE AND DISPOSAL OF ITEMS

**CLAUSE 81 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 78.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 84 (LL No, 2 2009) – REQUIREMENTS FOR GRANTING PERMITS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 86.2 (LL No, 2 2009) – IMPOUNDING OF GOODS AND EQUIPMENT**

**Purpose** – Specifies actions that must be taken following the impoundment of items.

**Amendment** – Delete clause.

**Comment** – See clause 12 IMPOUNDMENT, RELEASE AND DISPOSAL OF ITEMS.

**CLAUSE 87 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 82.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 89 (LL No, 2 2009) – PERMITS FOR DISPLAYING GOODS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 90.2 (LL No, 2 2009) – GOODS LEFT ON ROADS**

**Purpose** – Specifies actions that must be taken following the impoundment of items.

**Amendment** – Delete clause.

**Comment** – See clause 12 IMPOUNDMENT, RELEASE AND DISPOSAL OF ITEMS.

**CLAUSE 91 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 88.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.



**CLAUSE 93 (LL No, 2 2009) – GRANTING OF PERMITS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 97 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 92.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 99 (LL NO 2 2009) - GRANTING OF PERMITS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 101 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 98.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 102.2 (LL No, 2 2009) – ROAD OCCUPATION (PERMITS)**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 103 (LL NO 2 2009) - GRANTING OF A PERMIT**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – See Clause on Permits.

**CLAUSE 107 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply for Clause 104.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 111 (LL NO 2 2009) - PERMITTED ROADS**

**Purpose** – To specify where street parties, festival or procession may be held.

**Amendment** – Delete Clause.

**Comment** – These requirements are now detailed in the Road Management Act.

**CLAUSE 113.2 (LL No, 2 2009) – BUSKING AND STREET ENTERTAINMENT**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 114 (LL NO 2 2009) - GRANTING OF A PERMIT**

**Purpose** – Specification of details for the granting of a Permit.

**Amendment** – Delete clause.

**Comment** – See Clause on Permits.

**CLAUSE 115 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 116.2 (LL No, 2 2009) – COLLECTIONS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits

**CLAUSE 117 (LL NO 2 2009) - GRANTING OF A PERMIT**

**Purpose** – Specification of details for the granting of a Permit.

**Amendment** – Delete clause.

**Comment** – See Clause on Permits.

**CLAUSE 118 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – This clause gave power to issue a Notice to Comply.

**Amendment** – Delete clause.

**Comment** – The power to issue a Notice to Comply is now included in Clause 10.

**CLAUSE 121 (LL NO 2 2009) - SURRENDER OF VEHICLES**

**Purpose** –

**Amendment** – Delete Clause.

**Comment** – This clause is not required as these provisions are contained in Clause 13 Impounding and Schedule 11 of the Act.

**CLAUSE 121 (LL NO 2 2009) - POWER TO SELL OR GIVE AWAY**

**Purpose** – Gave Council power to sell or give away impounded vehicle.

**Amendment** – Delete Clause.

**Comment** – This clause is not required as these provisions are contained in Clause 13 Impounding and Schedule 11 of the Act.

**CLAUSE 123 (LL NO 2 2009) – IMMOBILISING BUT NOT REMOVING VEHICLES**

**Purpose** – Allows an Authorised Officer to wheel clamp a vehicle that is parked unlawfully or causing an unlawful obstruction.

**Amendment** – Delete Clause.

**Comment** – Currently there is no legislative power allowing Council to use wheel clamps. Road Safety Act gives this power to Victoria Police and Sheriff Officers only. Schedule 11 (4) allows a Council to move and/or impound any vehicle causing an unlawful obstruction.

**CLAUSE 124 (LL NO 2 2009) - NOTICE TO THE OWNER**

**Purpose** –

**Amendment** – Delete Clause.

**Comment** – This clause is not required as these provisions are contained in Clause 13. Impounding and Schedule 11 of the Act.

**CLAUSE 126 (LL No, 2 2009) – PERMIT FOR VEHICLE STANDING AREA WORKS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 127 (LL No, 2 2009) – VEHICLE STANDING AREAS IN DISREPAIR**

**Purpose** – Provides the power to issue a Notice to Comply.

**Amendment** – Delete clause.

**Comment** – Incorporated into Part 3 Notices to Comply.

**CLAUSE 128 (LL NO 2 2009) - PERMIT TO PARK / DRIVE A VEHICLE ON A RESERVATION**

**Purpose** – Permit application process and considerations.

**Amendment** – Delete clause.

**Comment** – No longer required as the provision are now contained in the new permits clause.

**CLAUSE 129 (LL NO 2 2009) - NOTICE TO COMPLY**

**Purpose** – To allow an Authorised Officer to issue a Notice to Comply for a breach of Clauses 125 to 128.

**Amendment** – Delete clause.

**Comment** – **Clause** 129 is no longer required as the power to issue a Notice to Comply is now included in Clause 10

**CLAUSE 131 (LL NO 2 2009) - UNSIGHTLY LAND**

**Purpose** – Offence for owner/occupier for keeping property in a manner which is unsightly.

**Amendment** – Delete clause.

**Comment** – Clause 131 Unsightly Land is no longer required as it has been included into clause 113.

**CLAUSE 132 (LL NO 2 2009) – NATURE STRIPS**

**Purpose** – previous local law specified that it is an offence not to maintain a naturestrip to the satisfaction of an Authorised Officer.

**Amendment** – Delete clause.

**Comment** – A naturestrip is a public place and forms part of a road (road related area by definition) this clause shifted responsibility from Council (or other road authority) to the adjoining property owner.

**CLAUSE 133 (LL NO 2 2009) - STORAGE OF MACHINERY, SECOND HAND VEHICLES OR SECOND HAND GOODS ON PROPERTY**

**Purpose** – To regulate the storage of machinery, second hand goods or second hand vehicles on private property.

**Amendment** – Incorporated into Clause 104.

**Comment** - Duplication of the Planning Scheme and to a lesser extent clause 130 dangerous, unsightly or detrimental land.

**CLAUSE 141.2 (LL No, 2 2009) – CLOTHING RECYCLE BINS**

**Purpose** – Specifies consideration prior to issuing permits.

**Amendment** – Delete clause.

**Comment** – Included into Part 4 Permits.

**CLAUSE 144.2 (LL No, 2 2009) – PLACEMENT OF CARAVANS ON PRIVATE PROPERTY**

**Purpose** – Stated that the provisions of clause 144.2 did not apply to a licenced caravan park.

**Amendment** – Delete clause.

**Comment** – A licenced caravan park is a commercial property and therefore not required under this part.

**CLAUSE 147.4 TO 147.11 (LL NO 2 2009)- DOG UNLEASHED AREAS**

**Purpose** – This clause requires that dogs be leashed in built-up areas, the designating of unleashed areas and regulates the unleashing of dogs in approved areas.

**Amendment** – Delete Clause.

- **Comment** – Advise form Maddocks solicitor that this clause duplicates section 26 of the Domestic Animals Act. However, a Council Order will need to be resolved.

**CLAUSE 135 (LL NO 2 2009) – BURNING OF PROHIBITED MATERIALS**

**Purpose** – To prohibit the burning of offensive materials.

**Amendment** – Delete clause.

**Comment** – This clause is a duplication of section 41 Pollution of atmosphere of the Environment Protection Act 1970.

**CLAUSE 140 (LL NO 2 2009) – ADVERTISING, BILL POSTING AND JUNK MAIL**

**Purpose** – Prohibits bill posting, distribution of advertising material and the leaving of advertising or promotional material in letter boxes where there is a sign that states “No Junk Mail”.

**Amendment** – Remove clause.

**Comment** – This is a duplication of PART VIIA of the EPA Act 1970.

**CLAUSE 143.2 (LL No, 2 2009) – CARAVANS AS TEMPORARY ACCOMMODATION**

**Purpose** – An occupier of private property where a dwelling exists placing one caravan owned by them on the property for the use of a member of the household or a temporary visitor to sleep in for a total period not exceeding 28 days in any one year.

**Amendment** – Delete clause.

**Comment** – Incorporated in to clause 106.

**CLAUSE 144.2 (LL NO 2 2009) – PLACEMENT OF CARAVANS ON PRIVATE PROPERTY**

**Purpose** – Specifies that Clause 144.1(a) does not apply to a licensed Caravan Park or a licensed caravan retailer.

**Amendment** – Delete clause.

**Comment** – Not required as Clause 144.2 only relates to private property. In addition this clause would be contrary to Planning Scheme provisions.

**CLAUSE 146.3 AND 146.4 (LL NO 2 2009) – NOISE ON PREMISES**

**Purpose** – This clause prohibits unreasonable noise on and from residential premises.

**Amendment** – Delete Clause.

**Comment** – Not required as this clause duplicates section 48A of the Environment Prevention Act - Unreasonable noise from residential premises.

**CLAUSE 148 (LL NO 2 2009) - PERMIT APPLICATION**

**Purpose** – Specifies the requirements for a keeping of animal permits.

**Amendment** – Delete clause.

**Comment** – Clause 148 has been moved to Clause 122.

**CLAUSE 149 (LL NO 2 2009) - GRANTING OF A PERMIT**

**Purpose** – Granting of a permit.

**Amendment** – Delete clause.

**Comment** – No longer required as the provision are now contained in the new permits clause.

**CLAUSE 150 (LL No, 2 2009) – RESTRICTION OF LIVESTOCK IN RESIDENTIAL AREAS/LIVESTOCK KEPT UNSECURED**

**Purpose** – Regulates the keeping of livestock in residential areas.

**Amendment** – Delete clause.

**Comment** – see clause 113.2.

**CLAUSE 151.1 (LL NO 2 2009) - LIVESTOCK KEPT UNSECURED**

**Purpose** – Requires that Livestock be adequately confined in residential areas.

**Amendment** – Delete clause.

**Comment** – This clause is a duplication of section 5B of the Impounding of Livestock Act 1994, Power to enter land or building and impound inadequately confined livestock.

**CLAUSE 152 (LL No, 2 2009) – POULTRY**

**Purpose** – Regulates the keeping of poultry.

**Amendment** – Delete clause.

**Comment** – see clause 109.

**CLAUSE 153.1 AND 153.2 (LL NO 2 2009) - CAGED BIRDS**

**Purpose** – Caged birds must be kept under good sanitary and humane conditions and caged birds may keep caged bird as allowed by Wildlife regulations.

**Amendment** – Delete clauses.

**Comment** – Duplication of Wildlife Regulations 1992 and Prevention of Cruelty to Animals Act.

**CLAUSE 155.3 (LL NO 2 2009) – KEEPING OF BEES**

**Purpose** – Exclude bee keeping in Clause 155.

**Amendment** – Delete Clause.

**Comment** – This clause is no longer required as the keeping of bees are regulated in the Planning scheme.

**CLAUSE 157(a) (LL NO 2 2009) - ANIMAL EXCREMENT**

**Purpose** – A person in charge of a dog must not allow any part of the dogs excrement to remain on any road or other municipal place.

**Amendment** – Delete clause.

**Comment** – The clause duplicates clause 157 Animal Excrement.

**CLAUSE 165 (LL NO 2 2009) – REMOVAL OF ASBESTOS**

**Purpose** – To regulate the handling and disposal of asbestos.

**Amendment** – Delete the clause.

**Comment** – This is a duplication of clause 176.

**CLAUSE 168 (LL NO 2 2009) – TRANSPORTATION OF WASTE**

**Purpose** – To regulate the transportation of waste materials.

**Amendment** – Delete the clause.

**Comment** – This is a duplication of section 45U of the Environment Protection Act 1970 and 245 Road Safety Vehicle Regulations.

**CLAUSE 170 (LL No, 2 2009) – DEPOSITING OF WASTE AT TRANSFER STATIONS**

**Purpose** – Regulates the deposition of waste at transfer stations.

**Amendment** – Delete clause.

**Comment** – See clause 126

**CLAUSE 176 (LL NO 2 2009) - REMOVAL OF ASBESTOS**

**Purpose** – To regulate the handling and removal of asbestos.

**Amendment** – Delete clause.

**Comment** – Duplication of existing legislation, Environment Protection Act and Public Health and Wellbeing Act (nuisance section). Environment Protection (Industrial Waste Resource) Regulations 2009 provides the regulatory framework for the handling, management and disposal of prescribed industrial waste. Processing and handling asbestos in the workplace is covered by the Occupational Health and Safety Regulations 2007.

**CLAUSE 181 (LL NO 2 2009) - PERMITS TO SELL FOOD OR PREPARE FOOD FOR SALE**

**Amendment** – Delete clause.

**Comment** – Duplication of Public Health and Wellbeing Act.

**CLAUSE 182 (LL NO 2 2009) - GUIDELINES FOR FOOD VENDORS**

Amendment – Delete clause.  
Comment – Duplication of The Food Act.

**CLAUSE 183 (LL NO 2 2009) - REGISTRATION RENEWAL LATE FEES**

Amendment – Delete clause.  
Comment – Duplication of Public Health and Wellbeing Act.

**CLAUSE 184 (LL NO 2 2009) - COSTS OF SAMPLES**

Amendment – Delete clause.  
Comment – Environmental Health team advised not required.

**CLAUSE 186 (LL No, 2 2009) – PUBLIC PLACES**

Amendment – Delete clause.  
Comment – Duplication of Public Health and Wellbeing Act.

**CLAUSE 187 (LL NO 2 2009) - FOOD SAFETY PLAN COMPLIANCE ASSESSMENTS**

Amendment – Delete clause.  
Comment – Environmental Health team advised not required. Duplication of The Food Act.

**CLAUSE 188.5 (LL No, 2 2009) – BEHAVIOUR IN MUNICIPAL PLACES**

Amendment – Delete clause.  
Comment – See clause 139.5

**CLAUSE 191 (LL No, 2 2009) – PERMITS**

Amendment – Delete clause.  
Comment – Incorporated into Part 4 Permits.

**CLAUSE 192 (LL NO 2 2009) – COUNCIL RECREATION CENTRES RESTRICTION OF ENTRY**

**Purpose** – to inform of the rules of attending these facilities.  
**Amendment** – Delete Clause.  
**Comment** – the Centre’s restrictions are clearly defined and are adapted by each facility for their specific needs. Enforcing of these restrictions would be under the summary offences act and are covered in council’s behaviours and therefore does not require a local law provision.

**CLAUSE 193 (LL NO 2 2009) – CODE OF CONDUCT COUNCIL RECREATION CENTRES/FACILITIES RESTRICTION OF ENTRY**

**Purpose** – to inform of the code of behaviour in attending these facilities.  
**Amendment** – Delete clause.  
**Comment** – the centres code of practice is clearly defined and is adapted by each facility for their specific needs. Enforcing of these restrictions would be under the summary offences act and are covered in council’s behaviours and therefore does not require a local law provision.

**CLAUSE 194 (LL NO 2 2009) – PUBLIC RESERVES AND RECREATION**

**Purpose** – to inform of the code of behaviours in attending these facilities.  
**Amendment** – Delete clause.  
**Comment** – the centres code of practice is clearly defined and is adapted by each facility for their specific needs. Enforcing of these restrictions would be under the summary offences act and are covered in council’s behaviours and therefore does not require a local law provision.

**CLAUSE 196 (LL No, 2 2009) – PENALTIES**

**Amendment** – Delete clause.

**Comment** – Incorporated into Part 7 ENFORCEMENT AND PENALTIES.

**CLAUSE 197 (LL NO 2 2009) - INFRINGEMENT NOTICE**

**Amendment** – Delete clause 197 (clause 197 has been reallocated).

**Comment** – This clause is no longer required as the as it duplicates and in part contradicts the provisions of the Infringements Act 1996.

**CLAUSE 198 (B) (LL NO 2 2009)- DELEGATIONS**

**Purpose** – Delegates powers of Council to Local Laws Officers and Environmental Health Officers in relation to permits.

**Amendment** – Delete Clause.

**Comment** – These powers are detailed in Part 4 Permits.

**STANDARD 1 (LL NO 2 2009) – URGENT CIRCUMSTANCES**

**Purpose** – This standard lists factors to be taken into consideration when applying urgent circumstances to Local Law provisions.

**Amendment** – Delete Standard 1.

**Comment** – Standard 1 is no longer required as the information has been incorporated into Clause 18 urgent circumstances.

**STANDARD 2 (LL NO 2 2009) – DISPOSAL OF IMPOUNDED ITEMS**

**Purpose** – This standard specifies the means of disposing of impounded items.

**Amendment** – Delete Standard 2.

**Comment** – Standard 2 is no longer required as the information has been incorporated into Clause 13.

**STANDARD 3 (LL NO 2 2009) – REQUIREMENTS FOR A CLEAR VIEW AT INTERSECTIONS**

**Purpose** – This standard specifies a maximum height for plants on private land within 5 metres of an intersection.

**Amendment** – Delete Standard 3.

**Comment** – The details specified in standard 3 have been incorporated into clause 30.3.

**STANDARD 4 (LL NO 2 2009) – REQUIREMENTS FOR SELECTING A NAME FOR A ROAD**

**Purpose** – This standard specifies the considerations to be taken when selecting road names.

**Amendment** – Delete Standard 4.

**Comment** – This Standard is no longer required as it duplicates Schedule 10 (5) of the Local Government Act 1989 and the Geographic Place Names Act 1998.

**STANDARD 5 (LL NO 2 2009) – SUFFICIENCY OF SIZE LOCATION AND VISIBILITY OF PROPERTY NUMBERS**

**Purpose** – This Standard specifies requirements for the placement, size, location and visibility of property numbers.

**Amendment** – Delete Standard 5.

**Comment** – This Standard is no longer required as it has been incorporated into Clause 31.2 – Property Numbers.

**STANDARD 6 (LL NO 2 2009) – VEHICLES LIKELY TO DAMAGE THE ROAD**

**Purpose** – This Standard specifies matters to be considered when granting a permit for a vehicle likely to cause damage to a road.

**Amendment** – Delete Standard 6.

**Comment** – This Standard is no longer required as it has been incorporated into Clause 50.

**STANDARD 7 (LL NO 2 2009) – LIVESTOCK ON ROADS**

**Purpose** – This Standard specifies permit considerations in regards to the driving of livestock along roads.

**Amendment** – Delete Standard 7.

**Comment** – This Standard is no longer required as it has been incorporated into Clause 37 and 38.

**STANDARD 8 (LL NO 2 2009) - PLACES WHERE DRIVING OF LIVESTOCK IS NOT PERMITTED**

**Purpose** – This Standard specifies areas where the driving of livestock is not permitted.

**Amendment** – Delete Standard 8.

**Comment** – Standard 8 is no longer required as the information has been incorporated into Clause 39.

**STANDARD 9 (LL NO 2 2009) - PERMITTING VEHICLES OVER 3 TONNES TO BE PARKED, KEPT, REPAIRED OR STORED ON RESIDENTIAL LAND**

**Purpose** – This Standard specifies issues that must be taken into account prior to issuing a permit.

**Amendment** – Delete Standard 9.

**Comment** – Standard 9 is no longer required as the information has been incorporated into Clause 50.

**STANDARD 10 (LL NO 2 2009) - DISPLAYS OF FOOTPATH ADVERTISING SIGNS**

**Purpose** – This standard specifies the requirement for the displaying of advertising signs on a road.

**Amendment** – Delete Standard 10.

**Comment** – Standard 10 is no longer required as the information has been incorporated into Division 9 ADVERTISING SIGNS.

**STANDARD 11 (LL NO 2 2009) - TRADING FROM A ROAD OR TO A PERSON ON A ROAD**

**Purpose** – This standard specifies the requirement for roadside trading.

**Amendment** – Delete Standard 11.

**Comment** – Standard 11 is no longer required as the information has been incorporated into Division 11 TRADING FROM A ROAD OR TO A PERSON ON A ROAD.

**STANDARD 12 (LL NO 2 2009) - REQUIREMENTS FOR OUTDOOR EATING FACILITIES ON ROADS**

**Purpose** – This Standard specifies the requirement for the establishment of an outdoor eating facility on a road.

**Amendment** – Delete Standard 12.

**Comment** – Standard 12 is no longer required as the information has been incorporated into Division 12 OUTDOOR EATING FACILITIES ON ROADS.

**STANDARD 13 (LL NO 2 2009) - BULK RUBBISH CONTAINERS ON A ROAD**

**Purpose** – This Standard specifies the requirement for the placement of bulk rubbish containers on a road.

**Amendment** – Delete Standard 13.

**Comment** – Standard 13 is no longer required as the information has been incorporated into Clause 63.

**STANDARD 14 (LL NO 2 2009) - OCCUPATION OF ROADS**

**Purpose** – This Standard specifies requirement to be considered prior to the issuing of a permit for the occupation of roads.



**Amendment** – Delete Standard 14.

**Comment** – Standard 14 is no longer required as the information has been incorporated into Clause 65.

**STANDARD 15 & 16 (LL NO 2 2009) - REQUIREMENTS FOR A STREET PARTY, FESTIVAL OR PROCESSION**

**Purpose** – This standard specifies requirement to be considered prior to the issuing a permit to allow camping on Council land which is not licensed as a caravan park.

**Amendment** – Delete Standards 15 & 16.

**Comment** – Standard 16 is no longer required as the information has been incorporated into Clause 73.

**STANDARD 17 (LL NO 2 2009) - BUSKING**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit for Busking.

**Amendment** – Delete Standard 17.

**Comment** – Standard 17 is no longer required as the information has been incorporated into Clause 81.

**STANDARD 18 (LL NO 2 2009) - COLLECTIONS ON ROADS AND FOOTPATHS**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit for Collections on Roads and Footpaths.

**Amendment** – Delete Standard 18.

**Comment** – Standard 18 is no longer required as the information has been incorporated into Clause 84.

**STANDARD 19 (LL NO 2 2009) - UNLAWFUL PARKING AND OBSTRUCTIONS WARRANTING TOW-AWAY**

**Purpose** – This standard specifies requirements to be considered prior to removing or impounding an unlawfully parked or obstructing vehicle.

**Amendment** – Delete Standard 19.

**Comment** – Standard 19 is no longer required as the information has been incorporated into Clause 119.

**STANDARD 20 (LL NO 2 2009) - PARKING ON A RESERVATION**

**Purpose** – This standard specifies requirements to be considered prior to issuing a permit for a vehicle standing area on a naturestrip.

**Amendment** – Delete Standard 20.

**Comment** – Standard 20 is no longer required as the information has been incorporated into Clause 142.

**STANDARD 21 (LL NO 2 2009) - DANGEROUS AND UNSIGHTLY LAND**

**Purpose** – This standard specifies requirements to be considered in evaluating dangerous and unsightly land.

**Amendment** – Delete Standard 21

**Comment** – Standard 21 is no longer required as the information has been incorporated into Clause 92.

**STANDARD 22 (LL NO 2 2009) - DISCHARGING OF FIREWORKS/PERMIT TO BURN**

**Purpose** – This standard specifies requirements to be considered prior to issuing a permit to burn or to discharge fire works.

**Amendment** – Delete Standard 22.

**Comment** – Standard 22 is no longer required as the information has been incorporated into Clause 78 and permit to burn has been deleted.

**STANDARD 23 (LL NO 2 2009) – STORAGE OF MACHINERY, SECONDHAND VEHICLES OR SECONDHAND GOODS.**

**Purpose** – This standard specifies consideration for the issuing of permits in relation to the storage of machinery, secondhand vehicles or secondhand goods.

**Amendment** – Delete standard 23.

**Comment** – Incorporated into clause 86.

**STANDARD 24 (LL NO 2 2009) - ADVERTISING, BILL POSTING AND JUNK MAIL**

**Purpose** – This standard specifies consideration for the issuing of permits in relation to writing, placing or affixing any letter, figure, device, poster, sign or advertisement.

**Amendment** – Delete standard 24.

**Comment** – Standard 24 is a duplication of the EPA Act 1970.

**STANDARD 25 (LL NO 2 2009) - CAMPING**

**Purpose** – This standard specifies requirement to be considered prior to the issuing a permit to allow camping on Council land which is not licensed as a caravan park.

**Amendment** – Delete Standard 25.

**Comment** – Standard 25 is no longer required as the information has been incorporated into Clause 105.

**STANDARD 26 (LL NO 2 2009) – CARAVANS AS TEMPORARY ACCOMMODATION**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit to use a caravan as temporary accommodation.

**Amendment** – Delete Standard 26.

**Comment** – Standard 26 is no longer required as the information has been incorporated into Clause 106.

**STANDARD 27 (LL NO 2 2009) – CIRCUSES AND CARNIVALS**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit for Circuses and Carnivals.

**Amendment** – Delete Standard 27.

**Comment** – Standard 27 is no longer required as the information has been incorporated into Clause 87 & 88.

**STANDARD 28 (LL NO 2 2009) - KEEPING OF ANIMALS**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit for Collections on Roads and Footpaths.

**Amendment** – Delete Standard 28.

**Comment** – Standard 28 is no longer required as the information has been incorporated into Clause 109.

**STANDARD 29 (LL NO 2 2009) - TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)**

**Purpose** – This standard specifies requirements for waste hoppers or bins used for the collection and storage of trade waste.

**Amendment** – Delete Standard 29.

**Comment** – Standard 29 is no longer required as the information has been incorporated into Clause 125.

**STANDARD 30 (LL NO 2 2009) - SCAVENGING AT MUNICIPAL LANDFILL**

**Purpose** – This standard specifies consideration that must be taken into account prior to issuing a permit for scavenging at a transfer station or landfill sites.

**Amendment** – Delete Standard 30.

**Comment** – Standard 30 is no longer required as the information has been incorporated into Clause 131.

**STANDARD 31 (LL NO 2 2009) - PERMIT FOR CONSUMPTION OF ALCOHOLIC BEVERAGE**

**Purpose** – This standard specifies requirement to be considered prior to the issuing of a permit for the consumption of any alcoholic beverage or for the possession of alcoholic beverage in unsealed containers in any Municipal place.

**Amendment** – Delete Standard 28.

**Comment** – Standard 28 is no longer required as the information has been incorporated into Clause 141.

**SCHEDULE 2 to 14 (LL NO 2 2009) – FORMS**

**Purpose** – Prescribes form for specific local law provisions.

**Amendment** – Delete Schedules 2 to 14.

**Comment** – The majority of these form are not used, forms do not need to be prescribed in the local law.

**SCHEDULE 9 (LL NO 2 2009) - CONTROL OF TOY VEHICLES**

**Purpose** – This clause prescribes areas where toy vehicles can not be used.

**Amendment** – Delete Schedule 9.

**Comment** – The use of a toy vehicle and wheeled recreation device on a road or road related area is a duplication of provision within the Road Safety Road Rules 2009.

**SCHEDULE 18 (LL NO 2 2009) - PUBLIC RESERVES AND RECREATION GROUNDS**

**Purpose** – List of reserves and recreation grounds.

**Amendment** – Delete Schedule 18

**Comment** – There is no legal or practical reason why these areas need to be listed in the Local Law.

**SCHEDULE 20 (LL NO 2 2009) - INFRINGEMENT NOTICES PENALTIES**

**Purpose** – Prescribes penalty amounts for infringement offences.

**Amendment** – Delete Schedule 20.

**Comment** – Schedule 20 is no longer required as the information has been incorporated into Clause 145.

**SCHEDULE 21 (LL NO 2 2009) - INFRINGEMENT NOTICES**

**Purpose** – Describes the format for infringement offences.

**Amendment** – Delete Schedule 21.

**Comment** – Schedule 21 is no longer required as the Infringement Act now defines the contents and format for Infringement notices.

**SCHEDULE 22(LL NO 2 2009) - FEES AND CHARGES FOR PERMITS**

**Purpose** – Prescribes fees and charges for permits.

**Amendment** – Delete Schedule 22.

**Comment** – Schedule 22 is no longer required as fees & charges are determined annually by Council in accordance with section 113 of the Local Government Act 1989.

## **PART 3 – Amended clauses**

### **CLAUSE 2 – PURPOSES OF THIS LAW**

**Amendment – Amended**

**Comment –** Wording change to more accurately describe to purpose of the Local Law.

**Previous clause number - 2**

### **CLAUSE 3 - AUTHORISING PROVISION – POWER TO MAKE THIS LOCAL LAW**

**Purpose –** Specifies Councils power to make this local law.

**Amendment –** The Council’s power to make this Local Law is contained in section 111 of the Local Government Act 1989.

**Comment –** Updated to reflect current legislation

### **CLAUSE 4 - COMMENCEMENT DATE– OPERATIONAL DATE OF LOCAL LAW**

**Purpose –** Change to the commencement date

**Amendment –**

**Comment –** Change to reflect new start date for this new Local Law

### **CLAUSE 5 - REVOCATION DATE – DATE THIS LOCAL LAW CEASES TO OPERATE**

**Purpose –** Change to the expiry date, ten year sunset provision

**Amendment –**

**Comment –** required to reflect a new expiry date for this Local Laws

### **CLAUSE 6 - REVOCATION OF OTHER LOCAL LAWS**

**Purpose –** change to end date of previous Local Law

**Amendment –**

**Comment –** change to reflect an end date (repeal) of previous Local Law

### **CLAUSE 8 – HOW TO READ THIS LOCAL LAW**

**Amendment – Amended**

**Comment –** Reference to standards removed as these have been incorporated into operative clauses.

### **CLAUSE 8.2 - STANDARDS AND LOCAL LAW PROVISIONS AND THEIR RELATIONSHIPS**

**Purpose –** Criteria to be considered by Council and its officers when exercising discretions under this Local Law.

**Amendment –** Amend clause to remove reference to Standards.

**Comment –** Standards have been incorporated into the operative provisions.

### **CLAUSE 9 - WORDS USED IN THIS LOCAL LAW**

**Purpose –** This clause sets out the value of a penalty unit applicable to this local law

**Amendment –** Penalty Unit: has the meaning as defined by section 110 of the *Sentencing Act 1991*.

3. **Comment –** The previous definition for “Penalty Unit Value” incorrectly identified the authorising provision as Section 5 of the Monetary Units Act 2004, however, this Act does not relate to local law provisions. Section 110 (2) of the Sentencing Act 1991 refers to a local law penalty unit which is currently set at \$100.00

### **CLAUSE 9 - WORDS USED IN THIS LOCAL LAW**

**Purpose –** This clause defines words used in this local law.

**Amendment –** Words have been added and removed to reflect to the needs of the new local law.

**Comment –** Some deleted words were clearly defined in existing legislation while others

were no longer applicable. New words have been added to give a clear meaning or to remove confusion.

#### **CLAUSE 10 – EXERCISE OF DISCRETIONS**

**Amendment** – Updated wording.

**Comment** – Reference to standards removed as these have been incorporated into operative clauses.

#### **CLAUSE 12 - IMPOUNDMENT, RELEASE AND DISPOSAL**

**Purpose** – Rename Clause to better reflect the purpose of the provision – from “*Power of Authorised Officer to Impound*”.

**Amendment** – Clause name change.

**Comment** – This Clause specifies impoundment release and disposal actions; the power to impound comes from the operative provisions.

**Previous clause number - 18**

#### **DIVISION 1 – OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND VEHICLES**

**Comment** – Previous clause number – 25

#### **CLAUSE 24 (LL No, 2 2009) – SERVICE AUTHORITY OR COUNCIL**

**Purpose** – Allows a service Authority to carry out works without the need to apply for a permit from Council.

**Amendment** – Amend clause.

**Comment** – ‘Council’ added to this clause.

#### **CLAUSE 28 - TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE TRAFFIC OR PEDESTRIANS**

**Purpose** - To ensure that trees and/or plant growing on private land do not obstruct the safe passage of vehicle traffic on roads or pedestrians traffic along footpaths or other road related areas. Inappropriately placed or overgrown vegetation can cause sight obstructions, damage or injury to vehicle or pedestrian traffic using roads, footpaths or other road related areas.

**Amendment** – An owner or occupier of land must not allow any vegetation growing on the land to obstruct pedestrians by encroaching onto or above a;

- a) footpath; or
- b) other part of the road used by pedestrians; or
- c) reserve owned or occupied by Council

to or at a height of less than three (3) metres above the surface of the footpath, road related area or reserve.

**Comment** – This clause has been amended to remove uncertainty with regards to what is required. A property owner / occupiers must ensure that vegetation growing on their land does not grow out onto and/or above a road, footpath, naturestrip or reserve to a height less than 3 m.

**Previous clause number - 32**

#### **CLAUSE 29 – SIGNS, POSTS, FENCES AND OTHER OBJECTS NOT TO OBSTRUCT TRAFFIC OR PEDESTRIANS**

**Purpose** – To ensure that signs, posts, fences and/or other objects do not cause an obstruction to vehicle or pedestrians traffic.

**Amendment** – Clause 38 has been amended to clearly define what is required.

**Comment** – This clause previously referred depended on other authorizing provision, but is now a stand alone clause.

**Previous clause number – 34**

#### **CLAUSE 30 – COUNCIL TO APPROVE ROAD NAMES**

**Comment** – Previous clause number - 37

### **CLAUSE 31.2 – SUFFICIENCY OF SIZE LOCATION AND VISIBILITY OF PROPERTY NUMBERS**

**Purpose** – To ensure that properties are numbered and clearly identifiable a minimum size has been included in this clause. These size recommendations were identified during the local law focus group sessions.

**Amendment** – Amendment to clause 38 to include - property number size; a minimum of 100 mm for residential properties and 200 mm for commercial properties.

**Comment** – This contents of this clause was previously contained in the standards.

**Previous clause number – 38**

### **CLAUSE 35.3 – REDUNDANT VEHICLE CROSSINGS**

**Comment** – Previous clause number – 46.3

### **CLAUSE 38 – GRAZING OF LIVESTOCK ON ROADS**

**Comment** – Previous clause number – 63

### **CLAUSE 39 – EXEMPT AREAS- PLACES WHERE THE DRIVING OF OR GRAZING OF LIVESTOCK IS NOT PERMITTED**

**Comment** – Previous clause number - 61

### **CLAUSE 41 – NOTICE OF PERMIT IS REQUIRED**

**Comment** – Previous clause number - 65

### **CLAUSE 45 - IMPOUNDMENT OF SHOPPING TROLLEYS**

**Purpose** – To allow for the impounding of abandoned shopping trolleys or shopping trolleys being misused in public places.

**Amendment** – Clause reworded.

**Comment** – This Clause has been reworded to clarify the shopping trolley impounding provision and to allow for the impounding of shopping trolleys being misused in public places.

**Previous clause number - 67**

### **CLAUSE 46 - MODEL AEROPLANES, DRONES ETC.**

**Purpose** – This clause regulates the flying of model aeroplane or similar type of equipment over any road or Council land.

**Amendment** – Stand alone clause, heading and wording change “road and Council land”

**Comment** – The words “road and land” are consistent with local law and other legislative definitions.

**Previous clause number – 70.2**

### **CLAUSE 47 - CONTROL OF TOY VEHICLES**

**Purpose** – This clause regulates the use of toy vehicles and wheeled recreation devices.

**Amendment** – Amended to remove application to a road or road related area as this is now included in the Road Safety Road Rules 2009

**Comment** – The use of a toy vehicle and wheeled recreation device on a road or road related area is a duplication of provision within the Road Safety Road Rules 2009.

**Previous clause number - 70**

### **CLAUSE 48 – DESIGNATED AREAS**

**Comment** – Previous clause number – 71

### **CLAUSE 49 - RIDING HORSES ON NATURESTRIPS, PUBLIC RESERVES, RECREATION GROUNDS OR OTHER COUNCIL LAND**

**Purpose** – This clause regulates the riding and leading of horses in a built up area on naturestrips, reserves and other Council land.

**Amendment** – Amend Clause 50 to include “other Council land” and to amend the wording reservation to naturestrip as defined in the Road Safety Road Rules.

**Comment** – To remove confusion, Council land is clearly defined in the local law.

**Previous clause number** –

**CLAUSE 50 – WRITTEN PERMISSION**

**Comment** – Previous clause number – 73

**CLAUSE 51 - PARKING VEHICLES OVER 4.5 TONNES ON RESIDENTIAL LAND**

**Purpose** – This clause regulates the parking of heavy vehicles on residential properties.

**Amendment** – Amend Clause 74 (a) - change the 3 tonnes limit to 4.5 tonnes.

**Comment** – A 4.5 tonnes limit is consistent with section 200 of the Road Safety Road Rules 2009.

**Previous clause number** – 74

**CLAUSE 52 – ERECTING OR PLACING ADVERTISING SIGNS**

**Comment** – Previous clause number – 78

**CLAUSE 53 – EXEMPT SIGNS**

**Comment** – Previous clause number – 78.2

**CLAUSE 55 – LOCATING GOODS FOR SALE**

**Comment** – Previous clause number – 88

**CLAUSE 61 - ESTABLISHING A TEMPORARY OUTDOOR EATING FACILITY**

**Purpose** – This clause allows the establishment of outdoor eating facilities.

**Amendment** – The inclusion of the word “*Temporary*”.

**Comment** – The provision relates to the establishment of temporary facilities, these types of facilities cannot be permanent affixed or attracted to the footpath or roadway in any manner.

**Previous clause number** - 92

**CLAUSE 64 – REMOVING THE FACILITY**

**Comment** – Previous clause number – 96

**CLAUSE 65 – PLACING BULK RUBBISH CONTAINERS, NATURESTRIPS AND COUNCIL LAND**

**Comment** – Previous clause number – 98

**CLAUSE 66 – CONTAINER LEFT ON A ROAD, NATURESTRIP AND COUNCIL LAND**

**Comment** – Previous clause number – 100

**CLAUSE 67 – ROAD OCCUPATION**

**Comment** – Previous clause number – 102

**CLAUSE 68.3 – REINSTATEMENT WORKS**

**Comment** – Previous clause number – 104.3

**CLAUSE 69 – IMPOUNDING OF EQUIPMENT**

**Comment** – Previous clause number – 105

**CLAUSE 75 - PERMITS FOR STREET PARTY, STREET FESTIVAL, SPECIAL EVENT OR PROCESSION**

**Purpose** – to change the heading to highlight that these events require additional requirements as they are held on a roadway

**Amendment** – to include what must be provided by applicants.

**Comments** – this section has been updated to include event activities that take place on a roadway, with a new title of Street Parties, Street Festivals, Events or Processions on a Road more clearly identifies the types of events that these cover.

**Previous clause number – 112**

#### **CLAUSE 85 – CIRCUSES AND CARNIVALS**

**Purpose** – to require a permit to conduct a circus and carnival

**Amendment** – To replace clause 145 of Local Law No 2 (2009).

**Comment** – Moved to the event section.

**Previous clause number – 145**

#### **CLAUSE 88 - REPAIR OF VEHICLES**

**Purpose** – This clause has been moved to Part 8 Vehicles

**Amendment** – Clause moved was clause 108 in Local Law No 2 (2009)

**Comment** – This clause is vehicle related and more applicable to Part 8 of the Local Law.

**Previous clause number – 108**

#### **CLAUSE 89 – REMOVAL OF UNLAWFULLY PARKED AND/OR OBSTRUCTING VEHICLES**

**Purpose** – To provide impounding provisions for vehicles causing an obstruction or unlawfully parked.

**Amendment** – Reference to stopping on a clearway has been removed and leaving a vehicle on a footpath added.

**Comment** – There are no clearways within the municipal district.

**Previous clause number - 119**

#### **CLAUSE 90 - OTHER OBSTRUCTIONS.**

**Purpose** – To provide impounding provisions for items causing an obstruction not listed in clause 88.

**Amendment** – Change to definition - craft, rubbish container, movable structure, device, material or object or other thing is left in the municipal district. Added sub clauses *(d) at special events, where unlawful parking is likely to result in unreasonable congestion;* and *(e) is abandoned and/or disowned*

**Comment** – Moved to events section and added additional clauses.

**Previous clause number – 120**

#### **CLAUSE 95 – DANGEROUS AND UNSIGHTLY LAND**

**Purpose** – To control land within the Municipal District that is dangerous, unsightly or detrimental to the general amenity of the neighbourhood.

**Amendment** – Re-worded to remove ambiguous content and to give clearer guidelines for authorised officers investigating such matters.

**Comment** – As above.

**Previous clause number – 130 & 131**

#### **CLAUSE 96 – DILAPIDATED BUILDINGS**

**Amendment:** To add in additional safety precautions for owners to complete.

**Comment** – Previous clause number – 131a

#### **CLAUSE 101 – OPEN AIR BURNING**

**Purpose** – To regulate the lighting of fires in the open air and to reduce the effects that smoke and ash can have on residents and to promote a safe and clean environment.

**Amendment** – Delete part clause 110c – *“as declared by the Municipal Fire Prevention Officer from time to time”.*

**Comment** – The fire danger period is declared by the Country Fire Authority not a Municipal Fire Prevention Officer.



**Previous clause number - 136**

**CLAUSE 102 – USE OF A BARBECUE**

**Purpose** – To regulate the use of Barbecues

**Amendment** – Amend clause 112 – remove reference to Chimenea.

**Comment** – New clause 113 has been included to allow fires for person warmth.

**Previous clause number - 137**

**CLAUSE 104 – BURNING IN AN INCINERATOR**

**Comment** – Previous clause number – 138

**CLAUSE 107 – CLOTHING RECYCLE BINS**

**Comment** – Previous clause number – 141

**CLAUSE 111 - NOISE**

**Comment** – Previous clause number – 146

**CLAUSE 112 –KEEPING OF ANIMALS**

**Purpose** – This clause list the types and number of animals that can be kept on any one property with out a permit.

**Amendment** – Clause amended.

**Comment** – Area name change, “Residential / Rural Living” changed to “All Other Areas (Except Farm Land)”. The location names became confusing with recent changes to the Planning Scheme.

**Previous clause number – 155**

**CLAUSE 113 – DOGS AND CATS ON FARMING PROPERTIES**

**Purpose** – To regulate the number of dogs and cats that can be kept on a property.

**Amendment** – Delete clause 147.1 as this is duplication of clause 155 (Local Law No 2 (2009)). Amend Clause 147.2 to allow 4 dogs and 4 cats to be kept on properties zoned Farming without a permit.

**Comment** – Findings of Focus group sessions 3 Oct 2014;

*There is unanimous support for retaining the existing provisions in relation to residential properties i.e. no more than 2 adult dogs without a written permit. In regard to rural (farming) properties it is generally agreed that an owner or occupier be allowed to keep up to four adult dogs without a permit. There is also general support that any written permit for additional dogs be granted for the lifetime of the dog at a lower fee than currently applies or no fee at all. Such permits to be reviewed if any additional dog/s are deemed a nuisance.*

**Previous clause number -147 & 155**

**CLAUSE 114 – MAXIMUM NUMBER OF DOGS AND CATS ON ANY LAND**

**Comment** – Previous clause number – 158

**CLAUSE 118 – FREE FLYING PIGEONS**

**Comment** – Previous clause number – 154

**CLAUSE 119 – ANIMAL EXCREMENT**

**Comment** – Previous clause number – 157

**CLAUSE 120- DOMESTIC WASTE**

**Purpose** – To require occupiers of properties where Council does not provide a kerbside waste collection service to dispose of waste in an appropriate manner.

**Amendment** – include subclause (2)

**Comment** – The reference to “Standards Schedule 1” has been removed from subclause (1) as Standards have been incorporated into the operative provisions.

**Previous clause number - 159**

**CLAUSE 121 - TYPE OF DOMESTIC WASTE AND RECYCLING RECEPTACLES**

**Purpose** – To specify requirements for occupiers of properties in regards to waste receptacles.

**Amendment** – To include a reference to the green waste and recycle services in the main clause. Fly proof included in sub clause (a).

**Previous clause number - 160**

**CLAUSE 122 - PLACEMENT OF DOMESTIC WASTE AND RECYCLING CONTAINERS**

**Purpose** – To specify requirements for the placement of waste, green waste and recycling receptacles prior to collection.

**Amendment** – To include reference to, green waste and recycling receptacles and to include that bins are not to be place out for collection earlier than the evening before collection day as specified.

**Previous clause number – 161**

**CLAUSE 124 – UNAUTHORISED USE OF RECEPTACLES**

**Comment** – Previous clause number – 163

**CLAUSE 125 – PROHIBITED WASTE**

**Comment** – Previous clause number – 164

**CLAUSE 127 – COMMERCIAL/INDUSTRIAL WASTE AND WASTE SKIPS**

**Comment** – Previous clause number – 167

**CLAUSE 129 – USE OF TRANSFER STATIONS AND LANDFILL BY RESIDENTS**

**Comment** – Previous clause number – 169

**CLAUSE 130 – USE OF TRANSFER STATIONS BY NON RESIDENTS**

**Comment** – Previous clause number – 175

**CLAUSE 133 – DUMPING OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS**

**Purpose** – To regulate the depositing of disused refrigerators, ice-chests, icebox's, trunks, chests or any other similar article.

**Amendment** – Remove part clause “(a) removing all CFCs;”

**Comment** – Duplication of existing legislation. The removal of CFCs is regulated by Commonwealth legislation, *The Commonwealth Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*;

**Previous clause number – 171**

**CLAUSE 134 – SCAVENGING AT TRANSFER STATIONS/LANDFILL**

**Comment** – Previous clause number – 172

**CLAUSE 138 – GREY WATER**

**Comment** – Previous clause number – 178

**CLAUSE 142 – BEHAVIOUR IN MUNICIPAL PLACES**

**Comment** – Previous clause number – 188

**CLAUSE 143 – SMOKING IN MUNICIPAL PROPERTIES AND MUNICIPAL PLACES**

**Purpose** – To allow Council to ban smoking on municipal property or municipal places.

**Amendment** – Amend clause 177

**Comment** – Amended to allow Council to prohibit smoking in Municipal places.

**Previous clause number - 189**

**SCHEDULE 2**

**CLAUSE 144 - MUNICIPAL PLACES WHERE LIQUOR MAY NOT BE CONSUMED**

Purpose – Lists maps of CBD areas where alcohol is prohibited under Clause 155 .

Amendment – Schedule relocated.

Comment – Moved from Schedule 19 in LL No 2 2019.

**Previous clause number – 190**

**CLAUSE 147 – OFFENCES**

**Comment** – Previous clause number – 195

**CERTIFICATION OF COMMUNITY AMENITY LOCAL LAW NO. 2 2015**

**Purpose** – To certify the new Local Law and to affix Common Seal of Latrobe City Council.

**Amendment** – To amend title, number of pages and operative date of the new Local Law.

**Comment** – As above.

## **Part 4 - New Clauses**

### **PART 3 - CLAUSE 14 – POWER OF AUTHORISED OFFICER TO DIRECT**

**Purpose** – Prescribe a process for *Authorised Officers* to follow when issuing a *Notice to Comply* in relation to local law offences. This allows an *Authorised Officers* to issue and direct a formal corrective requirement in addition or as an alternative to legal action; specifying work to be undertaken and/or a behavior to be corrected to remedy a breach.

**Amendment** – New Clause 14 - An *Authorised Officer* may issue a person with a notice to comply if the *Authorised Officer* believes on reasonable grounds that the person has committed an offence under this local law or direct any property owner, occupier or other relevant person to remedy any situation which constitutes a breach under this Local Law.

A notice issued under this section must set out the following details—

- (a) the offence that the authorised officer believes has been committed; and
- (b) the action that the person is required to undertake; and
- (c) the time within which the specified action must be taken.

This is a new part to this local law removing the need list individually clauses where a notice to comply can be used.

**Comment** – This approach is consistent with State legislation having a stand alone authorising provision allowing an Authorised Officer to take a proactive approach to remedy situations.

### **CLAUSE 18 – PERMITS**

**Amendment** – New clause.

**Comment** – Incorporates old clauses 21, 22 & 23

### **CLAUSE 19 – CONSIDERING APPLICATIONS**

**Purpose** – List matters to be considered prior to granting a permit.

**Amendment** – New clause.

**Comment** – Previously contained in Standards.

### **CLAUSE 20 – CORRECTION OF PERMITS**

**Purpose** – To allow a permit to be corrected or amended.

**Amendment** – New clause.

**Comment** – Previously in clause 21.

### **CLAUSE 21 – GROUNDS FOR CANCELLATION OF AMENDMENT OF PERMITS**

**Amendment** – New Clause.

**Comment** – Previous clause number – 25.

### **CLAUSE 22 – EXEMPTIONS**

**Amendment** – New Clause.

**Comment** – Previous clause number – 27.

### **CLAUSE 18.7 – AGE OF APPLICANTS**

**Purpose** – The Council requires an applicant to be over the age of 18 years or have parent/guardian permission and be accompanied by an adult.

**Amendment** – New Clause.

**Comment** – This clause can be applied for persons under the age of 18 applying for a permit to have parent/guardians consent and a requirement that they are accompanied by a person over the age of 18 for the specified activity.

### **CLAUSE 28.3 – REQUIREMENTS FOR A CLEAR VIEW AT INTERSECTIONS**

**Purpose** – This standard specifies a maximum height for plants on private land within 5 metres of an intersection.

**Amendment** – New clause.

**Comment** – The details previously specified in standard 3 have been incorporated into this new clause. This new clause clarifies the intended meaning and requirements for the clear view at intersections.

#### **CLAUSE 31.3 – COUNCIL MAY ALLOCATE A PROPERTY NUMBER**

**Purpose** – To ensure that properties are numbered and clearly identifiable. Council may cause a property to be numbered and recover the cost of doing so from the owner or Occupier as a debt due to Council.

**Amendment** – New clause.

**Comment** – This Clause can be applied where a property owner fails to adhere to a direction to mark the property with the number allotted.

#### **CLAUSE 32 – INCORRECTLY DISPLAY PROPERTY NUMBERS**

**Purpose** – To ensure that property numbers remain clearly identifiable.

**Amendment** – New clause.

**Comment** – This new clause provides an offence for persons who intentional display an incorrect property number.

#### **CLAUSES 37 to 42 – DRIVING, GRAZING AND CROSSING OF LIVESTOCK ON ROADS**

**Purpose** – Requires a permit to allow livestock to drive, graze or cross roads.

**Amendment** – New Clauses.

**Comment** – Clauses 55 to 66 and Standard 8 of the Local Law No 2 (2009) have been combined and reworded to provide clearer provisions.

#### **CLAUSE 44 - MISUSES OF SHOPPING TROLLEYS**

**Purpose** – To prohibit the misuse of abandoned shopping trolleys in public places.

**Amendment** – New Clause.

**Comment** – The misuse (joy-riding etc) of shopping trolleys in public places has been known to lead to damage of public and private property and can result in being a danger to pedestrians and vehicular traffic.

#### **CLAUSE 48.4 - DESIGNATED AREAS**

**Purpose** – Specifies that if the Council fails to erect and maintain signs in accordance with sub-clauses 49.3 it cannot proceed to prosecute a person for an offence under sub-clause 48.

**Amendment** – New clause.

4. **Comment** – New clause incorporated following advice from Maddocks Solicitors.

#### **CLAUSE 49.2 - RIDING HORSES ON PUBLIC RESERVE, RECREATION GROUND OR OTHER COUNCIL LAND**

**Purpose** – To allow for Horse event held on Council Land and reserves.

**Amendment** – New clause 50.1 to be created.

**Comment** – This will ensure that horse events can be held on reservations, reserves and Council land.

#### **CLAUSE 57.2 – PERMIT REQUIRED FOR ROADSIDE TRADING**

**Purpose** – Requires a person with a roadside trading permit to comply with all permit conditions.

**Amendment** – New clause.

**CLAUSE 58.2 – TRADING TO A PERSON ON A ROAD**

**Amendment** – New clause.

**Comment** – Previously in clause 83.

**DIVISION 16 – EVENTS - STREET PARTIES, STREET FESTIVALS AND PROCESSIONS AND BUSKING**

**Purpose** – New section to encompass all categories of events.

**Amendment** – New Part.

**Comment** – The inclusion of an event section and permit requirements will ensure that events held in Latrobe City will be conducted in a safe manor. Currently event requirements are not enforceable and this will allow for events to be better managed.

**CLAUSE 73 – OCCASIONAL EVENTS IN COUNCIL’S PARKS/GARDENS & RECREATIONAL RESERVES**

**Amendment** – New clause.

**CLAUSE 74 – COMMUNITY, SPECIAL AND MAJOR EVENTS**

**Amendment** – New clause.

**CLAUSE 76 – PERMITS FOR COMMUNITY MARKETS**

**Amendment** – New clause.

**CLAUSE 77 – PUBLIC PLACES**

**Amendment** – New clause.

**CLAUSE 78 – CANCELLATION OF PERMIT**

**Amendment** – New clause.

**CLAUSE 79 – DIRECTION TO CEASE EVENT**

**Amendment** – New clause.

**CLAUSE 80-82 - DISCHARGE OF FIREWORKS PURPOSE** – To regulate the discharging of fireworks in a municipal district.

**AMENDMENT** – replaced clause 134 of Local Law No 2 (2009). 87-90 are new clauses.

**COMMENT** – Moved to events section and added additional clauses.

**CLAUSE 84 – DIRECTIONS TO CEASE BUSKING**

**Purpose** – Power to direct a person with a permit to cease busking following a complaint or a disturbance.

**Amendment** – New clause.

**CLAUSE 87 – DERELICT AND ABANDONED VEHICLES**

**Purpose** – This clause provides an offence provision for persons leaving or abandoning a vehicle on a road.

**Amendment** – New Clause.

**Comment** – Schedule 11 to the LGA Act provides the power to impound a derelict, abandoned or unregistered vehicle, but provides not offence for the act.

**CLAUSE 88 (b)-(e) – REPAIR OF VEHICLES AND STORAGE OF VEHICLES**

**Purpose** – To provide a provisions to regulate the storage of caravans, trailers, boats or damaged vehicles on roads.

**Amendment** – New clause.

**Comment** – This provision allows Council to deal with the long term parking/storage of caravans, trailers, boats or damaged vehicles on roads, the storing of these types of vehicles

on roads has shown to cause safety concerns and undue obstruction to other road users roads.

**Additional Note** – This Clause does not limit or contradict section 200 (2) of the Road Safety Road Rules 2009, Stopping on roads—heavy and long vehicles - The driver of a heavy vehicle, or long vehicle, must not stop on a length of road in a built-up area for longer than 1 hour, unless the information on or with a traffic control device specifically permits the driver of a heavy vehicle, or long vehicle, to stop on the length of road for longer than 1 hour, or is permitted to do so under sub rule (2A) or by the Council. A heavy vehicle means a vehicle with a GVM of 4.5 tonnes or more; long vehicle means a vehicle that, together with any load or projection, is 7.5 metres long, or longer.

#### **CLAUSE 91 – AUTHORISED OFFICER MAY MARK TYRES**

**Purpose** – To provide a authorising provision for an authorised officer to mark the tyres of a vehicle parked in a parking area within the municipality with chalk or any other non-indelible substance. In addition to provide a penalty for a person who remove such a mark so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

**Amendment** – New Clause.

**Comment** – To provide a level of protection for Authorised Officers involved in parking and other duties where the destructive surface of vehicle tyres are marked.

#### **CLAUSE 90 – PARKING BAY RESERVATION**

**Purpose** – To provide a provision to allow the short term hiring of parking bays.

**Amendment** – New Clause.

**Comment** – Where access to a vehicle or equipment is required consistently or regularly in the pursuit of an applicant’s business, promotion, special event or activity, Council may issue a Parking Bay Reservation Permit for short term and specific location parking needs.

#### **CLAUSE 93 - VEHICLE USE ON COUNCIL LAND.**

**Purpose** – To prohibit the driving, riding and/or parking of vehicles on a reserve, reservation or public place, or other municipal property.

**Amendment** – New Clause.

**Comment** – The Road Safety Road Rules 2009 applies to a road but not to council land, this provision prohibits the driving, riding and/or parking of vehicles on a reserve, reservation or public place, or other municipal property.

#### **CLAUSE 94.3 – RECREATIONAL VEHICLES AND VEHICLE TRACKS ON PRIVATE PROPERTY**

**Purpose** – To prohibit the use of vehicles for recreation or sporting purposes on any private land and to prohibit the construction, maintenance and use of a recreational vehicle track, circuit or course on any property.

**Amendment** – New provision.

**Comment** – This provision supplements the Environment Protection (Residential Noise) Regulations 2008 and intends to stop the nuisance use of recreation vehicles on private property.

#### **CLAUSE 95.3 – BLACKBERRIES**

**Purpose** – To require owner/occupier to remove blackberries from a residential property.

**Amendment** – New Clause.

**Comment** – The EPA Act provides the Power for the EPA to enforce the removal of blackberries on Rural/Farming properties, however there is no power for residential properties in township areas.

#### **CLAUSES 98 & 99 – BOAT RAMPS & WATERWAY BEHAVIOR**

**Purpose** – To ensure that boat users in our municipality have a permit and to ensure other water activities are undertaken in a safe manner.

**Amendment** – New Clause to regulate waterway activities and the behaviors of persons using Council controlled waterways.

**Comment** – These provisions will supplement the Marine Act and provide enforcement provisions for boat ramp permits and restricted areas.

#### **CLAUSE 103 - FIRES FOR PERSONAL WARMTH**

**Purpose** – New clause to allow and regulate the use of fire for personal warmth.

**Amendment** – New clause.

**Comment** – Has been included to allow fires for person warmth. Findings of Local Law No. 2 focus group sessions 21 October 2013, overall the discussion group participants are supportive of the lighting of fires on private land for personal warmth or personal use. There is support for ensuring safety and that the activity does not cause a nuisance, with suggestions for Council to establish a set of guidelines as part of the local law provisions. Such guidelines might include provisions for:

- not causing a nuisance
- fire to be suitably contained
- not in fire season
- not for burning of leaves.

#### **CLAUSE 106 – DIRECTION TO EXTINGUISH A FIRE**

**Purpose** – To allow an Authorised Officer to direct a person to extinguish a fire.

**Amendment** – New Clause.

**Comment** – There are no other legislative provisions that allow an Authorised Officer to direct a person to extinguish an illegal or nuisance fire.

#### **CLAUSE 112.2 – PERMITS FOR THE KEEPING OF DOG AND CATS**

**Purpose** – Detail the process to be followed by applicants.

**Amendment** – New Clause - A permit issued for the keeping of dogs and/or cats under this part shall be granted for the life of the animal. Should an offence or nuisance be proven the permit can be revoked.

**Comment** – Findings of Focus group sessions 3 Oct 2014;

There is also general support that any written permit for additional dogs be granted for the lifetime of the dog at a lower fee than currently applies or no fee at all. Such permits to be reviewed if any additional dog/s are deemed a nuisance.

#### **CLAUSE 112 – KEEPING OF ANIMALS**

**Amendment** – New clause.

**Comment** – Replaces clause 155.

#### **CLAUSE 124.3 – ADDITIONAL WASTE RECEPTACLES**

**Purpose** – The placing in excess of three receptacles for regular collection from any one dwelling, Council may regard that dwelling as a multiple dwelling for the purposes of calculating the waste charge.

**Amendment** – New clause.

**Comment** –

#### **CLAUSE 128 – TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLE BINS)**

**Amendment** – New clause

**Comment** – Replaces clause 167

#### **CLAUSE 129 - USE OF TRANSFER STATIONS AND LANDFILL SITES BY NON RESIDENTS**



**Purpose** – New provision to allow non-residents to use sites if considered by Council to be reasonable and practicable.

**Amendment** – New Clause 127.

**Comment** – As above.

#### **CLAUSE 135 – TRANSFER STATION SECOND HAND GOODS SHOP**

**Purpose** – allows a person to purchase materials or items displayed in the designated areas or the second hand goods shop located at the Transfer Station upon payment of the charges applied by the Transfer Station attendant.

**Amendment** – New clause.

#### **CLAUSE 145.1 (h) –USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS**

**Purpose** – to list unacceptable behaviours relevant to recreational facilities and reserves.

**Amendment** – New Clause.

**Comment** – General behaviours clause and addresses the use of reserves by personal trainers and others for commercial gain.

#### **CLAUSE 145.2 - USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS**

**Purpose** - To prohibit without a permit the construction of a new gate or access points into a public reserve or recreation ground and to prohibit vehicular access to reserves from any existing gateway or access point.

**Amendment** - Create new clause .An owner or occupier of land adjoining a public reserve or recreation ground must not without a permit;

(a) install, or permit to be installed a gateway or other means of access to or from the reserve or ground, or

(b) allow vehicular access from their land to public reserve or recreation ground.

**Comment** - Old Clause 144 (h) moved to new clause 144.2 and new provision to deal with property owners and occupiers who allow vehicular access to reserves from their land.

#### **CLAUSE 146 – POWERS OF AUTHORISED OFFICERS**

**Purpose** – This Clause outlines actions that authorised officer can consider with dealing with a breach of this Local Law.

**Amendment** – new clause.

**Comment** – New clause relating to the powers of authorised officers.

#### **CLAUSE 148 - POWER TO SERVE INFRINGEMENT NOTICES**

**Purpose** – Authorising provision; An authorised officer may serve an infringement notice on a person who the authorised officer has reason to believe has committed an offence against this Local Law.

**Amendment** – new clause.

**Comment** – New clause relating to the Infringements Act.

#### **SCHEDULE 1 – AREAS OF RESPONSIBILITY**

**Purpose** – List person or team responsible for operative provision in the new local law.

**Amendment** – New Schedule

**Comment** – To remove confusion in relation to areas of responsibility.

# LATROBE CITY COUNCIL

## **COMMUNITY AMENITY LOCAL LAW NO. 2 2015**

*Adopted - TBA*

For enquiries please contact  
Coordinator Local Laws  
Ph. 1300 367 700



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## **PART 1 PRELIMINARY PROVISIONS**

### **1. TITLE**

This Local Law is Latrobe City Council's Local Law No. 2 and referred to below as "this

Local Law".

## **2. PURPOSES OF THIS LOCAL LAW**

The purposes of this Local Law are to:

- (a) provide for the peace, order and good government of the municipal district;
- (b) prohibit, regulate and control activities, events, practices or behaviour in public places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a Person nor detrimental effect to a Person's property;
- (c) protect the Council's assets and land and to regulate their use;
- (d) promote a physical and social environment free from hazards to health in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- (e) provide for those matters which require a Local Law under the Act and any other Act; and
- (f) provide for the administration of Council powers and functions.

## **3. THE POWER TO MAKE THIS LOCAL LAW**

The Council's power to make this Local Law is contained in section 111 (1) of the Local Government Act 1989.

## **4. COMMENCEMENT DATE OF THIS LOCAL LAW**

This Local Law commences on the day following the Local Law being gazetted in the Victoria Government Gazette.

## **5. REVOCATION DATE OF THIS LOCAL LAW**

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it is made.

## **6. REVOCATION OF OTHER LOCAL LAWS**

Upon this Local Law commencing, the application of the former Local Law No 2 will cease.

## **7. SCOPE OF THIS LOCAL LAW**

This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies to specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or to its Municipal District.

## **8. HOW TO READ THIS LOCAL LAW**

### **8.1 INTERPRETATION OF THIS LOCAL LAW**

In this Local Law, unless the contrary intention appears:



- (a) a reference to a clause is a reference to a clause in this Local Law; and
- (b) a reference to a sub-clause is a reference to a sub-clause of the clause in which the reference is made; and
- (c) a reference to a paragraph is a reference to a paragraph of the sub-clause in which the reference is made; and
- (d) a reference to a Schedule or Part is a reference to a Schedule or Part of this Local Law; and
- (e) a reference to one gender includes a reference to each other gender; and
- (f) a reference to the singular is also a reference to the plural.

## 8.2 LOCAL LAW PROVISIONS AND EXERCISING DISCRETIONS

Parts 1 to 19 inclusive set out the provisions for meeting the objectives of this Local Law and the criteria to which the Council and its staff must have regard in exercising discretions under this Local Law.

## 9. WORDS USED IN THIS LOCAL LAW

WORDS	MEANING OR EXTENDED MEANING
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<b>Act:</b>	Means the Local Government Act 1989.
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a) <b>adult dog or cat:</b>	Means an animal over the age of 3 months.
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<b>advertising sign:</b>	Means any temporary placard, notice board, sign, structure, banner, "A" frame or other similar device, whether portable or affixed to any structure, which is used for the purposes of: <ul style="list-style-type: none"><li>(a) soliciting sales;</li><li>(b) notifying people of the presence of an adjacent property where goods or services may be obtained; or</li><li>(c) advertising or promoting goods, services, an event, pastime or competition.</li></ul>
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<b>alcoholic beverage:</b>	Means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20° Celsius.
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<b>applicant:</b>	Means a person who applies for a permit under this Local Law.
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<b>appropriate fee:</b>	Means the appropriate fee determined by the Council in accordance with this Local Law.
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<b>arterial road:</b>	Means a road declared to be an arterial road under section 14 of the Road Management Act 2004.
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<b>authorised officer:</b>	Means an Authorised Officer appointed under Section 224 of the Act.
<b>authorised sign:</b>	Means a sign that is placed either temporarily or fixed permanently by the Council or the Council's contractor.
<b>barbecue:</b>	Means a device for cooking food outdoors constructed predominantly of metal or other non flammable material, and whether powered by gas, electricity, liquid or solid fuel or any combination of them, and includes a device for spit roasting when used outdoors.
<b>built-up area:</b>	Has the same meaning as in the Road Safety Road Rules 2009.
<b>bulk rubbish container:</b>	Means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and refuse which is unlikely to be lifted without mechanical assistance but excludes containers used in connection with the Council's regular domestic rubbish collections.
<b>busk:</b>	Means playing a musical instrument and/or singing, conjuring, juggling, miming, mimicking, dancing, puppetry, performance art, recitation and other appropriate theatrical and visual forms, activities which attract or attempt to attract a donation rather than a prescribed fee.
being	
<b>camp:</b>	Means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night, or as a temporary accommodation. This does not include brief 'power napping' in a vehicle on a roadway.
<b>Camping Area:</b>	Means land which has been declared by the Council to be a 'camping area' for the purposes of this Local Law or land which has been registered with the Council as a caravan park pursuant to the Residential Tenancies Act 1997.
<b>caravan:</b>	Means any moveable dwelling (whether or not the wheels or axles thereof have been removed and whether it is resting directly on the ground or is placed on blocks or other supports)

and any structure annexed to the moveable dwelling.

**cattle:** Includes any bull, cow, ox, steer, heifer or calf.

**Central Business**

**District:** Means the Central Business District of the Council as shown in the plans in Schedule 3.

**CFA** Means the Country Fire Authority.

**Chief Executive**

**Officer:** Means the Chief Executive Officer appointed by the Council from time to time and includes a person for the time being acting in that position.

**Council:** Means Latrobe City Council.

**Council and**

**Community Assets:** Means furniture, fittings, assets, equipment, or other structures of any kind, tree reserves, gardens, garden plots, lawns, plantations, trees, shrubs, statues, monuments, fountains, seats, posts, fences and paths in or upon any public place in the Municipal District and includes Council Land.

**Community Events/  
Occasional Events:** Means events on Council Land delivering a range of community benefits (including bringing communities together, providing volunteer, participation and entertainment opportunities and building community capacity) or that improve the liveability and image of Latrobe City. Such events include a wedding, fair, fireworks or carnival, food fair, wine or produce festival or market, or any other horticultural, social educational, cultural, recreational, political, religious or commercial occasion, celebration, rally, demonstrations and any other public gathering.

**Community Market** Means Markets held on Council Land delivering a range of community benefits (including bringing communities together, providing volunteer, participation and entertainment opportunities and building community capacity) or that improve the liveability and image of Latrobe City. Community Markets include Craft Markets, Farmers Markets and local produce markets and run by community groups (not including commercial ventures).

**Council Land:** Means all land owned, leased, managed or occupied by the Council or in respect of which the Council has a duty to maintain and includes a street, road and footpath and any improvements buildings and other structures permanently affixed to the land and any estate, interest, easement, servitude or right in or upon land.

**domestic bird:** Means small bird.

**dwelling:** Means a building used or intended to be used as a separate residence which requires a building permit under the Building Regulations 1994.

**Dilapidated**

**Building:** an unoccupied building that is in a state of disrepair or ruin.

**Designated Boat**

**Ramp:** Means a boat ramp which has been declared as such by Council resolution and which has been sign posted as a designated boat ramp and parking area.

**Emergency Service:** Means Ambulance Service, State Emergency Service or Fire Brigade when carrying out emergency duties.

**Environmental Health Officers:** Means Environmental Health Officers appointed by the Council from time to time.

**Event:** Means an organised gathering of people involved in sporting, special interest, cultural and community, celebratory or commemorative/remembrance activities.

**Farming Area:** Means land used for Primary Production and zoned as farm land in the Planning Scheme applicable to the Municipal District or any other land which has been declared by the Council to be a "farming area" for the purposes of this Local Law.

**footpath:** Means any path or footway that is provided for the use of pedestrians only or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared path.

**free flying pigeon:** Means a pigeon kept and permitted to fly free from a loft for any

amount of time.

- incinerator:** Means a structure, device or contraption (not enclosed in a building) which:
- (a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and
  - (b) is not licensed or otherwise subject to control under the of the Act; and
  - (c) is not a barbecue.
- Infringement Penalty:** Means the amount of the Penalty Units which must be fixed in any infringement notice.
- Landfill:** Means a landfill established by the Council for receiving waste or refuse.
- livestock:** Has the same meaning as in Impounding of Livestock Act 1994
- Major Events:** Means on-going regular and one-off major events on Council Land achieving positive economic and community outcomes and enhance the image of Latrobe City.
- motor vehicle:** Has the same meaning as in the Road Safety Act 1986.
- multi unit development:** Means any development containing more than one dwelling on an allotment in an Urban Area.
- Municipal District:** Means the Municipal District of the Council.
- Municipal Place:** Means:
- (a) any road, footpath or shopping mall; and
  - (b) a public place which is owned or occupied by or vested in the Council to which the public has access (whether an admittance fee is required or not).
- Municipal Property:** Includes any buildings or parts of buildings used for municipal purposes.
- noxious weed:** Means any plant declared to be a state prohibited weed or a weed, which is prohibited, controlled or restricted for an area

which includes the Municipal District, under the Catchment and Land Protection Act 1994.

**nuisance:** Means any condition which is liable to be noxious, dangerous or injurious to health, and includes any noise created by an animal or any other thing which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

**outdoor eating**

**facility:** Means any table, chair, umbrella or other removable items located out of doors at which food or drink is served and/or consumed.

**park:** Has the same meaning as in the Road Safety Road Rules 2009.

**parking area:** Has the same meaning as in the Road Safety Road Rules Victoria 2009.

**Penalty Unit:** Has the same meaning as in section 110 of the Sentencing Act 1991.

**permit:** Means a permit issued by the Council under this Local Law.

**permit holder:** Means a person to whom a permit has been issued under this Local Law.

**person:** Includes a partnership, unincorporated body, a corporation, or an association incorporated under the Associations Incorporation Reform Act 2012.

**Planning Scheme:** Means the Planning Scheme relevant to the Municipal District.

**premises:** Includes land, buildings and a building under construction.

**private land:** Means land that is not Council Land, a road or a public place.

**procession:** Means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.

**property:** Means any ground, soil or earth whatsoever, whether dry or

underwater, including all buildings on the land, and also everything attached to the land whether above or under the surface.

**public place:** Has the same meaning as in the Summary Offences Act 1966.

**Public Reserves and**

**Recreation Grounds:** Means and includes any commons or public reserve of which the management is vested in the Council, and any land purchased or rented or otherwise provided by, granted or given to or vested in the Council for the provision of pleasure grounds or places of public resort or public recreation and any tree reserve, garden, garden plot, lawn or ornamental plantation in or upon any street or road within the Municipal District

**Recreation Centre:** Means a place provided for the purpose of public fitness, resort and recreation.

**recreational vehicle:** Means a motor vehicle that is used or intended to be used in a public place or private land and includes a trail bike, mini bike, motor scooter, motor driven go-cart, monkey bike and any other vehicle propelled by a motor which is used for recreational or sporting purposes but does not include a motorised vehicle used for farming purposes.

**Regulations:** Means Regulations made under the Act.

**reservation:** Means a physical provision on a road which divides it longitudinally (other than a longitudinal line or a series of lines marked on a carriageway) and includes a nature strip adjoining a footway or property line.

**Residential Area:** Means an area zoned residential in the Planning Scheme which includes Neighbourhood Residential, General Residential, Residential Growth and Low Density Residential zones.

**Rural Land:** Means land zoned as rural land which Includes Farming Zone, Rural Living Zone, Rural Conservation Zone, and any other zone in the suite of rural zones in the Latrobe Planning Scheme

**Sell:** Includes dispose of for consideration (whether by wholesale or

retail or by means of any machine or mechanical device), barter or exchange, agree to sell, offer or expose for sale, keep or have in possession for sale, send, forward, deliver or receive for or on-sale, and attempt, direct, cause, suffer and admit any such act or thing.

- Senior Officer:** Has the same meaning as in the Act.
- Service Authority:** Means an entity (whether public or privately owned) which provides or intends to provide, water, sewage, drainage, gas, electricity, telephone, telecommunications, or like services under the authority of an Act of Victoria or the Commonwealth.
- Shopping trolley:** Means a wheeled container or receptacle supplied by a retailer for the specific purpose of enabling customers to transport goods.
- Special Event:** Means an irregular, one-off major national or international event on Council Land that has the ability to attract significant interstate and international visitation and provide positive branding of Latrobe City outside the region.
- Street Festival:** Means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
- Street furniture:** Means any sign, notice, structure, or fixture which is owned, erected, or maintained by the Council and which is located on, or adjacent to a road.
- Street Party:** Means an organised social gathering of people resident in one or several adjacent roads that is held on a road.
- Street Stall:** Means a table, structure, furniture, sign or fixture erected for the temporary display of goods, whether or not for sale.
- temporary dwelling:** Means a building or caravan used for residential purposes prior to and during construction of a dwelling.
- toy vehicle:** Means a vehicle (other than a bicycle) ordinarily used by a child at play and designed to be propelled by human power, and includes a scooter, skateboard, roller skates, roller blades and similar toys.



- traffic:** Means the movement of people by foot or in or on vehicles, along, across or within a road, road related area or footpath.
- Transfer/Landfill**
- Station Attendant:** Means the Transfer Station Landfill Attendant as appointed by the Council from time to time.
- Urban Area:** Means any area set aside or used for urban development whether or not supplied with street lighting or a garbage collection service.
- vacant land:** Means a property on which there is no house or other structure approved for human habitation.
- vehicle:** Has the same meaning as in the Road Safety Act 1986.
- vehicle crossing:** Means a constructed area that provides for the passage of vehicles from a carriageway to private property and includes the kerb, channel, nature strip and footpath.
- wheeled**
- recreational device:** Means a wheeled device, built to transport a person propelled by human power or gravity, and ordinarily used for recreation or play and –
- (a) includes rollerblades, roller skates, a skateboard and a similar wheeled device; but
  - (b) does not include a golf buggy, pram, stroller or trolley, or bicycle, wheelchair or wheeled toy.
- wheeled toy:** Means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old.

## **PART 2 ADMINISTRATION OF THIS LOCAL LAW**

### **10. EXERCISE OF DISCRETIONS**

- 10.1 In exercising any discretion contained in this Local Law the Council must have regard to:
- (a) the purposes of this Local Law; and
  - (b) any applicable Council Policy; and
  - (c) any other relevant matter.
- 10.2 (a) The Council may from time to time prepare guidelines for use by the Council, authorised officers and other persons for the purposes of this Local Law.
- (b) Guidelines prepared by the Council must not be inconsistent with the purposes of this Local Law.
- (c) Any guidelines prepared cannot change or update a Local Law provision without the Local Law being amended and the guideline being incorporated by reference.

### **11. POWER TO OBTAIN NECESSARY INFORMATION LGA224**

The Council or an authorised officer may require additional information to enable an application for a permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.

### **12. IMPOUNDMENT, RELEASE AND DISPOSAL OF ITEMS**

- 12.1 If an authorised officer has impounded an item or other thing in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- 12.2 Any impounded item must be returned to the owner after:
- (a) payment of any fees, as determined from time to time by the Council, have been paid in full; and
  - (b) evidence of ownership is provided to the satisfaction of the Council or an authorised officer.
- 12.3 As soon as practicable after the impoundment of any item an authorised officer must, if the identity of the person who owns the item can be determined, serve a Notice of Impounding on that person.
- 12.4 Any impounded item may be disposed of by an authorised officer if it is not claimed by the owner within the time specified on the Notice of Impounding or within 14 days of the impounding in a case where the owner cannot be ascertained.

The procedure for the disposal of impounded items is as follows:

- (a) Where the item is declared by a Senior Officer or another member of the Council's staff authorised for the purpose to have no saleable value, it may be disposed of in the most economical way, as determined by the Council; and
- (b) Where the item is declared to have some saleable value the item may be disposed of by tender, public auction or private sale, but failing sale may be given away or disposed of at the discretion of the Senior Officer or other member of the Council's staff.

12.5 When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.

12.6 Any proceeds from the disposal of impounded items under this Part must be paid to the owner or the person who in the opinion of Council appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Part.

12.7 In the event that the person described in sub-clause 12.6 cannot be identified or located within six (6) months of the date of the impounding any proceeds may be retained for municipal purposes.

### **13. APPEALS**

Any person who is aggrieved by any matter under this Local Law may make a written submission for consideration by the Council, but the making of any submission will not in any way remove that person's obligation to act in accordance with this Local Law and any directions or notices which are applicable under this Local Law.

## **PART 3 NOTICE TO COMPLY**

### **14. POWER OF AUTHORISED OFFICERS TO DIRECT LGA224**

An authorised officer may issue a person with a *Notice to Comply* if the authorised officer believes on reasonable grounds that the person has committed an offence under this Local Law or direct any property owner, occupier or other relevant person to remedy any situation which constitutes a breach under this Local Law.

A *Notice to Comply* issued under this clause must set out the following details—

- (a) the offence that the authorised officer believes has been committed; and
- (b) the action that the person is required to undertake; and
- (c) the time within which the specified action must be taken.

### **15. REASONABLE TIME TO COMPLY**

The time fixed by a *Notice to Comply* served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:

- (a) the amount of work involved; and
- (b) the degree of difficulty; and
- (c) the availability of necessary materials or other necessary items; and
- (d) climatic conditions; and
- (e) the degree of risk or potential risk; and
- (f) any other relevant factor.

### **16. FAILURE TO ADHERE TO A NOTICE TO COMPLY**

16.1 Any person who fails to remedy a situation in accordance with a *Notice to Comply* served under this Local Law is guilty of an offence.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

16.2 If a person fails to carry out any work which he or she is required to do by a *Notice to Comply* issued under this Local Law within the time stated in the *Notice to Comply*, the Council in its discretion and wherever practicable may cause the work to be carried out and may recover the cost from that person. **LGA225**

### **17. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES**

17.1 An authorised officer may, where a person has failed to comply with this Local Law, take action to remove, remedy or rectify a situation without serving a *Notice to Comply* provided:

- (a) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a

Notice may place a person, animal, property or thing at risk or in danger;  
and

- (b) wherever practicable, a Senior Officer is given prior notice of the proposed action; and
- (c) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken; and
- (d) as soon as practicable a report is submitted to the Chief Executive Officer.

17.2 The action taken by an authorised officer under sub-clause 17.1 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

17.3 What is regarded as an urgent circumstance will depend on the circumstances of each situation. Factors to be taken into consideration may include:

- (1) Where:
  - (a) The person by whose default, permission or sufferance the situation has arisen; or
  - (b) the owner or the occupier of the premises or property affected is not known or cannot be found.
- (2) Where, in the opinion of an authorised officer, there exists an urgent risk or threat to:
  - (a) public health; or
  - (b) public safety; or
  - (c) the environment; or
  - (d) animal welfare.

## **PART 4 PERMITS**

**18. PERMITS**

- 18.1 The Council or an authorised officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee the Council may require or may refuse to issue a permit or refer an application to internal review.
- 18.2 The Council or an authorised officer may prescribe:
- (a) the manner and form in which applications for permits under this Local Law should be made;
  - (b) the manner in which any permit under this Local Law should be issued; and
  - (c) the fee for any such permit application.
- 18.3 The Council or an authorised officer may waive payment of any fee for a permit.
- 18.4 The Council or an authorised officer may require the applicant to give notice of the application, including public notice of the application.
- 18.5 If the Council or an authorised officer requires an applicant to give public notice of the application and that public notice is given, any person has the right to make a submission and be heard in support of their submission as if section 223 of the Act applies.
- 18.6 The Council or an authorised officer may require an applicant to provide the Council with more information before the Council or authorised officer deals with the permit application.
- 18.7 Applicants under the age of 18 years require permission from a parent or guardian and must be accompanied by a person 18 years or over.
- 18.8 A permit expires on the date specified in the permit or if no such date is specified the permit will expire 1 year after the date of issue.
- 18.9 A permit under this Local Law may be issued subject to conditions which may include:
- (a) the payment of a fee or charge; and
  - (b) the application of any policy of the Council; and
  - (c) a time limit to be applied either specifying the duration, commencement or completion date; and
  - (d) the permit being subject to the happening of an event; and
  - (e) the rectification, remedying or restoration of a situation or circumstance; and
  - (f) where the applicant is not the owner of the subject property, the consent

of the owner; and

- (g) the granting of some other permit which may be required by the Council, whether under this Local Law or otherwise.

18.10 The Council must maintain a register of permits granted, including details of cancellation or corrections made to any permit or any exemption from a requirement to obtain a permit or conditions applied to that exemption.

## **19. CONSIDERING APPLICATIONS**

19.1 In considering an application for a permit the Council or an authorised officer may consider:

- (a) any policy adopted or guidelines proposed by the Council relating to the subject matter of the application;
- (b) any submission that may be received in respect of the application; and
- (c) any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
- (d) any other relevant matters.

19.2 A person who has applied for a permit may appeal in writing to the Council's Appeals Panel against the decision of an authorised officer to refuse to grant a permit within 21 days of being notified of the decision.

## **20. CORRECTION OF PERMIT**

20.1 The Council or an authorised officer may correct or amend a permit issued if the permit contains:

- (a) a clerical mistake or an error arising from any accident, slip or omission; or
- (b) an evident and material miscalculation of figures or any evident and material; or
- (c) a mistake in the description of any person, thing or property referred to in the permit.
- (d) a need for special consideration relevant to the purpose of the Permit.

20.2 The Council or the authorised officer must note the correction in the register of permits.

20.3 The Council or the authorised officer must give notice of the correction to the holder of the permit.

## **21. GROUNDS FOR CANCELLATION OR AMENDMENT OF PERMITS**

- 21.1 The Council or an authorised officer may cancel or amend any permit if he or she considers that there has been:
- (a) a material misstatement, false representation or concealment of facts in relation to the application for a permit; or
  - (b) any material mistake in relation to the use of the permit; or
  - (c) any material change of circumstances which has occurred since the issue of the permit; or
  - (d) a failure to comply with the conditions of the permit; or
  - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- 21.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- 21.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.

## **22. EXEMPTIONS**

- 22.1 A person may request the Council to, and the Council may by written notice, exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- 22.2 In determining whether to grant an exemption to the requirement to obtain a permit, an authorised officer must, as the delegate of the Council, have regard to:
- (a) the circumstances of the application; and
  - (b) whether the application is to raise funds for community or charitable purposes; and
  - (c) whether the proposed activity or use will have an overall community benefit; and
  - (d) whether the proposed activity or use could have a detrimental effect on adjoining properties; and
  - (e) whether the applicant will be given an unfair advantage over any other person or organisation; and
  - (f) any other matters relevant to the circumstances of the application.



22.3 An exemption may be granted subject to conditions.

22.4 A person to whom an exemption is granted but who does not comply with the conditions of the exemption is guilty of an offence.

**Penalty: 20 Penalty Units**

**Infringement Penalty: 3 Penalty Units.**

22.5 An exemption may be cancelled or corrected as if it were a permit.

### **23. FALSE REPRESENTATIONS**

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption, is guilty of an offence.

**Penalty: 20 Penalty Units**

**Infringement Penalty: 5 Penalty Units.**

### **24. SERVICE AUTHORITY OR COUNCIL**

24.1 This Local Law does not apply to a service authority or Council, or a person employed by or working on behalf of, a Service Authority or Council in respect of works for that Service Authority or Council.

24.2 A person who would, but for this clause, be required to obtain a permit in respect of any activity must notify the Council of the activity prior to its commencement.

## **PART 5 FEES, CHARGES AND COSTS**

### **25. SETTING FEES AND CHARGES**

**LGA113**

25.1 The Council may from time to time by resolution determine the fees and charges to apply under this Local Law, which may include an administrative or processing fee or charge and the Council must give public notice of its resolutions determining

or altering those fees and charges.

25.2 Where a permit is issued part way through the financial year and is to operate for the balance of that financial year, the Council may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the permit will apply corrected to the next higher quarter of that year.

**26. DIFFERENTIAL OR STRUCTURED FEES AND CHARGES**

In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

**27. WAIVER OR ALTERATION TO FEES AND CHARGES LGA113**

The Council may waive, reduce or alter any fee or charge with or without conditions.

## **PART 6 OPERATIVE PROVISIONS**

### **DIVISION 1 - OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND VEHICLES**

**28. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE**

28.1 An owner or occupier of land must not allow any vegetation growing on the land to

obstruct pedestrians by encroaching onto or above:

- (a) a footpath; or
- (b) another part of the road used by pedestrians ("road related area"); or
- (c) a reserve owned or occupied by the Council

to or at a height of less than three (3) metres above the surface of the footpath, road related area or reserve.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

28.2 An owner or occupier of land must not allow any tree or plant in or growing on land to obstruct or interfere with the passage of traffic by:

- (a) extending over any part of the road in such a way that it:
  - (i) obstructs the view between vehicles at an intersection; or
  - (ii) obstructs the view between vehicles and pedestrians where they come close to each other; or
  - (iii) obscures a traffic control item from an approaching vehicle or pedestrian; or
  - (iv) obscures street lighting; or
- (b) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

### 28.3 REQUIREMENTS FOR A CLEAR VIEW AT INTERSECTIONS

Without limiting sub-clause 28.2, the owner or occupier of land must ensure that any tree, shrub or hedge growing on that land and located within 5 metres of an intersection is maintained to a height of not more than 1 metre, except trees with narrow clean trunks with foliage no lower than 2 metres above the ground. This is determined by a triangular area within the property, made up by a line drawn between points 5 metres back from the intersection on each road.

## 29. FENCES, SIGNS, POSTS, AND OTHER OBJECTS

29.1 An owner or occupier of land must not place or allow to be placed a sign, post or other object on the land in such a position that it causes an obstruction to pedestrians by encroaching onto or above:

- (a) a footpath; or
- (b) another part of the road used by pedestrians; or
- (c) a reserve owned or occupied by the Council.

- 29.2 An owner or occupier of land must not allow or place any fence or part thereof to cause an obstruction to pedestrians or vehicles by encroaching onto a:
- (a) road
  - (b) footpath; or
  - (c) reserve owned or occupied by the Council.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

## **DIVISION 2 – ROAD NAMES AND PROPERTY NUMBERS**

### **30. COUNCIL TO APPROVE ROAD NAMES**

- 30.1 A person must not apply a name to a road without the consent of the Council.
- 30.2 A person must not destroy, pull down, obliterate or deface a sign containing the name of any road.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

- 30.3 Sub-clause 30.1 does not apply to any freeway or to any supplementary name applied to the entire length of a declared road by Vic Roads.

### **31. PROPERTY NUMBERS TO BE DISPLAYED**

- 31.1 For each property that has been allotted a property number, the owner or occupier of the property must mark the property with the number allotted, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair to be clearly read from the road abutting the property.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **31.2 SUFFICIENCY OF SIZE LOCATION AND VISIBILITY OF PROPERTY NUMBERS**

The legibility of the property number is to be assessed from the footpath, naturestrip or road edge immediately adjacent to the front boundary of the property. In determining whether a property number meets the requirements of sub-clause 31.1, the following must be taken into account:

- (a) the size of the property number, a minimum of 100mm for residential properties and 200mm for commercial properties; and
- (b) the accuracy and completeness of the property number; and
- (c) the state of repair of the property number having regard to its visibility; and
- (d) the colour of the property number; and
- (e) distinction from its backgrounds; and

- (f) freedom from obstruction.

**31.3 COUNCIL MAY ALLOCATE A PROPERTY NUMBER**

The Council may, where the owner or occupier of a property does not mark the property with the number allotted, cause the property to be numbered and recover the cost of doing so from the owner or occupier as a debt due to the Council.

**32. INCORRECTLY DISPLAYING PROPERTY NUMBERS**

A person must not paint, affix or set up any name or number to any premises contrary to the provisions of this Local Law.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**DIVISION 3 - VEHICLE CROSSINGS**

**33. A VEHICLE CROSSING IS REQUIRED**

33.1 An owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

33.2 For the purposes of sub-clause 33.1 a vehicle crossing is properly constructed if:

- (a) it was constructed by or in accordance with the terms of an approval by the Council; or
- (b) the Council has approved in writing the method of construction of the particular vehicle crossing.

**34. A PERMIT IS REQUIRED**

A person must not, without a permit, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**35. REDUNDANT VEHICLE CROSSINGS**

35.1 Where works on a property involve the relocation or closure of a point of vehicular access, the owner or occupier of the land must ensure that any redundant part of a vehicle crossing is removed and the kerb, drain, footpaths, nature strip or other part of the road is reinstated to the satisfaction of the Council.

35.2 The Council may require the owner or occupier of a property to remove any part of or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

35.3 The owner or occupier of the property must comply with any such requirement.

**36. VEHICLE CROSSINGS IN DISREPAIR**

36.1 Where the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise in an unsatisfactory condition, the Council or authorised officer may require the owner or occupier of a property to carry out works to reinstate the vehicle crossing.

**DIVISION 4 – LIVESTOCK ON ROADS**

**37. DRIVING AND CROSSING OF LIVESTOCK ON ROADS**

An owner or person in charge of livestock must not drive livestock along a road or allow livestock to cross a road without a permit.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**38. GRAZING OF LIVESTOCK ON ROADS**

An owner or person in charge of livestock must not allow or cause any livestock to graze on a road without a permit.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**39. EXEMPT AREAS - PLACES WHERE THE DRIVING OR GRAZING OF LIVESTOCK IS NOT PERMITTED**

39.1 The driving of livestock is not permitted to take place in the following places:

- (a) any section of road which is, at the time of driving the livestock, under construction or reconstruction; or
- (b) any footpath; or
- (c) any road identified by the Council to have roadside reservations of conservation or other environmental significance.

39.2 The Council may resolve that additional roads or areas are not to be made available for the driving or grazing of livestock.

**40. LIVESTOCK GRAZING, DRIVING AND CROSSING PERMIT CONDITIONS**

42.1 A permit holder must not vary the route or location specified in a permit without first obtaining the consent of the Council or an authorised officer.

42.2 A permit holder must not allow livestock to be on a road outside the hours specified in the permit.

42.3 A permit holder must follow the direction of an authorised officer to remove any livestock from a road.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

42.4 A permit must specify by name or by indication on an attached map the roads along which the livestock must be driven.

**41. NOTICE OF PERMIT IS REQUIRED**

A permit under this Division must be applied for not less than 14 days before the time at which it is proposed to drive livestock.

**42. POWER TO IMPOUND LIVESTOCK**

Subject to the Impounding of Livestock Act 1994, an authorised officer may impound or secure in a place offering safe custody any livestock found trespassing on a road or in the possession of a permit holder who has breached the relevant permit.

**DIVISION 5 - SHOPPING TROLLEYS**

**43. LEAVING SHOPPING TROLLEYS**

A person must not leave, cause to be left or authorise another person to leave a shopping trolley on any road or Council Land or in any other public place.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**44. MISUSES OF SHOPPING TROLLEYS**

(a) A person must not use a shopping trolley for any other purpose for which it was not specifically designed.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**45. IMPOUNDMENT OF SHOPPING TROLLEYS**

An authorised officer, may seize and impound any shopping trolley found abandoned or which is being used in contravention of this Local Law.

**DIVISION 6 - CONTROL OF TOY VEHICLES AND MODEL AEROPLANES**

**46. MODEL AEROPLANES AND DRONES**

A person must not, without a permit, fly or permit to be flown any model aeroplane, drone or similar type of equipment over any road or Council land.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**47. CONTROL OF TOY VEHICLES**

A person must not:

- (a) use or allow to be used a toy vehicle so as to endanger, intimidate or unduly obstruct or hinder any other person or vehicle lawfully using or intending to use the same area; or
- (b) use a toy vehicle in an area designated by the Council under clause 48 contrary to that designation.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **48. DESIGNATED AREAS**

- 48.1 The Council may designate areas (other than a road or road related area) where it considers that the riding of toy vehicles is reasonably likely to cause physical damage to infrastructure located within the area.
- 48.2 Where the use of toy vehicles is likely to interfere with the use and enjoyment of the locality or members of the public the Council may designate areas (other than a road or road related area) where the use of a toy vehicle is:
  - (a) prohibited or;
  - (b) restricted to use at specified times or;
  - (c) permitted conditionally.
- 48.3 If the Council designates an area in which toy vehicles must not be used or can only be used at specified times or conditionally, it must erect signs in or on the area designated indicating that toy vehicles must not be used or can only be used at the times or subject to the conditions specified.
- 48.4 Where the Council fails to erect and maintain signs in accordance with sub-clause 48.3 it cannot proceed to prosecute a person for an offence under sub-clause 47.

### **DIVISION 7 – RIDING OF HORSES IN BUILT UP AREAS**

#### **49. RIDING HORSES ON NATURESTRIPS, PUBLIC RESERVES, RECREATION GROUNDS OR OTHER COUNCIL LAND**

- 49.1 Except where written permission has been obtained from the Council, a person in a built-up area must not ride or lead a horse or cause or authorise another person to ride or lead a horse upon a reservation, public reserve, recreation ground or other Council Land (other than one signposted by the Council as available for horse riding).

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

- 49.2 Notwithstanding sub-clause 49.1 a person can ride a horse on a Naturestrip,



Public Reserve, Recreation Ground or other Council Land if it is part of an organised riding activity for which a special event permit has been issued by the Council.

**50. WRITTEN PERMISSION**

The Council may give written permission, subject to any conditions considered to be appropriate, for a horse to be ridden or led upon a Naturestrip, Public Reserve, Recreation Ground or other Council Land where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

**DIVISION 8 – STATIONARY HEAVY VEHICLES**

**51. PARKING VEHICLES OVER 4.5 TONNES ON RESIDENTIAL LAND**

A person must not, without a permit, park, keep, store, repair or authorise the parking, keeping, storing or repairing of any vehicle weighing more than 4.5 tonnes (including any load) on any property within a Residential Area.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units**

**DIVISION 9 – ADVERTISING SIGNS**

**52. ERECTING OR PLACING ADVERTISING SIGNS**

52.1 A person without a permit must not erect or place an advertising sign or cause or authorise another person to do so:

- (a) on any Council land; or
- (b) on any footpath; or
- (c) on any other part of a road.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

a)

52.2 A person with a permit to display an advertising sign must ensure that permit conditions are complied with at all times.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**53. EXEMPT SIGNS**

- a) Clause 52 does not apply to
- b)
  - (a) an advertising sign for a garage sale, an open inspection or auction provided:
    - (i) the sign is no larger than 700mm in width or 1 metre in height without the specific approval of an authorised officer; and
    - (ii) the sign is not placed on a round-a-bout or does not obstruct any

- constructed footpath or walkway; and
  - (iii) the sign is not located on any part of a road to which motor vehicles have access; and
  - (iv) the sign (pointer board) is only displayed at or near a property for which the person or agent is acting provided further that the sign(s) are only placed within the two hours preceding the activity being advertised and removed within the two hours of the conclusion of the activity being advertised; or
  - (v) the sign is not attached to or does not obstruct any traffic control device or sign or impede the view of any motorist; or
- (b) an advertising sign for which a planning permit has been issued.

#### **54. IMPOUNDING SIGNS**

Where any advertising sign is erected or placed in any place contrary to this Local Law or in contravention of any permit conditions, it may be removed by an authorised officer and impounded.

### **DIVISION 10 – DISPLAY OF GOODS FOR SALE**

#### **55. LOCATING GOODS FOR SALE**

55.1 A person without a permit must not place or display any goods for sale or cause or permit another person under his or her control to do so:

- (a) on any Council land; or
- (b) on any footpath; or
- (c) on any other part of a road.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

55.2 A person with a permit to display goods for sale must ensure that permit conditions are complied with at all times.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **56. GOODS LEFT ON ROADS**

Any goods left or displayed on any part of a road contrary to this Local Law or displayed in contravention of any condition of a permit may be removed by an authorised officer and impounded.

### **DIVISION 11 – TRADING FROM A ROAD OR TO A PERSON ON A ROAD**

**57. PERMIT REQUIRED FOR ROADSIDE TRADING**

57.1 A person without a permit must not erect or place on any road a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

57.2 A person with a permit to trade from a road must ensure that permit conditions are complied with at all times.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**58. TRADING TO A PERSON ON A ROAD**

58.1 A person without a permit must not sell or offer for sale any goods or services from a public place or Council Land to any person who is in that public place or on that Council Land.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

58.2 A person with a permit to sell or offer for sale any goods or services from a public place or Council Land must ensure that permit conditions are complied with at all times.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**59. REGULATION OF TRADING SITES**

59.1 If the Council has entered into an agreement (by way of lease, licence or otherwise) in relation to trading from a particular site, a person other than the person with whom the Council has the agreement must not trade from that site whether or not that person has a permit.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

59.2 In addition to any other power which it has, the Council may by resolution determine a fee, charge, fare or rent in relation to selling or offering for sale of any goods or services from a property or public place adjacent to a road or to any person who is on that road or public place.

**60. IMPOUNDING OF GOODS AND EQUIPMENT**

Where the use of a site or the contravention of any conditions of a permit or agreement continues after a Notice to Comply has been served, any goods and associated equipment

may be removed by an authorised officer and impounded.

## **DIVISION 12 – OUTDOOR EATING FACILITIES ON ROADS.**

### **61. ESTABLISHING A TEMPORARY OUTDOOR EATING FACILITY**

61.1 A person without a permit must not establish an outdoor eating facility on any footpath or other part of a road.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

61.2 A person with a permit to establish an outdoor eating facility must ensure that permit conditions are complied with at all times.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

61.3 The outdoor eating facility must be solely outside the permit holder's premises and must provide a 2 metre clear accessible path of travel from the property line and be 700 mm from the kerb.

61.4 A permit is not required under this Local Law where a planning permit has been issued for the establishment of the outdoor eating facility

### **62. USE OF OUTDOOR EATING FACILITY**

62.1 A person must not occupy a chair in or otherwise use the equipment in an outdoor eating facility unless he or she intends to use them for the purpose of eating food or drinking drinks to be provided by the permit holder.

**Penalty: 5 Penalty Units.**

**Infringement Penalty: 1 Penalty Units.**

62.2 A person must not cause a nuisance to or behave offensively towards another person at or passing an outdoor eating facility.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

62.3 A person must leave an outdoor eating facility when requested to do so by the permit holder, an authorised officer or a member of the Victoria Police.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **63. PERMIT CONDITIONS FOR TEMPORARY OUTDOOR EATING FACILITY**

63.1 A temporary outdoor eating facility must:

- (a) not be affixed or attached to the footpath, roadway or other infrastructure;

or

(b) not be placed so as to obstruct pedestrians and /or traffic at intersections.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

63.2 A temporary outdoor eating facility must be located solely outside the permit holder's premises and must provide a 2 metre clear accessible path of travel from the property line and be 700 mm from the kerb.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

63.3 The permit holder must ensure that all items comprising the temporary outdoor eating facility are removed from the footpath by the close of business each day or by 1 am on the day immediately following their placement (whichever occurs first).

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

63.4 Where an outdoor eating facility is used in contravention to this clause it may be removed by an authorised officer and impounded.

#### **64. REMOVING THE FACILITY**

A permit holder must move or remove an outdoor eating facility when requested to do so for the purposes of public safety by an authorised officer or member of the Victoria Police.

### **DIVISION 13 – BULK RUBBISH CONTAINERS**

#### **65. PLACING BULK RUBBISH CONTAINERS, NATURESTRIPS AND COUNCIL LAND**

A person without a permit must not place or cause or allow another person to place a bulk rubbish container on a road or Council land.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

#### **66. CONTAINER LEFT ON A ROAD, NATURESTRIP AND COUNCIL LAND**

Any bulk rubbish container placed on any part of a road contrary to this Local Law or in contravention of any condition of a permit may be removed by an authorised officer and impounded.

### **DIVISION 14 – OCCUPATION OF THE ROADS**

#### **67. ROAD OCCUPATION**

A person must not, without a permit, on a road under the control of the Council:

- (a) occupy or fence off a road or any part of the road including the road reserve and other road related area; or
- (b) erect a hoarding or overhead protective awning; or
- (c) use a mobile crane or travel tower for any building work; or
- (d) make a hole or excavation; or
- (e) reinstate a hole or excavation; or
- (f) plant any vegetation (other than grass) on a nature strip.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

#### **68. REINSTATEMENT WORKS**

- 68.1 The reinstatement of any part of the road damaged or affected by works of a type listed in clause 67 must be carried out in accordance with any conditions contained in the permit.
- 68.2 The fees to be applied in respect of reinstatement works will be those determined by the Council from time to time.
- 68.3 A Service Authority is responsible for the reinstatement of any part of the road, damaged or affected by works carried out by that Service Authority.

#### **69. IMPOUNDING OF EQUIPMENT**

Where any equipment, fencing or other items are being used in contravention of this Division, an authorised officer may remove the equipment, fencing or other items and impound them.

#### **70. WORKS OF SERVICE AUTHORITIES**

Except for sub-clause 68.3, the provisions of this Division do not apply to the works of any Service Authority.

### **DIVISION 15 – DEPOSITED SUBSTANCES**

#### **71. SUBSTANCES FROM VEHICLES, ANIMALS AND LIVESTOCK**

A person must not allow any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto or under a road or allow or authorise another person to do so.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

#### **72. REMOVAL OF SUBSTANCES**

A person in charge of a vehicle or livestock from which any substance has fallen or run off onto a road:

- (a) must take all reasonable steps to promptly remove the substance, make good any

damage and remove any consequent hazard; and

- (b) where any damage or hazard remains, must promptly notify the Council or member of the Victoria Police of the damage or hazard.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

## **DIVISION 16 – EVENTS, STREET PARTIES, STREET FESTIVALS, PROCESSIONS, FIREWORKS, BUSKING, CIRCUSES AND CARNIVALS**

### **73. OCCASIONAL EVENTS IN COUNCIL’S PARKS /GARDENS & RECREATIONAL RESERVES**

- 73.1 A person must not, without a permit, conduct an Occasional Event in any of the Council’s parks and gardens or reserves.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units**

### **74. COMMUNITY, SPECIAL AND MAJOR EVENTS**

A person must not, without a permit, conduct a Community Event, Special Event or Major Event.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units**

### **75. PERMITS FOR STREET PARTY, STREET FESTIVAL, SPECIAL EVENT OR PROCESSION**

A person must not, without a permit, hold a Street Party, Street Festival, Special Event or procession on a road.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **76. PERMITS FOR COMMUNITY MARKETS**

A person must not, without a permit, hold a Community Market on Council Land, roadway, or any private land.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **77. PUBLIC PLACES**

A person must not, without a permit, conduct any festival, public entertainment, sporting event or gathering or similar function in any public place.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **78. CANCELLATION OF PERMIT**

An Event permit may be cancelled:-

- (a) if it is deemed a Code Red Day; or
- (b) if the event organisers do not comply with the Council's requirements.

**79. DIRECTION TO CEASE EVENT**

An Event organiser must comply with directions given by members of the Victoria Police or an authorised officer to cease the Event if it is considered dangerous or a nuisance is being caused.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units**

**80. DISCHARGE OF FIREWORKS**

A person, including a licensed pyrotechnician, must not without a permit discharge or allow to be discharged fireworks on any property.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**81. DISCHARGE OF INTERNAL FIREWORKS**

A person, including a licensed pyrotechnician must not without a permit discharge or allow to be discharged fireworks within a Council building.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units**

**82. DIRECTIONS TO CEASE FIREWORKS**

A licensed pyrotechnician or an event organiser must comply with directions given by a member of the Victoria Police or an authorised officer to cease fireworks if they are unauthorised, considered dangerous or are creating a nuisance.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**83. BUSKING AND STREET ENTERTAINMENT**

A person must not, without a permit, busk within a Municipal Place.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**84. DIRECTIONS TO CEASE BUSKING**

A busker must comply with directions given by any member of the Victoria Police or an authorised officer to cease busking or moving from the busking location where a congestion, inconvenience or nuisance is being caused.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**



**85. CIRCUSES AND CARNIVALS**

A person must not, without a permit, conduct a circus, carnival or other similar event.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**DIVISION 17 - COLLECTIONS ON ROADS**

**86. COLLECTIONS**

A person must not, without a permit, solicit or collect any waste materials, gifts of money or subscriptions while present on any footpath adjacent to any road or cause or authorise another person to do so.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

*NOTE: Permit applications for highway collections (including traffic light intersections) are to be referred to Victoria Police.*

**DIVISION 18 - VEHICLES AND OTHER OBSTRUCTIONS**

**87. DERELICT AND ABANDONED VEHICLES**

A person must not abandon, leave or allow to be left in or on a road, public place, reserve or Council Land any vehicle that is:

- (a) not currently registered; or
- (b) derelict to such an extent as to be unable to move under its own power and in disrepair.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

*Any Vehicle found on any Road, Council Land or Municipal Place and considered by an Authorised Officer to be derelict, abandoned or unregistered may be dealt with under the provisions of Schedule 11 to the Act.*

**88. REPAIR OF VEHICLES AND STORAGE OF VEHICLES**

- a) A person must not repair, paint, dismantle, maintain or service a vehicle on any road or Council Land except where it is necessary to undertake minor repairs to get the vehicle underway or moving.
- b) A Person must not use any road or other Council Land for the purpose of storing any caravan, trailer, boat or damaged vehicle.
- c) Where, in the opinion of an Authorised Officer, this clause is not being complied with, the Authorised Officer may serve a Notice to Comply on the owner of the

- Vehicle being repaired, or caravan, trailer, boat or damaged vehicle being stored.
- d) If the owner of the Vehicle being repaired, or caravan, trailer, boat or damaged Vehicle being stored fails to comply with a Notice to Comply served under this the Vehicle being repaired, or caravan, trailer, boat or damaged vehicle being stored may be impounded by an Authorised Officer.
- e) For the purposes of subclause (b), an Authorised Officer may consider a caravan, trailer, boat or damaged vehicle to be stored if the vehicle has not been moved for 28 days.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

## **89. REMOVAL OF UNLAWFULLY PARKED AND/OR OBSTRUCTING VEHICLES**

- 89.1 Where a vehicle is left in the Municipal District:
- (a) causing an unlawful obstruction; or
  - (b) unlawfully parked;
- the vehicle may be relocated or impounded.
- 89.2 After having regard to the likely level of public nuisance, accidents, danger to pedestrians, congestion and delay to road users, the an Authorised Officer may relocate or impound a vehicle if it is causing an unlawful obstruction or is unlawfully parked in the following areas:
- (a) no stopping areas; or
  - (b) on a footpath; or
  - (c) school crossing zones; or
  - (d) parking areas reserved for vehicles displaying a Disabled Persons Parking Scheme Permit; or
  - (e) areas such as intersection zones and approaches to traffic lights, where the size and nature of the illegally parked vehicle creates an added problem for drivers' and pedestrians' line of sight; or
  - (f) at Special Events, where unlawful parking is likely to result in unreasonable congestion; or
  - (g) where a clear width of 3 metres has not been left for the passage of vehicles.
- 89.3 A notice of impounding is not required where a registered vehicle is moved less than 250m and relocated back onto a road.

## **90. OTHER OBSTRUCTIONS**

Where a craft, rubbish container, movable structure, device, material, object or other thing is left in the Municipal District:

- (a) causing an unlawful obstruction; or
- (b) causing a danger to pedestrians or other vehicles; or

- (c) getting in the way of or likely to get in the way of traffic; or
  - (d) at Special Events, where unlawful parking is likely to result in unreasonable congestion; or
  - (e) is abandoned and/or disowned
- the obstruction may be removed by an authorised officer and impounded.

**91. AUTHORISED OFFICER MAY MARK TYRES**

- 91.1 An authorised officer may mark the tyres of a vehicle parked in a parking area with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- 91.2 A person must not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

**Penalty: 5 Penalty Units.**

**Infringement Penalty: 1 Penalty Units.**

**92. PARKING BAY RESERVATION**

Where access to a vehicle or equipment is required consistently or regularly in the pursuit of an applicant's business, promotion, Special Event or activity, the Council may issue a Parking Bay Reservation Permit for short term and specific location parking needs.

**93. VEHICLE USE ON COUNCIL LAND**

- 93.1 A person must not, without a permit:
- (a) drive, ride or use a vehicle on Council land, Municipal Place or other public place unless in an area designed and approved for that purpose: or
  - (b) park a vehicle on Council Land, Municipal Place or other public place unless in an area designed and approved for that purpose.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

- 93.2 Where an unregistered vehicle is used in contravention of this clause, an authorised officer may remove and impound the vehicle.
- 93.3 Clause 93.1 does not apply to a road or road related area.
- 93.4 This Clause does not apply to an Authorised Officer or member of the Police Force in the course of their duties.

**94. RECREATIONAL VEHICLES AND VEHICLE TRACKS ON PRIVATE PROPERTY**

- 94.1 A person must not without a permit use a vehicle for recreation or sporting purposes on any private land within the municipal district.
- 94.2 A person must not without a permit construct, maintain or use a recreational vehicle track, circuit or course on any private land within the municipal district.
- 94.3 Subclauses 94.1 and 94.2 do not apply to a registered vehicle moving in or out of

premises or to vehicles used for farming purposes.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

## **DIVISION 19 - SAFETY, PEOPLE AND PROPERTY**

### **95. DANGEROUS AND UNSIGHTLY LAND**

95.1 An owner or occupier of land must not allow the land to:

- (a) become unsightly or detrimental to the general character and amenity of the neighbourhood in which it is located; or
- (b) harbour unconstrained rubbish; or
- (c) contain disused excavation or waste material; or
- (d) store disused machinery or vehicles or for the assembly or dismantling of such machinery or vehicles; or
- (e) pose a danger or a risk to people or property in the vicinity.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

(b)

95.2 In determining whether land poses a danger or a risk to people or property in the vicinity or is unsightly or detrimental to the general amenity of the neighbourhood, an authorised officer must take into account the following factors:

- (a) the level of grass and weeds on property should be no higher than 500 millimetres; and
- (b) whether the volume of unconstrained rubbish or litter is excessive; and
- (c) the fact that disused waste material should not remain on the land for a period longer than 14 days; and
- (d) the fact that disused excavation should not remain on the land for any period without the provision of fencing adequate to prevent access by children or for longer than 14 days in any case; and
- (e) whether the volume or type of substances or materials, including building materials and fill from building sites, is excessive; and
- (f) whether the volume or type of goods, such as second-hand goods, vehicles or machinery, is excessive.

95.3 An owner or occupier of any urban land must not allow blackberries to grow on or spread from that land.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **96. DILAPIDATED BUILDINGS**

Without limiting clause 95 , an owner or occupier of land on which is located any building

or other structure which is unoccupied, unfit for occupation or not ordinarily occupied:

- 96.1 Must not permit that building or structure to become dilapidated or further dilapidated;
- 96.2 Must take all reasonable steps to secure the building or structure from unauthorised access, including, if required, secure fencing, boarding up/securing windows and other access points, more adequate locks and any other security options that are, in all the circumstances, reasonable to exercise;
- 96.3 Must take reasonable steps to prevent or remedy the land from being a haven for regular anti-social or unlawful behaviour by unauthorised persons;
- 96.4 Must maintain the building or structure in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect out of character with other land in the vicinity;
- 96.5 Must not allow any graffiti to remain on any building, wall, fence, post or other structure or object erected on that land; and
- 96.6 Will commit a new offence under this Local Law for every month any breach of this clause continues unless effective works have been undertaken to remedy any breach.

**Penalty: 20 Penalty Units**

**Infringement Penalty: 5 Penalty Units.**

**97. ELECTRIC FENCE**

A person must not, without a permit, erect an electric fence in a Residential Area adjacent to a street alignment or public open space.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**98. BOAT RAMPS**

A person must not, without a permit, launch a boat, jet-ski or other water craft on a Council controlled waterway.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**99. WATERWAY BEHAVIOUR**

99.1 A person must not leave, moor, tie or secure a boat to a boat ramp, pontoon or jetty contrary to any sign on or adjacent to any boat ramp, pontoon or jetty.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

99.2 A person must not swim, dive, or fish contrary to any sign at a Council controlled waterway.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

99.3 A person must not, while aboard a vessel on a body of water:

- (a) engage in any activities which are dangerous to any other person; or
- (b) use an amplifier or electronic device so as to interfere with the use or enjoyment of the body of water or any adjacent land by any other person; or
- (c) interfere with the reasonable use and enjoyment of the body of water or any adjacent land by any other person.

**(c) Penalty: 10 Penalty Units.**

**(d) Infringement Penalty: 2 Penalty Units.**

99.4 A person must not, without a permit, use or operate a boat, jet-ski, sailboard, wind surfer, skiffle board or ski on a Council controlled waterway other than in an area prescribed for that purpose.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

## **100. CODE RED FIRE DANGER RATING DAY**

A person must not enter a bushland reserve managed by the Council on a Code Red Fire Danger Rating day.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

## **101. OPEN AIR BURNING**

101. OPEN AIR BURNING

A person must not, without a permit light or cause or allow to be lit or remain alight any fire in the open air on any land or road within the Municipal District.

101.1 Despite clause 101, an owner or occupier of land may burn-off in the open air for the purposes of reducing fuel loads on that land in accordance with the following -

- (a) The land greater than 1 hectare in size; and
- (b) The land is outside a 500 metre radius from any residential area; and
- (c) Someone is in attendance at all times while the fire is lit; and
- (d) Fire suppression equipment is onsite; and
- (e) The fire is only allowed to burn during daylight hours.
- (F) VicFire is notified beforehand.

101.2 A burn-off is disallowed or not permitted to continue on days of total fire ban, during CFA declared Fire Danger Period or any other time as directed by Latrobe City Council.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**102. USE OF A BARBECUE**

- (a) Despite clause 101, a fire is permitted in a barbecue for the purpose of cooking food provided that such use does not create a nuisance.
- (b) A person must not light or allow to be lit or remain alight any fire in a barbecue or similar device for purposes other than for the cooking of food for human consumption or personal warmth.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**103. FIRES FOR PERSONAL WARMTH**

- (a) Despite clause 101, a fire is permitted on private property for the purpose of personal warmth provided that such use does not create a nuisance.
- (b) A person must not burn leaves, green wood or rubbish in a fire lit for personal warmth.
- (c) A person lighting a fire for personal warmth must ensure that:
  - (i) during the Fire Danger Period the wind is not more than 10 kph; and
  - (ii) the fire is lit in a properly constructed fireplace or in a trench at least 30 centimetres deep; and
  - (iii) the area within a distance of 3 metres from the outer perimeter of the fire is clear of flammable material; and
  - (iv) the fire does not occupy an area in excess of 1 square metre and the size and dimensions of solid fuel used are the minimum necessary for the purpose; and
  - (v) a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire; and
  - (vi) the fire is completely extinguished before the person leaves.

*NOTE: that in accordance with the CFA Act, a "properly constructed fireplace" means a fireplace that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire. A commercially produced barbecue would be considered a properly constructed fireplace.*

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**104. BURNING IN AN INCINERATOR**

- 104.1 A person must not, without a permit, cause or allow an incinerator to be constructed, erected, installed or used on any property, road or other land in respect of which that person is the owner or occupier or has responsibility for the

management and control of the incinerator.

104.2 A person must not, without a permit, light or allow to be lit or remain alight any fire in an incinerator within the Municipal District.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

#### **105. CHIMNEYS/WOOD STOVES**

105.1 An owner or occupier of land must not cause or allow any chimney and/or wood stoves to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to the health of another person.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

105.2 Where an authorised officer is of the opinion that a chimney and/or wood stove is discharging dust, grit, ashes or smoke which is dangerous to the health of or is offensive to another person, he or she may serve a Notice to Comply on the owner or occupier of the land.

#### **106. DIRECTION TO EXTINGUISH A FIRE.**

A person must obey a direction from an authorised officer to extinguish a fire.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

#### **107. CLOTHING RECYCLING BINS**

107.1 A person must not, without a permit, place any clothing recycling bin on any land.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

107.2 A permit is not required under this Local Law for the placement of a clothing recycling bin in a place to which members of the public do not and might not reasonably expected to have access.

107.3 A person must not interfere with, deposit rubbish in or remove the contents of a clothing recycling bin except that this clause does not apply to the person on whose behalf the bin was placed, an employee or agent of the person who placed the bin or an authorised officer.

### **DIVISION 20 - THE ENVIRONMENT**

#### **108. CAMPING**

A person must not, without a permit, camp on Council Land or in a public place in a tent, caravan or any other temporary or makeshift structure unless such land is within a licensed Caravan Park or an area determined to be available for camping purposes by the Council.



**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **109. CARAVANS AS TEMPORARY ACCOMMODATION**

109.1 A person must not, without a permit, occupy a caravan on private property except in accordance with clause 108.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

109.2 Sub-clause 109.1 does not prevent an occupier of private property where a dwelling exists placing one caravan owned by them on the property for the use of a member of the household or a temporary visitor to sleep in for a total period not exceeding 28 days in any one year.

#### **110. PLACEMENT OF CARAVANS ON PRIVATE PROPERTY**

A person without a permit must not place or allow to be placed on any private property more than one caravan.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **111. NOISE**

111.1 A person on a road or in a public place must not without the consent of the Council or an authorised officer:

- (a) sound or play upon any musical or noise instrument; or
- (b) sound, play, control, operate or use any loudspeaker, amplifier, microphone, wireless receiving set, or broadcasting set or any other like device capable of being used for making or amplifying sounds or noise; or
- (c) shout, sing or harangue where that noise interferes with the reasonable comfort of a person.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

111.2 Sub-clause 111.1 does not apply to any sounds within a motor vehicle which cannot be heard outside that vehicle or any sound or noise conveyed through any head phones which are not audible to a person other than the wearer of those head phones.

### **DIVISION 21- KEEPING OF ANIMALS**

#### **112. KEEPING OF ANIMALS**

112.1 An owner or occupier of land must not, without a permit, keep or allow to be kept any more in number for each type of animal than as set out in the following table except for farming areas:

<i>Type of Animal</i>	<i>Definition</i>	<i>Multi Unit Development</i>	<i>All Other Areas (Except Farming area)</i>
Dogs		2	2
Cats		2	2
Poultry -		Not permitted	5
<i>Poultry includes; fowls, bantams, pheasants, ducks and geese.</i>			
Free Flying Pigeons		0	0
Rooster		0	0
Domestic Mice		10	10
Guinea Pigs,			
Ferrets, Hamsters		2	4
Domestic Rabbits		2	4
Reptiles		2	2
Other animals*		Not permitted	0 (Residential) / 10 (Rural Living Zone)

*\*Other animals include; cattle, horse, goat, swine, pig, ostrich, sheep and any other agricultural animal.*

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

112.2 A permit issued for the keeping of dogs and /or cats under this Part will be granted for the life of the animal although if an offence or nuisance be proven the permit can be revoked.

112.3 Sub-clause 112.1 does not apply where animals are kept in accordance with a planning permit or where a Commercial Wildlife Licence has been obtained in accordance with the Wildlife Regulations 2013.

112.4 A person keeping animals in accordance with clause 112.1 must ensure that the animals do not create a nuisance or danger to neighbours or other persons.

### **113. DOGS AND CATS ON FARMING PROPERTIES**

Except where a planning permit is issued an owner or occupier of a working farm within a farming area must not, without a permit, keep or allow to be kept more than four adult dogs and/or four adult cats on that land except where allowed by the planning scheme.

### **114. MAXIMUM NUMBER OF DOGS AND CATS ON ANY LAND**

Except where a planning permit is issued a person must not keep more than five dogs or five cats on any land except where allowed by the planning scheme.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **115. LITTERS OF ANIMALS**

For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any animal lawfully kept will be exempt for a period of 3 months after their birth.

**116. LIVESTOCK KEPT UNSECURED**

- a) A person must not allow any livestock owned by or in that person's custody to be kept unsecured or allowed to stray onto any road or public land.
- b) A person without a permit must not keep or allow to be kept any horse, goat, sheep, pig or similar animal on land in a residential area.
- c) A person must not keep cattle on any land in a residential area.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**117. CAGED BIRDS**

Any person keeping poultry or caged birds of any type must ensure that these birds do not result in the generation of any nuisances to any individual or group of people.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**118. FREE FLYING PIGEONS**

- 118.1 A person must not, without a permit, keep free flying pigeons on any land.
- 118.2 Sub-clause 118.1 does not apply to a registered member of a pigeon racing club affiliated with the Gippsland Pigeon Federation.
- 118.3 Notwithstanding sub-clause 118.1 and 118.2 a planning permit is required for more than 99 pigeons to be kept under these provisions.
- 118.4 A Planning Permit is required for 100 or more pigeons.
- 118.5 An occupier of land must ensure that any free flying pigeons housed on that land are housed in a loft of the type approved by a racing pigeon organisation and which meets the requirements of the Building Code of Australia.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**119. ANIMAL EXCREMENT**

A person in charge of an animal on a road or other Municipal Place must:

- (a) carry a device suitable for the removal of any excrement that may be deposited by the animal; and
- (b) not allow any part of the animal's excrement to remain on a road or other Municipal Place; and
- (c) produce the device on demand by an authorised officer.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**DIVISION 22 - DISPOSAL OF WASTE**

**120. DOMESTIC WASTE**

120.1 The occupier of every dwelling or other property to which the Council provides a kerbside waste collection service must comply with this Part.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

120.2 The occupier of any property to which the Council does not provide a kerbside waste collection service must remove any waste from the property and dispose of it into an appropriate receptacle or to a waste disposal facility in a manner that is clean, inoffensive and does not harm the environment, and in compliance with any relevant Environmental Protection Authority guidelines.

**121. TYPE OF DOMESTIC WASTE AND RECYCLING RECEPTACLES**

121.1 The occupier of every dwelling, or other property, to which the Council provides a kerbside garbage service, green waste service and/or recycling service must not place domestic waste or recycling out for collection unless the domestic waste is contained in a receptacle supplied, approved and determined by the Council from time to time for any particular collection district.

121.2 An occupier of property must ensure that all receptacles on the property:

- (a) have a lid which seals to make the receptacles weather and fly proof and secure; and
- (b) are kept in good order and in a clean and sanitary condition.

**122. PLACEMENT OF DOMESTIC WASTE AND RECYCLING CONTAINERS**

122.1 Domestic waste, green waste and recycling receptacles must be placed on the naturestrip adjacent to the driveway abutting the occupier's property no earlier than the evening before collection day as specified by the Council for collection from that property or in accordance with any instruction issued by the Council or any contractor engaged by the Council to collect such waste or recyclables.

122.2 Bin lids must be closed and not be overflowing.

122.3 Bins placed out for collection outside any commercial or retail premises must also be placed out in accordance with any instructions issued by the Council or any contractor engaged by the Council to collect waste or recyclables.

**123. REMOVAL OF BINS AND ANY SPILLAGE**

Once the waste has been collected by the Council or its contractor, the empty receptacle must be returned to the property by the occupier and any waste which has spilled onto the road, nature-strip or surrounding area must be removed by the occupier responsible for the bin within 24 hours of collection.

**124. UNAUTHORISED USE OF RECEPTACLES**

124.1 Garbage, recycling and green waste receptacles are for the exclusive use of the occupier. Garbage, recyclables, green waste or any other material must not be placed in another resident's receptacle.

124.2 Garbage, recycling and green waste receptacles must not be removed from a property when the occupier changes their place of residence for any reason.

**124.3 ADDITIONAL WASTE RECEPTACLES**

In the event of any occupier of a property placing out in excess of three receptacles for regular collection of domestic waste, green waste and recycling from any one dwelling, the Council may regard that dwelling as a multiple dwelling for the purposes of calculating the service charge as determined by the Council from time to time. Any additional receptacles require the approval of the Council.

**125. PROHIBITED WASTE**

125.1 The following material is prohibited from being placed in domestic waste receptacles and street litter receptacles for collection by the Council:

- (a) slops, liquid waste, animal carcasses and offensive material; and
- (b) dirt, dust, or other matter from any vacuum cleaner, hair, or other similar matter or moist refuse, unless it has been securely wrapped in an impermeable cover or container to prevent its escape; and
- (c) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the receptacle; and
- (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive; and
- (e) oil, paint, solvents or similar substance or any other substance which may damage the receptacle or reduce its strength or effectiveness; and
- (f) disposable napkins unless they have been cleaned of solids and securely wrapped and placed in an impermeable cover; and
- (g) impervious material prior to being placed in the receptacle; and
- (h) commercial/industrial and trade waste of any kind; and
- (i) any garden refuse, grass clippings or tree cuttings unless wrapped; and
- (j) objects over 8 kilograms in weight; and
- (k) medical waste, needles, syringes, chemicals, prescribed wastes or other hazardous materials.

125.2 The following material is prohibited from being placed in green waste receptacles for collection by the Council:

- (a) any material prohibited from domestic waste receptacles, excluding green waste; and
- (b) plastic bags, soil or rubble, food or household waste, nappies, bricks, pot

plants, logs or stumps over 100 mm in diameter and 300 mm in length, and recyclables.

125.3 The following material is prohibited from being placed in recycling receptacles for collection by the Council:

- (a) any material prohibited from domestic waste receptacles; and
- (b) household waste, polystyrene, plastic bags and film wrap and green waste.

## **126. RECYCLING AND HARD GARBAGE COLLECTION**

126.1 Occupiers of properties who have made a prior booking with the Council for an at-call hard waste collection service must leave hard waste out for collection in accordance with the Council's instructions.

126.2 A person must not place out for collection on the naturestrip or in any surrounding area any waste unless the Council has instructed him or her to do so.

126.3 A person must not remove or interfere with any hard waste left out for collection.

## **127. COMMERCIAL/INDUSTRIAL WASTE AND WASTE SKIPS**

An occupier of property may arrange for the collection of commercial/industrial waste or for the placement of a waste/recycling skip subject to compliance with this Local Law and consistency with any Vic Roads guidelines.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

## **128. TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)**

### **128.1 CONSTRUCTION OF BINS**

A person using a Waste hopper or bin for the collection and storage of trade waste must ensure that it:

- (a) is constructed of approved impervious material to the satisfaction of the Council to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
- (b) is watertight, fly and vermin proof; and
- (c) contains a removable drainage plug for the purpose of cleaning; and is fitted with fly and vermin proof lid with overlapping flanges which must be kept continuously closed.

### **128.2 EMPTYING OF TRADE WASTE BINS**

Waste hoppers or bins must be emptied at least weekly or more regularly if the contents become offensive.

### **128.3 CLEANLINESS AND STORAGE OF BINS**

The occupier of a property on which a bin for the storage of trade waste is kept

must ensure that:

- (a) the surface upon which the bin is stored is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Council; and
- (b) the storage site is supplied with a tap connection and hose of a size approved by the Council; and
- (c) the bin is screened in such a way and with such material as approved by the Council; and
- (d) the bin is cleaned thoroughly after each emptying; and
- (e) the storage site is such that it does not detrimentally affect the amenity of the area.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **129. USE OF TRANSFER STATIONS AND LANDFILL SITES BY RESIDENTS**

129.1 Transfer Stations and Landfill Sites are available to residents and ratepayers for the disposal of waste generated from within the Municipal District and other wastes that are allowed to be disposed in accordance with an applicable Environmental Protection Authority licence.

129.2 The landfill sites will be available to residents for the disposal of asbestos material only when the appropriate permit has been issued prior to disposal.

129.3 A person using a Transfer Station or Landfill Site under this provision must pay the fees and charges applicable and comply with the set terms and conditions.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **130. USE OF TRANSFER STATIONS AND LANDFILL SITES BY NON RESIDENTS**

130.1 The Council may consider allowing persons other than residents and ratepayers to use a Transfer Station or Landfill Site.

130.2 A non-resident who is permitted to use the Transfer Station or Landfill Site under this provision must pay the fees and charges applicable and comply with the set terms and conditions.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **131. CONDUCT AT TRANSFER STATIONS/LANDFILL**

A person must not fail to adhere to an instruction from a Transfer Station/Landfill attendant or act contrary to an authorised sign at a Transfer Station/Landfill.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**132. ACCESS TO TIPPING FACE**

The Council may refuse access to the tipping area of a Landfill to a person who fails to pay the required fee or charge or who fails to comply with the terms and conditions of use of the Landfill.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**133. DUMPING OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS**

A person must not place or leave or allow to remain a disused refrigerator, ice-chest, icebox, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first:

- (a) removing every door and lid; or
- (b) removing every lock, catch and hinge attached to a door or lid; or
- (c) otherwise rendering every door and lid incapable of being fastened.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**134. SCAVENGING AT TRANSFER STATIONS/LANDFILL**

A person must not, without a permit, remove material of any kind which has been deposited at a Transfer Station/Landfill.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

**135. TRANSFER STATION SECOND HAND GOODS SHOP**

Any person may purchase materials or items displayed in the designated areas or the second hand goods shop located at the Transfer Station upon payment of the charges applied by the Transfer Station attendant.

**DIVISION 23 - GREY WATER, STORMWATER DRAINS AND PRIVATE DRAINS**

**136. DRAINAGE TAPPINGS**

136.1 A person must not, without a permit, tap into or interfere with any drain under the control of the Council.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

136.2 Sub-clause 136.1 does not apply where the Council has certified a plan of subdivision or given its approval for the drain to be tapped under any other



legislation administered by it.

**137. INTERFERENCE WITH WATER COURSE**

137.1 A person must not, without obtaining approval from the Council to do so, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to the Council or is under the control or management of the Council.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

137.2 Sub-clause 137.1 does not apply to works undertaken by a Service Authority.

**138. GREY WATER**

All effluent generated on a property must be retained and disposed of by approved means within that property boundary, unless:

- (a) the effluent is approved for disposal, and is disposed of through the reticulated sewerage system; or
- (b) there is a current approval in place issued by the relevant authority for off-site discharge to occur; or
- (c) there is a current contract with an approved waste disposal contractor in place to collect and dispose of effluent generated on the property

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

**139. STORMWATER DRAINS**

An owner of a property must:

- 139.1 obtain a permit from the Council prior to connecting a stormwater drainage system serving a residential, commercial or other property to an adjacent Council stormwater drainage system, and comply with the conditions of such permit; and
- 139.2 connect a stormwater drainage system serving a residential, commercial or other property to an adjacent Council stormwater drainage system when directed to do so by an authorised officer provided that the authorised officer provides a timeframe within which the connection has to be made; and
- 139.3 ensure that such connection complies with any conditions imposed by the Council; and
- 139.4 adequately maintain the stormwater connection between the property boundary and the Council drain when directed to do so by an authorised officer, provided that the authorised officer provides a timeframe within which the maintenance has to be done.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

#### **140. PRIVATE DRAINS**

An owner of a property must not:

- (a) fail to maintain a private stormwater drainage system serving a residential, commercial or other property where the failure to do so causes a nuisance to a property upstream or downstream of the private stormwater drainage system whether during storm events or otherwise; and
- (b) fail to carry out rectification or maintenance works when directed to do so by an authorised officer provided that the authorised officer provides a timeframe within which the works have to be completed; and
- (c) build over, carry out works within or fill in any drain located in an easement, whether in favour of the Council or otherwise.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **DIVISION 24 - PUBLIC HEALTH**

#### **141. OFFENSIVE CONDITIONS**

A person must not:

- (a) cause; or
- (b) allow to exist on or emanate from any property owned or occupied by or in the charge of that person, any condition that is offensive, unsanitary or liable to be dangerous to health.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

### **DIVISION 25 – BEHAVIOUR**

#### **142. BEHAVIOUR IN MUNICIPAL PLACES**

142.1 A person in any Municipal Place must not behave in a manner which is boisterous or harmful or which causes interference with the quiet enjoyment of any person using the Municipal Place.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

142.2 A person must not behave in any Municipal Place in a way which that is detrimental to the Municipal Place or other Council and Community Assets.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

142.3 An owner or occupier of land must not allow trees, plants or any other matter on

his or her land to cause damage to or interfere with a Municipal Place.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

142.4 Where the Council is of the opinion that trees, plants or any other matter or land are causing damage to or interfering with a Municipal Place, it may serve a Notice to Comply on the owner or occupier of the land.

142.5 A person must not, without a permit, destroy, damage or interfere with or attempt to destroy, damage or interfere with any trees and plants in any Municipal Place or under the care and management of the Council.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

142.6 A person must not in a Municipal Place:

- (a) act in a way which endangers any person; or
- (b) use or attempt to use any volatile, explosive or flammable matter; or
- (c) damage, destroy, write on, interfere with, remove from or affix to any building, improvement, furniture, fitting or equipment or other structure of any kind; or
- (d) destroy, pull down, obliterate or deface a sign put in place or erected by the Council; or
- (e) spit or expectorate; or
- (f) carry firearms unless specifically authorised to do so under the Firearms Act 1958; or
- (g) shoot, snare, molest, injure or in any way harm or interfere with any bird or animal, or attempt to shoot, snare, molest, injure or in any way harm or interfere with any bird or animal.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

142.7 Paragraphs (c), (f) and (g) of sub-clause 142.6 do not apply to an authorised officer, or another person acting in the course of their duty with a member of the Police Force or an Emergency Service or to a person acting in accordance with a request by or the permission of the Council.

## **DIVISION 26 - SMOKING**

### **143. SMOKING IN MUNICIPAL PROPERTIES AND MUNICIPAL PLACES**

143.1 The Council may declare any Municipal Property or Municipal Place or any part of a Municipal Property or Municipal Place to be a smoke free area.

143.2 The Council must cause signs to be displayed in any Municipal Property or Municipal place or any part of a Municipal Property or Municipal Place which it has

declared to be a smoke free area.

143.3 Where the whole of a Municipal Property or Municipal Place is declared to be a smoke free area, it will be sufficient to display signs indicating the property as a smoke free or non smoking area at the main entrance (or entrances where there are more than one main entrance) to the property.

143.4 A person must not smoke in or on any Municipal Property or Municipal Place or any part of the Municipal Property or Municipal Place which has been declared to be a smoke free (or no smoking) area.

**Penalty: 10 Penalty Units.**

**Infringement Penalty: 2 Penalty Units.**

143.5 Where the Council fails to erect and maintain signs in accordance with sub-clauses 143.2 and 143.3 it cannot proceed to prosecute a person for an offence under sub-clause 143.4.

## **DIVISION 27 - CONSUMPTION OF ALCOHOL**

### **144. MUNICIPAL PLACES WHERE ALCOHOLIC BEVERAGE MAY NOT BE CONSUMED OR POSSESSED**

144.1 A person must not, without a permit, consume or have in his or her possession or under his or her control any alcoholic beverage, other than in a sealed container, in or on any Municipal Place located within the area shown on Map 1, 2, 3, 4 or 5 of Schedule 2 contained within the thick dark line and marked with the letters 'CBD' unless the Municipal Place is a licensed premises or authorised premises.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

144.2 A person must not, without a permit, consume or have in his or her possession or under his or her control any alcoholic beverage, other than in a sealed container, in or on any Municipal Place located outside the area referred to in sub-clause 144.1 other than during the hours between:

- (a) 8.00 a.m. and 6.00 p.m. eastern standard time; or
- (b) 8.00 a.m. and 8.00 p.m. during the time in which daylight saving time operates in Victoria;

unless the Municipal Place is a licensed or authorised premises.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

## **DIVISION 28 - USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS**

**145. USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS**

145.1 A person must not, while present in a Recreation Centre or on a Public Reserve and Recreation Ground:

- (a) climb, jump or get upon or over any wall, fence, gate, seat or other structure; or
- (b) use an amplifier or electronic device other than in a manner and location permitted by the Council or an authorised officer; or
- (c) use any children's playground equipment other than for the purpose for which it was provided; or
- (d) swim in, wade through, or enter for recreational purposes, or fish in any lake, pond or excavation containing water, or attempt to catch, injure or kill any animal contrary to any sign; or
- (e) throw, place or cause or allow to be thrown or placed any liquid, stone, stick, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond, fountain or any other body of water; or
- (f) enter any areas which are set aside for planting or growing of plants excepting the undertaking of approved works, where the person is, or is a volunteer directly supervised by, an employee of the Council, a person contracted to the Council for the purpose, a member of the relevant Committee of Management, or a member of that venue's approved committee or friends group; or
- (g) fly or permit to be flown any model aeroplane, aircraft or similar apparatus of any kind, excluding a kite, but including any audible motor-propelled device; or
- (h) undertake or organise activities for commercial gain, including commercial tour operations, and commercial providers of recreational activities (personal trainers use of facility) without a permit and payment of the prescribed fee.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

145.2 An owner or occupier of land adjoining a public reserve or recreation ground must not without a permit:

- (a) install, or permit to be installed, a gateway on or other means of access to or from the Recreation Centre or Public Reserve and Recreation Ground; or
- (b) allow vehicular access from their land to public reserve or recreation ground.

**Penalty: 20 Penalty Units.**

**Infringement Penalty: 5 Penalty Units.**

## **PART 7 - ENFORCEMENT AND PENALTIES**

### **146. POWERS OF AUTHORISED OFFICERS**

If an authorised officer considers that there has been a breach of this Local Law, including a breach of any conditions of a permit, the authorised officer may take any or all of the actions provided in this Local Law and may:

- (a) direct the person to cease the activity breaching the Local Law; or;
- (b) give a verbal warning the person who is breaching the Local Law; or
- (c) issue an official warning in accordance with the Infringements Act 2006; or
- (d) serve a Notice to Comply to remedy the breach; or
- (e) issue an infringement notice in accordance the Infringements Act 2006.

### **147. OFFENCES**

147.1 Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

147.2 Where any provision in this Local Law requires that something must not be done any person who does that act is guilty of an offence.

147.3 Where any provision in this Local Law requires that something may not be done between specified hours of the day or night during specified months of the year, on days falling within specified categories\* or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, or at the location or a specified part is guilty of an offence.

*\*e.g. acute fire danger days.*

147.4 Where any provision in this Local Law requires that a person obtain a permit from the Council before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current permit issued by the Council (unless the Council, in its discretion, has waived the requirement for a permit).

147.5 Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a permit is guilty of an offence.

147.6 Where any offence arises under this Local Law in respect of which a specific penalty has not been indicated, the penalty for that offence is 10 penalty units and the Infringement Penalty is 2 Penalty Units.

147.7 A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding 20 penalty units.

### **148. POWER TO SERVE INFRINGEMENT NOTICES**

An authorised officer may serve an infringement notice on a person who the authorised officer has reason to believe has committed an offence against this Local Law

An offence referred to in this clause is an infringement offence within the meaning of the Infringements Act 2006.

## **PART 8 - DELEGATIONS**

### **149. DELEGATIONS**

In accordance with section 114 of the Act, the Council hereby:

- (a) delegates to the Chief Executive Officer and to each Senior Officer and to any person for the time being acting for such persons all the powers, discretions, authorities and considerations of the Council under this Local Law including (but not limited to) the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, required additional information, apply standards or guidelines or policies of the Council, consider appeals and waive the need for any permit or waive or fix or reduce any fee or charge or to do any act, matter or thing necessary for or incidental to the performance or exercise of any function or power by the Council; and
- (b) delegates to each authorised officer the powers, discretions and authorities to act on behalf of Council in performing any duty or function or in exercising any discretion of the Council specified in this Local Law.

## **PART 9 - SCHEDULES**

### **SCHEDULE 1: AREAS OF RESPONSIBILITY**

<b>Clause</b>	<b>Responsibility</b>
<b>DIVISION 1 - OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND VEHICLES</b>	
28	Trees and plants not to obstruct or obscure Local Laws
29	Fences, signs, posts, and other objects Local Laws
<b>DIVISION 2 – ROAD NAMES AND PROPERTY NUMBERS</b>	
30	Council to approve road names
31	Property numbers to be displayed Local Laws
32	Incorrectly displaying property numbers Local Laws
<b>DIVISION 3 - VEHICLE CROSSINGS</b>	
33	A vehicle crossing is required Asset Protection
34	A permit is required Asset Protection
35	Redundant vehicle crossings Asset Protection
36	Vehicle crossings in disrepair Asset Protection
<b>DIVISION 4 – LIVESTOCK ON ROADS</b>	
37	Driving and crossing of livestock on roads Local Laws & Traffic Engineering
38	Grazing of livestock on roads Local Laws & Traffic Engineering
39	Exempt areas - places where the driving or grazing of livestock Local Laws & Traffic Engineering
40	Livestock grazing, driving and crossing permit conditions Local Laws & Traffic Engineering
41	Notice of permit is required Local Laws & Traffic Engineering
42	Power to impound livestock Local Laws
<b>DIVISION 5 - SHOPPING TROLLEYS</b>	
43	Leaving shopping trolleys Local Laws
44	Misuses of shopping trolleys Local Laws
45	Impoundment of shopping trolleys Local Laws



**DIVISION 6 - CONTROL OF TOY VEHICLES AND MODEL AEROPLANES**

46	Model aeroplanes and drones	Local Laws
47	Control of toy vehicles	Local Laws
48	Designated areas	Local Laws

**DIVISION 7 – RIDING OF HORSES IN BUILT UP AREAS**

49	Riding horses on naturestrips, public reserves, recreation	Local Laws
50	Written permission	Local Laws

**DIVISION 8 – STATIONARY HEAVY VEHICLES**

51	Parking vehicles over 4.5 tonnes on residential land	Local Laws
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**DIVISION 9 – ADVERTISING SIGNS**

52	Erecting or placing advertising signs	Local Laws
53	Exempt signs	Local Laws
54	Impounding signs	Local Laws

**DIVISION 10 – DISPLAY OF GOODS FOR SALE**

55	Locating goods for sale	Local Laws
56	Goods left on roads	Local Laws

**DIVISION 11 – TRADING FROM A ROAD OR TO A PERSON ON A ROAD**

57	Permit required for roadside trading	Local Laws
58	Trading to a person on a road	Local Laws
59	Regulation of trading sites	Local Laws
60	Impounding of goods and equipment	Local Laws

**DIVISION 12 – OUTDOOR EATING FACILITIES ON ROADS.**

61	Establishing a temporary outdoor eating facility	Local Laws
62	Use of outdoor eating facility	Local Laws
63	Permit conditions for Temporary Outdoor Eating Facility	Local Laws
64	Removing the facility	Local Laws

**DIVISION 13 – BULK RUBBISH CONTAINERS**

65	Placing bulk rubbish containers, naturestrips and council Land	Local Laws
66	Container left on a road, naturestrip and council land	Local Laws

**DIVISION 14 – OCCUPATION OF THE ROADS**

67	Road occupation	Local Laws & Traffic Engineering
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68	Reinstatement works	Local Laws & Traffic Engineering
69	Impounding of equipment	Local Laws & Traffic Engineering
70	Works of service authorities	Local Laws & Traffic Engineering

**DIVISION 15 – DEPOSITED SUBSTANCES**

71	Substances from vehicles, animals and livestock	Local Laws
72	Removal of substances	Local Laws

**DIVISION 16 – EVENTS, STREET PARTIES, STREET FESTIVALS, PROCESSIONS, FIREWORKS, BUSKING, CIRCUSES AND CARNIVALS**

73	Occasional events in council's parks /gardens & recreational	Events
74	Community, special and major events	Events
75	Permits for street party, street festival, special event or	Events
76	Permits for community markets	Events
77	Public places	Events
78	Cancellation of permit	Local Laws & Events
79	Direction to cease event	Events
80	Discharge of fireworks	Local Laws & Events
81	Discharge of internal fireworks	Events
82	Directions to cease fireworks	Local Laws & Events
83	Busking and street entertainment	Local Laws & Events
84	Directions to cease busking	Local Laws & Events
85	Circuses and carnivals	Events

**DIVISION 17 - COLLECTIONS ON ROADS**

86	Collections	Local Laws
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**DIVISION 18 - VEHICLES AND OTHER OBSTRUCTIONS**

87	Derelict and abandoned vehicles	Local Laws
88	Repair of vehicles and storage of vehicles	Local Laws
89	Removal of unlawfully parked and/or obstructing vehicles	Local Laws
90	Other obstructions	Local Laws
91	Authorised officer may mark tyres	Local Laws
92	Parking bay reservation	Local Laws
93	Vehicle use on council land	Local Laws
94	Recreational vehicles and vehicle tracks on private property	Local Laws

**DIVISION 19 - SAFETY, PEOPLE AND PROPERTY**

95	Dangerous and unsightly land	Local Laws
96	Dilapidated buildings	Local Laws & Building
97	Electric fence	Local Laws
98	Boat ramps	Local Laws & Recreation
99	Waterway behaviour	Local Laws & Recreation
100	Code red fire danger rating day	Emergency Management
101	Open air burning	Local Laws & Emergency Management
102	Use of a barbecue	Local Laws
103	Fires for personal warmth	Local Laws & Emergency Management
104	Burning in an incinerator	Local Laws
105	Chimneys/wood stoves	Building/Health & Local Laws
106	Direction to extinguish a fire.	Local Laws & Emergency Management
107	Clothing recycling bins	Local Laws
<b>DIVISION 20 - THE ENVIRONMENT</b>		
108	Camping	Local Laws
109	Caravans as temporary accommodation	Health
110	Placement of caravans on private property	Local Laws
111	Noise	Local Laws & Health
<b>DIVISION 21- KEEPING OF ANIMALS</b>		
112	Keeping of animals	Local Laws
113	Dogs and cats on farming properties	Local Laws
114	Maximum number of dogs and cats on any land	Local Laws
115	Litters of animals	Local Laws
116	Livestock kept unsecured	Local Laws
117	Caged birds	Local Laws & Health
118	Free flying pigeons	Local Laws & Health
119	Animal excrement	Local Laws
<b>DIVISION 22 - DISPOSAL OF WASTE</b>		
120	Domestic waste	Waste Management & Local Laws
121	Type of domestic waste and recycling receptacles	Waste Management & Local Laws
122	Placement of domestic waste and recycling containers	Waste Management & Local Laws
123	Removal of bins and any spillage	Waste Management & Local Laws

124	Unauthorised use of receptacles	Waste Management & Local Laws
125	Prohibited waste	Waste Management & Local Laws
126	Recycling and hard garbage collection	Waste Management & Local Laws
127	Commercial/industrial waste and waste skips	Waste Management & Local Laws
128	Trade waste and waste hoppers (including recycling bins)	Waste Management & Local Laws
129	Use of transfer stations and landfill sites by residents	Waste Management & Local Laws
130	Use of transfer stations and landfill sites by non residents	Waste Management & Local Laws
131	Conduct at transfer stations/landfill	Waste Management & Local Laws
132	Access to tipping face	Waste Management & Local Laws
133	Dumping of ice chests, trunks or similar containers	Waste Management & Local Laws
134	Scavenging at transfer stations/landfill	Waste Management
135	Transfer station second hand goods shop	Waste Management

**DIVISION 23 - GREY WATER, STORMWATER DRAINS AND PRIVATE DRAINS**

136	Drainage tappings	Local Laws & Health
137	Interference with water course	Local Laws & Health
138	Grey water	Local Laws & Health
139	Stormwater drains	Local Laws & Health
140	Private drains	Local Laws & Health

**DIVISION 24 - PUBLIC HEALTH**

141	Offensive conditions	Local Laws & Health
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**DIVISION 25 - BEHAVIOUR**

142	Behaviour in municipal places	Local Laws
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**DIVISION 26 - SMOKING**

143	Smoking in municipal properties and municipal places	Local Laws & Health
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**DIVISION 27 - CONSUMPTION OF ALCOHOL**

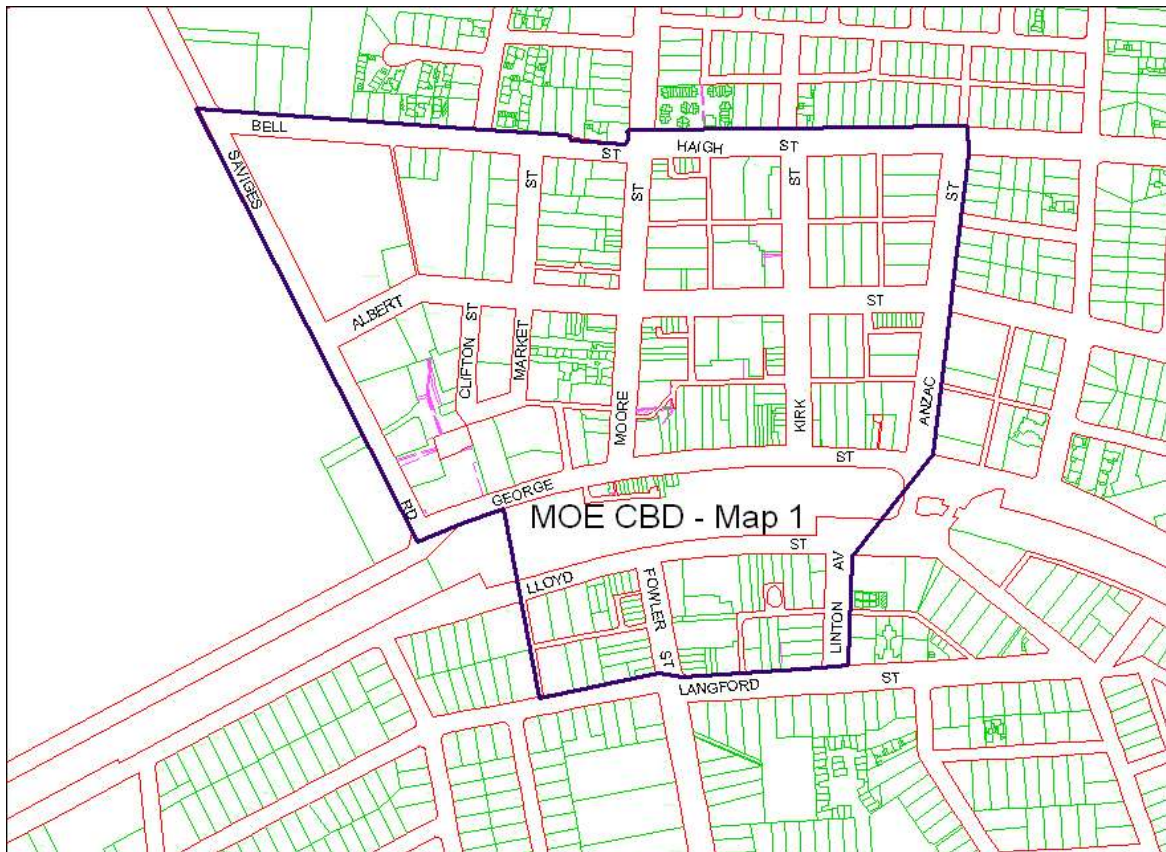
144	Municipal places where alcoholic beverage may not be consumed	Local Laws
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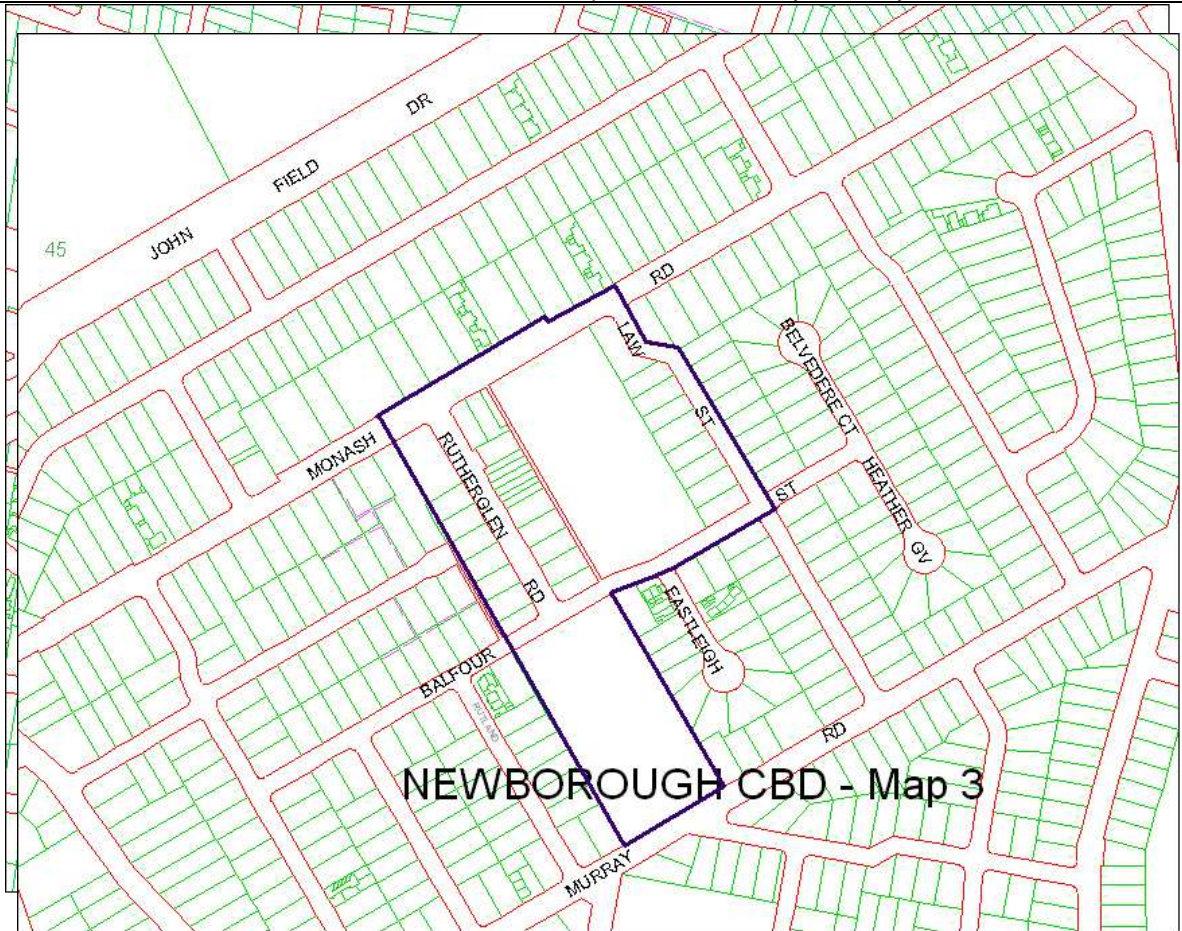
**DIVISION 28 - USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS**

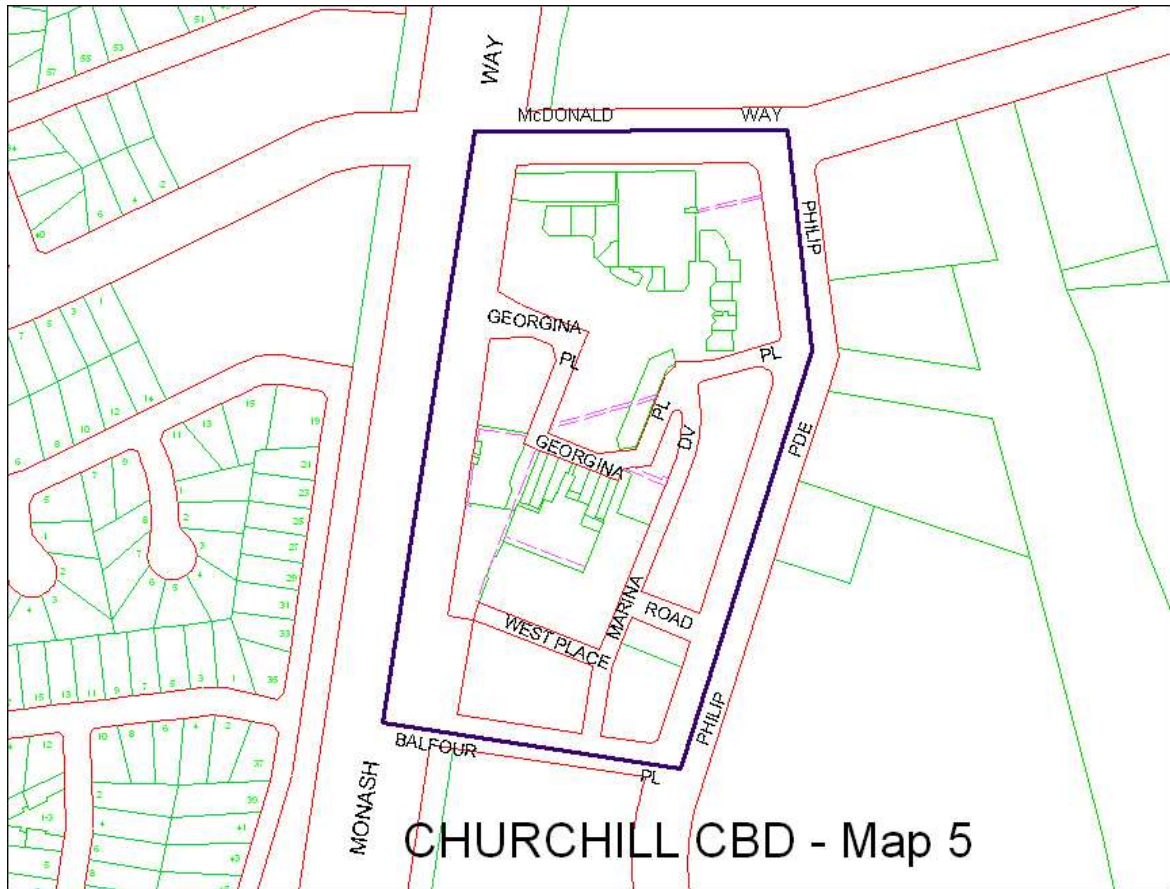
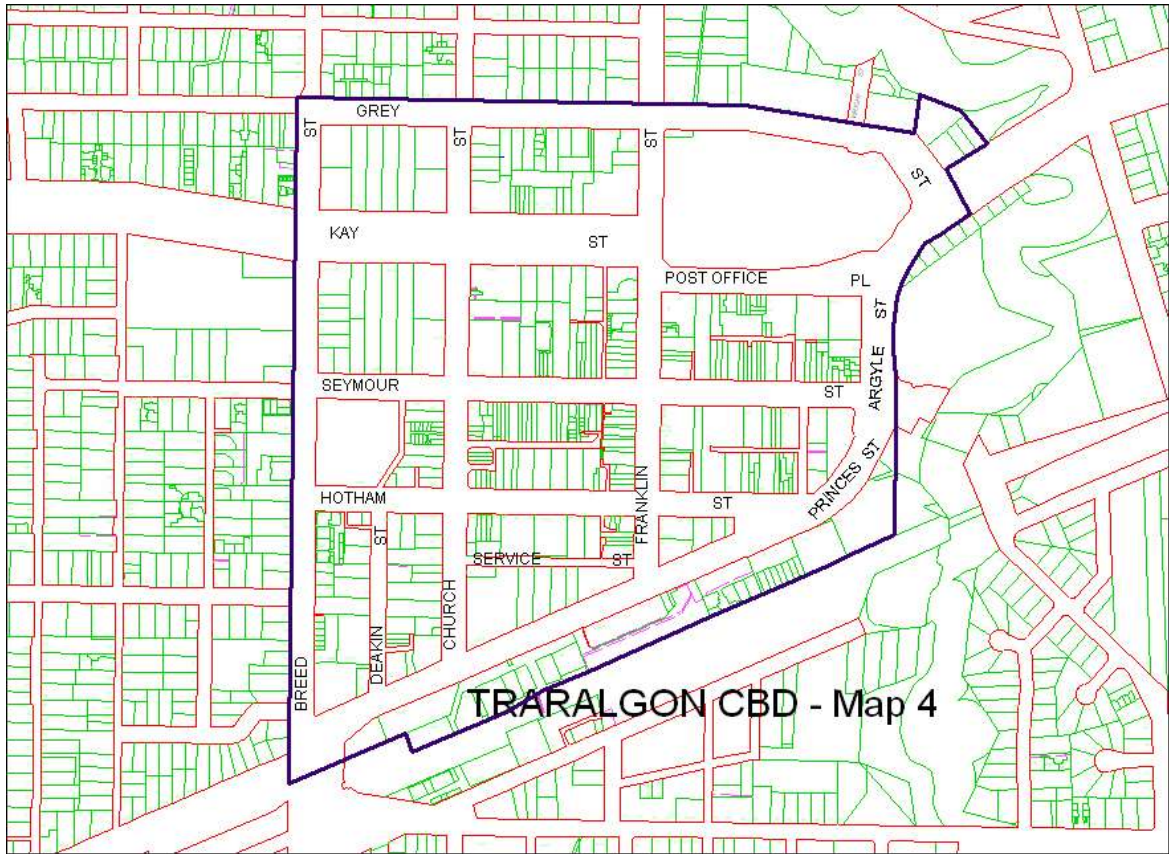
145	Use of council recreation centres, public reserves and	Local Laws & Recreation
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## SCHEDULE 2 (CLAUSE 144) - LATROBE CITY COUNCIL MUNICIPAL PLACES WHERE LIQUOR MAY NOT BE CONSUMED

A person must not consume any liquor, have in his or her possession or under his or her control, any liquor other than in a sealed container, in or on any Municipal place which is located within the area shown on Maps 1, 2,3,4, and 5 contained within the thick dark line and marked with the letters 'CBD', attached to this Schedule, unless the Municipal place is a licensed premises or authorised premises under the Liquor Control Act 1987.







**PART 10 - CERTIFICATION OF LOCAL LAW**

This is to certify that the writing above contained on 180 pages of paper is a true copy of the Local Law of the Latrobe City Council and that I have informed Council of the legislative requirements necessary to giving validity to such Local Law and as to Council's observance and belief that such requirements have been fulfilled. And I further certify that such Local Law came into force on ##.

The Common Seal of Latrobe City Council )  
was hereunto affixed on this ## day of )  
## in the presence of: )

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Chief Executive Officer

Seal



**14.2 PLANNING SCHEME AMENDMENT C89 - 145 TRARALGON  
MAFFRA ROAD, TRARALGON - CONSIDERATION OF PANEL  
REPORT**

**General Manager**

**City Development**

**For Decision**

**PURPOSE**

The purpose of this report is for Council to consider the Planning Panel report received for proposed Planning Scheme Amendment C89 and planning permit application and to seek approval to progress the amendment to the next stage.

**EXECUTIVE SUMMARY**

Amendment C89 proposes to rezone land at part 145 Traralgon – Maffra Road, Traralgon from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z), apply maximum leasable floor areas in the Schedule to the C1Z and insert a supporting strategy and amend the Traralgon Structure Plan at Clause 21.05 of Council’s Municipal Strategic Statement (MSS). The purpose of the amendment is to allow the site to be developed as a neighbourhood activity centre.

The amendment also includes a combined planning permit application (under s96A of the *Planning and Environment Act 1987*) that would allow the development of a supermarket and shops, two lot subdivision, removal of native vegetation, reduction of the car parking requirement and creation of access to a Road Zone Category 1 (Traralgon – Maffra Road).

A draft Neighbourhood Activity Centre Development Plan (the NAC Development Plan) for the site is also proposed to provide a clear framework for the uses and scale of development that is supported for the site. The draft NAC Development Plan was exhibited as a supporting document to the amendment.

Amendment C89 was placed on public exhibition during the period 16 July 2015 to 7 September 2015. Following public exhibition of the amendment 29 public submissions were received, comprising 22 submissions of support and seven submissions opposed. Six submissions were also received from referral agencies.

At the Ordinary Council Meeting held on 5 October 2015 Council resolved the following;

1. *Having considered all written submissions received to Amendment C89 and draft Planning Permit 2015/113 requests the Minister for Planning establish a planning panel to consider submissions for Amendment C89 and prepare a report.*
2. *Advises those persons who made written submissions to Amendment C89 of Council’s decision.*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

A Planning Panel was appointed to consider all submissions received to Amendment C89. The Planning Panel hearing was held on the 7 and 9 December 2015 at the Traralgon Service Centre.

A Panel Report was received on 2 February 2016. The Panel Report was made available to the public on Friday 12 February 2016.

### RECOMMENDATION

**That Council:**

- 1. Having considered the Planning Panel report recommendations for Amendment C89 adopts Amendment C89 with changes, in accordance with Section 29 of the *Planning & Environment Act, 1987*.**
- 2. Submits Amendment C89 (once adopted) to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*.**
- 3. Advises those persons who made written submissions to Amendment C89 of Council's decision.**

### DECLARATION OF INTEREST

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

### STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

#### *Latrobe 2026: The Community Vision for Latrobe Valley*

##### *Strategic Objectives – Built Environment*

*In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings, and which provides for a connected and inclusive community.*

##### *Strategic Objectives – Economy*

*In 2026, Latrobe Valley has a strong and diverse economy built on innovation and sustainable enterprise. The vibrant business centre of Gippsland contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.*

##### *Strategic Objectives – Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

*Theme 1: Job creation and economic sustainability*

*Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major regional cities.*

*Actively pursue further diversification of business and industry in the municipality.*

*Actively pursue and support long term job security and the creation of new employment opportunities in Latrobe City.*

*Theme 2: affordable and sustainable facilities, services and recreation*

*To promote and support a healthy, active and connected community.*

*To provide facilities and services that are accessible and meet the needs of our diverse community.*

*Theme 5: Planning for the future*

*To provide a well planned, connected and liveable community.*

*To provide clear and concise polities and directions in all aspects of planning.*

*Strategic Direction – Planning for the Future*

*Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.*

*Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.*

*Legislation*

*The provisions of the Latrobe Planning Scheme and the following legislation apply to this amendment:*

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Transport Integration Act 2010*

**BACKGROUND**

A request was received from NBA Group Pty Ltd, on behalf of Stable Property Investments Pty Ltd, to amend the Latrobe Planning Scheme, together with a combined planning permit application, to facilitate the development of a supermarket and shops at part 145 Traralgon-Maffra Road, Traralgon.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

The subject land is located on the north-west corner of Traralgon-Maffra Road and Marshalls Road, Traralgon (refer to the Site Context Plan at Attachment 1). It is currently undeveloped and forms part of the Traralgon North Development Plan (TNDP) which is approved by Council on 7 October 2013. The TNDP provides for the development of 118.6ha of land to create approximately 1077 new residential lots. The TNDP identifies the subject site for a potential growth corridor supermarket, subject to further strategic analysis and rezoning. This amendment process provides such analysis and proposed rezoning.

The purpose of the amendment is to allow the development of a neighbourhood activity centre to support Traralgon's growth by providing access to conveniently located retail facilities and services that meet the local convenience needs of the existing and future community in the Traralgon North growth area and surrounds. The proposal would also create approximately 200 new, ongoing employment opportunities and support Traralgon as Latrobe City's primary regional centre.

Specifically, the amendment proposes to:

- Rezone 2.3ha of land on the corner of Traralgon-Maffra Road and Marshalls Road from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z);
- Apply maximum leasable floor space areas of 4700sqm for shop and 780sqm for office in the Schedule to the C1Z; and
- Insert a strategy and amend the Traralgon Structure Plan at Clause 21.05 (Main Towns).

While the planning scheme amendment and planning permit application will be assessed as a combined process, the determination of the planning permit for development will be subject to the outcome of the proposed amendment. The permit application is for:

The development of a supermarket and supporting shops and services;

- A two lot subdivision;
- Removal of native vegetation;
- A reduction in the car parking requirement; and
- Creation of access to a Road Zone Category 1 (Traralgon-Maffra Road).

Amendment C89 was placed on public exhibition during the period 16 July 2015 to 7 September 2015 (7 weeks). Following public exhibition 29 public submissions were received, comprising 22 submissions of support and seven submissions opposed. Six submissions were also received from referral agencies.

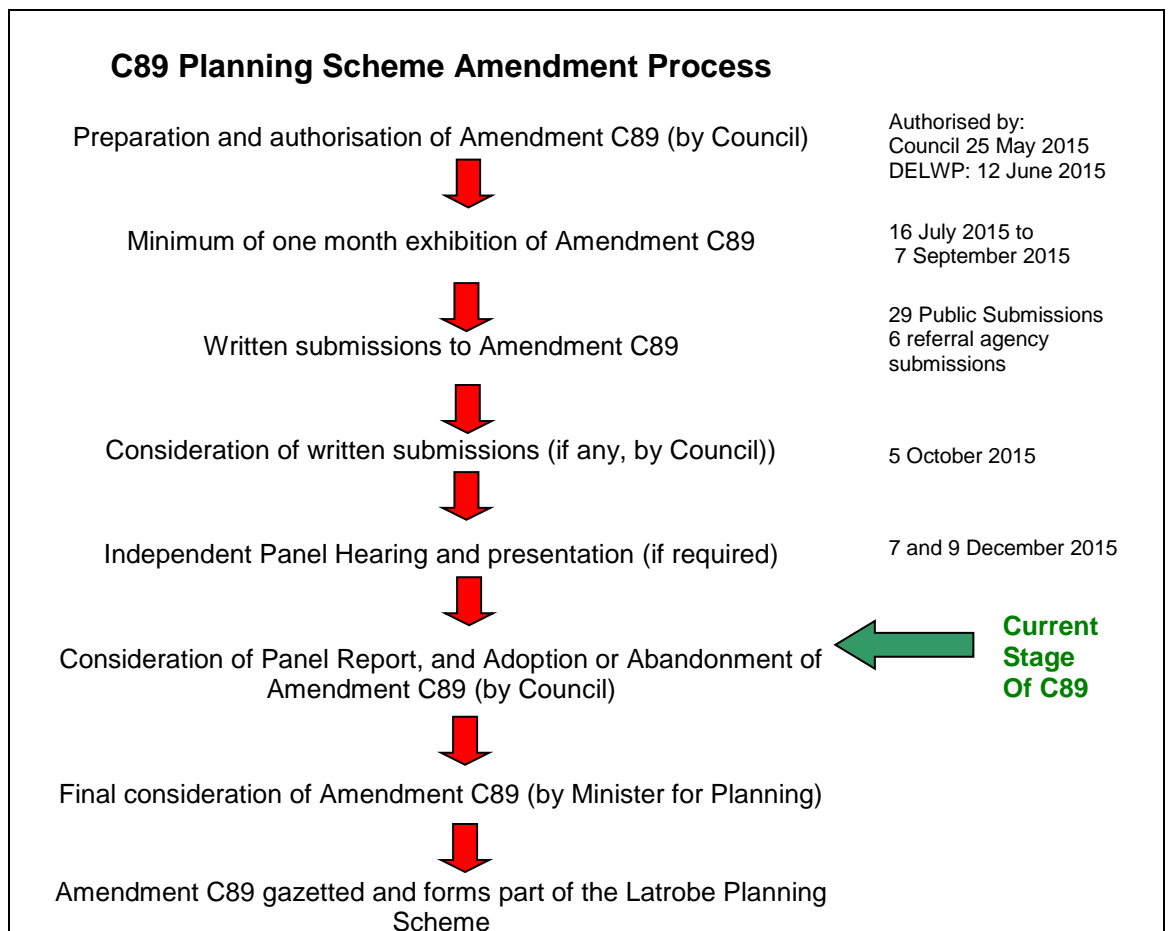
At the Ordinary Council Meeting on 5 October 2015 Council considered all written submissions to Amendment C89 and resolved to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

A Planning Panel was held on Monday 7 December and Wednesday 9 December 2015 at the McFarlane Burnett Room, Traralgon Service Centre, Kay Street, Traralgon for all submitters who wished to be heard. The Planning Panel Report was received by Latrobe City Council on 2 February 2016.

### Statutory Requirements

The C89 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C89.



In accordance with the *Planning and Environment Act 1987* (the Act), the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;

Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

Amendment C89 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Environment, Land, Water and Planning's (DELWP) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report, (see Attachment 2).

The proposal is consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS). This is also explained in the attached Explanatory Report, (see Attachment 2).

### Planning Scheme Amendments

At the 5 October 2015 Ordinary Council Meeting, Council considered all submissions received to Amendment C89 and requested a planning panel be appointed in accordance with Section 22 and 23 of the Act.

Section 27(1) of the Act requires Council to consider the panel's report before deciding whether or not to adopt the amendment. Section 29(1) of the Act enables Council after complying with the relevant sections of the Act, to adopt the amendment or that part with or without changes.

The recommendations of the report are in accordance with section 27(1) and 29(1) of the Act.

### INTERNAL/EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 96C of the Act. This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

All statutory and servicing authorities (referral agencies) likely to be materially affected have also been notified of the proposed amendment.

An 'open house' community information session was held at the McFarlane Burnett Room in Traralgon on 30 July 2015 between 5.00pm and 7.00pm. Approximately 14 people attended the information session.

Council officers also met with one landowner in the surrounding area for a one on one discussion at the landowner's request.

### Public Submissions

Amendment C89 was placed on public exhibition during the period 16 July 2015 to 7 September 2015. During the exhibition period 29 written submissions were received by Latrobe City Council to C89 and these were considered at the Ordinary Council Meeting on 5 October 2015.

A Directions Hearing was held on 11 November 2015, at McFarlane Burnett Room, Traralgon. The Panel Hearing was then held on Monday 7 December 2015 and Wednesday 9 December 2015 at the McFarlane

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

Burnett Room, Traralgon. All 29 written submissions were considered by the Panel.

Latrobe City Council received the Panel Report on 2 February 2016 and it was made available to the public on 12 February 2016 (Attachment 3).

On 12 February 2016 letters were sent to all submitters advising them of the panel report and inviting all submitters to attend a Public Presentation hearing on 22 February 2016.

At the 22 February 2016 Public Presentations meeting one submitter spoke and lodged a petition regarding the proposed Supermarket. The petition has been assessed against Local Law No. 1 and the petition cannot be accepted as it relates to a Planning Permit Application.

### **KEY POINTS/ISSUES**

The Planning Panel report makes two recommendations for Council consideration.

The Planning Panel report recommends that:

1. *Amendment C89 to the Latrobe Planning Scheme be adopted as exhibited, subject to the Schedule to the Commercial 1 Zone as show in Appendix C to this report.*
2. *Planning Permit 2015/113 be approved subject to the changes as shown in Appendix D to this report.*

The changes made to the Commercial 1 Zone and the Planning Permit 2015/113 were changes as suggested by Latrobe City Council in response to submissions received during the exhibition period. The proposed changes were presented by Latrobe City Council officers at the Direction and Panel Hearing.

In making their recommendations, the Planning Panel considered all submissions made to Amendment C89. The Planning Panel considered the following issues raised in the submissions:

- Planning context
- Population projections and residential demand
- The most appropriate location
- Economic impact of the proposal
- Floor Space caps
- Traffic Issues
- Amenity Issues
- Form and content of the proposed Amendment and permit

All issues raised in the submissions were considered and the Panel concluded that:

- *The Amendment is strategically well founded*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

- *The provision of a neighbourhood activity centre is justified by the projected population growth expected in the north of Traralgon.*
- *On balance, the subject site is a suitable location for a neighbourhood activity centre. The proposed changes to the Traralgon Structure Plan at Clause 21.05 are appropriate.*
- *Development of the Marshalls Road NAC, including the proposed full-line supermarket, will have a temporary and limited adverse impact on the Traralgon CBD and local centres within its catchment, but that this impact is unlikely to be of a scale that would materially affect the ability of the CBD or the local centres to fulfil their role in the Traralgon retail hierarchy.*
- *There is a net community benefit in approval of the current Amendment.*
- *The proposed floor space caps, as amended are appropriate.*
- *The planning permit should be revised to incorporate the new condition 54 in relation to possible future works at the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon – Maffra Road, as proposed by Council and accepted by the Proponent.*
- *The proposed parking reduction is appropriate*
- *The other conditions proposed in the revised draft planning permit are appropriate.*

In summary, the Panel found that the location and size of the NAC is deemed appropriate to meet the future demands of the Traralgon North area. The impact within the CBD and surrounding areas will be limited. Any traffic or amenity issues are able to be dealt with through conditions on the planning permit. Therefore, the approval of Amendment C89 will provide a net community benefit.

A response to the recommendations provided by the Planning Panel is discussed below.

### Changes to Commercial 1 Zone Schedule

The Schedule to the Commercial Zone 1 was exhibited with a maximum leasable floor area (m<sup>2</sup>) for office at 780m<sup>2</sup> and a maximum leasable floor area (m<sup>2</sup>) for shop (other than restricted retail premises) at 4700m<sup>2</sup> (see Attachment 4).

Following the Directions Hearing on 11 November 2015, the Panel had requested that council officers provide the rationale on the floor space limits as there seemed to be a discrepancy to what was exhibited and what was provided in the Economic Impact Assessment by Marco Plan.

In preparation for the Panel Hearing, it was noted that there was an error in the exhibited documents. An updated Schedule to the Commercial 1 Zone was prepared and provided to correct this discrepancy. The Schedule to the Commercial 1 Zone now shows the maximum leasable floor area (m<sup>2</sup>) for office at 990m<sup>2</sup> and a maximum leasable floor area



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

(m2) for shop (other than restricted retail premises) at 4500m2 (See Attachment 5).

The Planning Panel supported the proposed change to the Schedule of the Commercial 1 Zone.

### Changes to the Planning Permit

In the response to submissions received changes were agreed to be made to the Planning Permit to respond to concerns raised. In particular changes were made to address issues relating to noise, vegetation, traffic, design and mandatory conditions. These changes to the planning permit were presented to the Panel at the Directions Hearing and through Latrobe City Council's submission to the Panel. Table 1 identifies the proposed changes.

Table 1 – Proposed Changes to Planning Permit

Condition	Description of change
Condition 1 – amended	New conditions (a) to (j) inserted. (a) to (h) – clarifications and greater detail to plans (i) – to reflect Developer Contributions within Traralgon North Development Plan as updated in 2015. (j) – Recommended in VicRoads submission (item 1 of submission)
Condition 27 – new	Requires a noise assessment to be undertaken within 6 months of the use commencing demonstrating compliance with SEPP N-1. To strengthen enforcement of Condition 26 in response to submissions regarding noise.
Condition 31 – new Condition 32 – new	Additional conditions relating to native vegetation offsets as recommended in DELWP submission. It is noted that recommended conditions 1, 2 and 3 in DELWP submission are already implemented through Conditions 29 and 30 (previously 28 and 29) with the only difference being some inconsequential wording differences and do not require replacement.
Condition 47 – new	Inserts the mandatory subdivision condition required under Clause 66.01-1 of the Scheme.
Condition 53 – new	Additional condition regarding works and subdivision associated with the arterial road reserve as recommended in VicRoads submission.

As part of VicRoads submission they recommended that a further condition be included which would state that:

*The applicant undertakes further traffic analysis (SIDRA) on the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon Maffra Road. As a result of the findings provide any mitigating solutions to ensure no loss of service on the Arterial Road network. This may include, but not be limited to, the requirement to re-phase the signals at these locations. Any associated works will be at no cost to VicRoads.*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

This recommended condition was not considered to be necessary on the basis of traffic justification from O'Brien Traffic (19 October 2015) that was provided by the proponent. The condition was therefore challenged by Latrobe City Council and the proponent at the Panel Hearing.

At the Panel Hearing, the Panel members requested (without prejudice) that Latrobe City Council officers and the proponent provide an alternate condition that might satisfy the concerns made by VicRoads, but without requiring the developer to do works which are considered outside the nexus of the proposal.

On 16 December 2016, Latrobe City Council officers provided an alternate recommended condition that stated the permit operator must:

- a) *Prior to the commencement of the development, undertake traffic analysis (SIDRA) on the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road to identify whether any mitigation measures are required to ensure no loss of service on the Arterial Road network based on the increased traffic movement expected as a result of the approved development only.*
- b) *If mitigation measures are required as per (a) above, provide identification of any such costs associated with these works.*
- c) *The cost apportioned to the development in relation to any mitigation measures required must be based on the percentage increase of the traffic movements at maximum levels as per the approved planning permit and endorsed plans (as amended from time to time).*
- d) *The cost apportioned to the development as per (c) above must be provided prior to certificate of occupancy being issued for the supermarket or as otherwise agreed by the responsible authority.*
- e) *The above conditions must be addressed to the satisfaction of the responsible authority in consultation with VicRoads.*

The recommended changes to the Planning Permit as identified by the Panel are in accordance with Table 1 and the alternate recommendation provided by Latrobe City Council.

Council has a responsibility to ensure that any changes to Amendment C89 post panel report do not impinge on *natural justice* rights of the community or result in C89 being *transformed* into a different proposal to that which was exhibited or from what the panel has recommended.

For Amendment C89 to proceed, Council must now consider the recommendations of the Planning Panel and decide whether to adopt Amendment C89 as exhibited, adopt Amendment C89 with changes or abandon the amendment.

### Petition

A petition was lodged at the 22 February 2016 Public Presentation Meeting and raised the following concerns:

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

- Issues with noise and pollutions
- Rubbish
- Disrupts the peace and order in the area
- Lower the quality of life for residents
- Concerns property value and property

It is noted that this petition has been assessed against Local Law No. 1 and this petition cannot be considered as it relates to a Planning Permit Application.

The issues raised by the petitioner were also raised in the submitter's objection to Planning Scheme Amendment C89. The submitter also presented these concerns to the Planning Panel for Amendment C89. The Planning Panel considered these issues and are satisfied with how they were addressed through Planning Permit conditions.

It is also noted that the petitioner raised some concerns regarding the use of a car wash at this site. It is noted in the draft NAC Development Plan (Attachment 6) does show the potential for a car wash on one of the pad sites; however this does not form part of this application. Any future use of the pad sites has not been determined and will require a further planning permit application to be lodged.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Risk to retail uses in the Traralgon CBD has been considered and there is not expected to be a detrimental impact to the viability of retail uses or the role and function of the CBD.

If the proposal does not proceed, there is a risk that the opportunity for the provision of services to the growth area, creation of jobs and economic benefits would be lost.

If the rezoning was to proceed without the Neighbourhood Activity Centre Development Plan endorsed as an addendum to the TNDP, there is a risk that the site could be developed as a larger centre with greater impact on the Traralgon CBD.

Amendment C89 is not significantly transformed from what was exhibited or from what the panel recommend. There is no risk that the Minister for Planning may not support or refuse to approve C89 and require a new planning scheme amendment to be prepared and re-exhibited.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Interim Regulations 2015*. The costs associated with this stage of the planning scheme amendment include the fee for the panel report and the fee for the

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

Minister's approval of an amendment if the amendment is adopted by Council.

Statutory fees associated with this proposed amendment will be met by the proponent.

### **OPTIONS**

The options available to Council are as follows:

1. That Council, after considering the Planning Panel report recommendations for Amendment C89, resolves to adopt and submit for approval to the Minister for Planning, Amendment C89 with changes.

or

2. That Council, after considering the Planning Panel report recommendations received for Amendment C89, resolves to abandon the exhibited planning scheme amendment C89 and inform the Minister for Planning.

The recommendation to Council is to support option 1. It should be noted that if Council wish to make substantial changes to C89 or abandon parts of C89, there is a risk that the Minister for Planning may refuse to approve C89 and require a new planning scheme amendment to be prepared and re-exhibited.

### **CONCLUSION**

Amendment C89 proposes to rezone land at part 145 Traralgon – Maffra Road, Traralgon from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z), apply maximum leasable floor areas in the Schedule to the C1Z and insert a supporting strategy and amend the Traralgon Structure Plan at Clause 21.05 of Council's Municipal Strategic Statement (MSS). The purpose of the amendment is to allow the site to be developed as a neighbourhood activity centre.

The amendment also includes a combined planning permit application (under s96A of the *Planning and Environment Act 1987*) that would allow the development of a supermarket and shops, two lot subdivision, removal of native vegetation, reduction of the car parking requirement and creation of access to a Road Zone Category 1 (Traralgon – Maffra Road).

The Minister for Planning appointed a Planning Panel to consider all submissions received to Amendment C89. The Planning Panel was held on Monday, 7 December and Wednesday, 9 December 2015.

The Planning Panel report received 2 February 2016. In particular, the Planning Panel report recommends that:

1. *Amendment C89 to the Latrobe Planning Scheme be adopted as exhibited, subject to the Schedule to the Commercial 1 Zone as show in Appendix C to this report.*
2. *Planning Permit 2015/113 be approved subject to the changes as shown in Appendix D to this report.*

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

In Summary the Panel recommends that Amendment C89 be supported with changes.

**SUPPORTING DOCUMENTS**

Nil

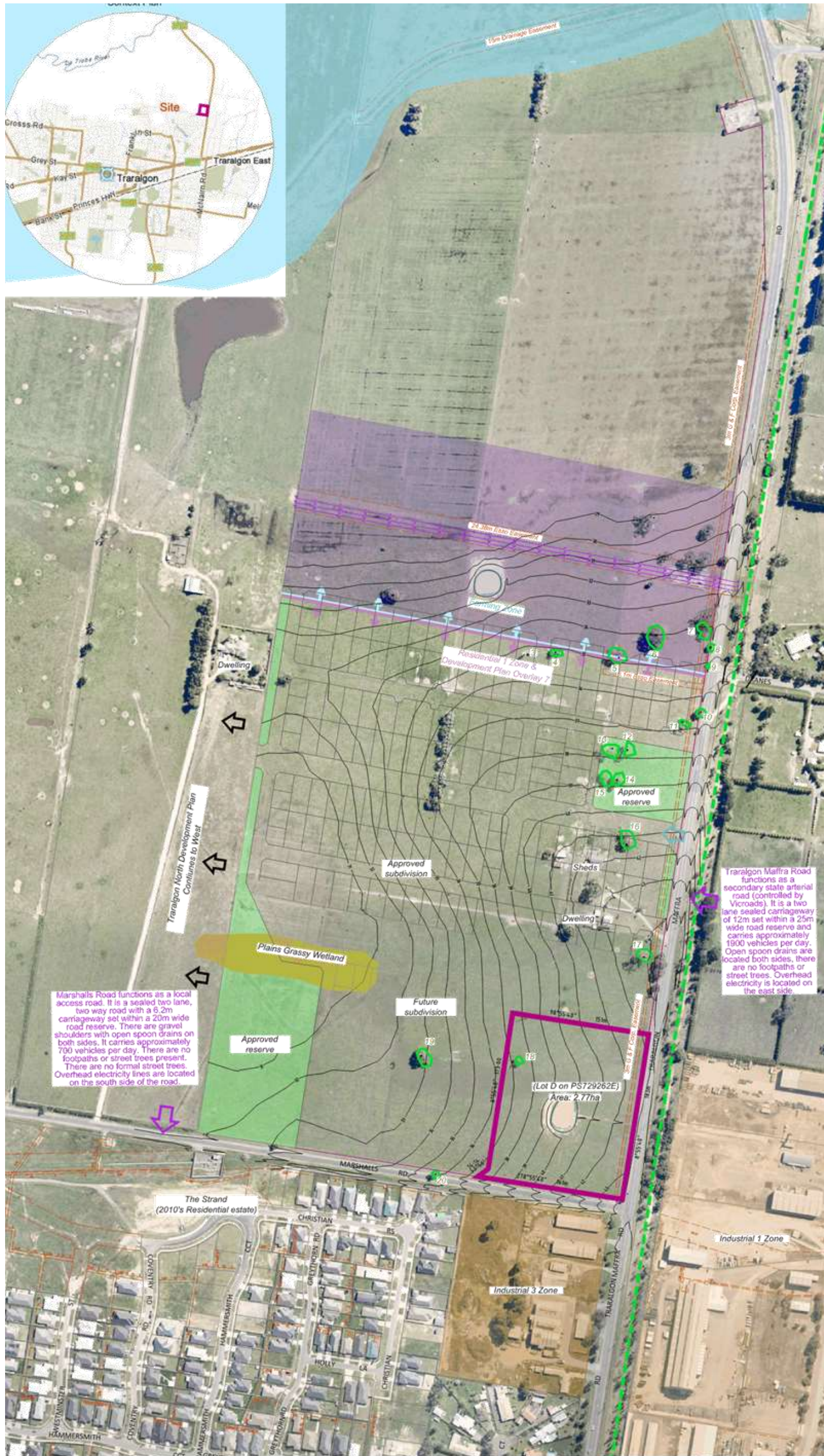
**Attachments**

1. Site Context Plan
2. Explanatory Report
3. Panel Report
4. Commercial 1 Zone Exhibition
5. Commercial 1 Zone Panel
6. Draft NAC Development Plan

## **14.2**

### **Planning Scheme Amendment C89 - 145 Traralgon Maffra Road, Traralgon - Consideration of Panel Report**

<b>1</b>	<b>Site Context Plan .....</b>	<b>205</b>
<b>2</b>	<b>Explanatory Report.....</b>	<b>207</b>
<b>3</b>	<b>Panel Report.....</b>	<b>219</b>
<b>4</b>	<b>Commercial 1 Zone Exhibition .....</b>	<b>301</b>
<b>5</b>	<b>Commercial 1 Zone Panel .....</b>	<b>303</b>
<b>6</b>	<b>Draft NAC Development Plan.....</b>	<b>305</b>



- Notes**
- 1. Site & Surrounds:**  
 The subject site is located on the north-eastern edge of the Traralgon Township, approximately 4km away from the town centre. To the north is farming land utilised for grazing, to the north-east is a pocket of rural living, to the east is an industrial estate, to the south is standard residential development and to the west is farming land that has been identified for residential development. Land to the north has recently been granted approval for residential subdivision and an application for subdivision of land to the west is pending.  
 Nearby community facilities include a maternal and early learning Centre (Park Lane ~1.5km), Latrobe Regional Hospital (town centre ~4km) and Traralgon Primary School (Liddiard Rd ~3km). An aged care facility has also been recently approved by Latrobe City Council on the corner of Park Lane and Marshalls Road (~350m away). A community facility is identified in the Traralgon North Development Plan (TNDP) approximately 650m to the west and a potential supermarket is identified on the south-east corner of the subject site.  
 Nearby recreation facilities include Harold Preston Reserve (Franklin Street ~1.7km) which offers soccer, netball, table tennis & little athletic facilities. It is also utilised for Sports Education & Development Australia school holiday programs. A local park with playground and shaded seating area is located 1.3km (via the road network) southwest on Hammersmith Circuit. Additional local parks that offer footpaths, grassed areas and seating are located at Mayfair Court (~1.5km) and Pepperdine Court (~2km). Sanctuary Lake is located 2km south-west and offers an attractive water body, path network and seating.  
 Bus Route 45 currently commutes along Marshalls Road & Park Lane. Traralgon & Baimsdale V/Line trains also stop at Traralgon Railway Station and a terminus for V/LOCITY trains with direct access to Melbourne is also available.  
 The site itself comprises part of Lot C (which is yet to be formally created). It is vacant and utilised for grazing purposes. A 3m wide Ezzo easement runs along the eastern boundary. Distant views are available to the surrounding mountain ranges.
  - 2. Vegetation:**  
 The area has a long history of grazing and as such comprises mostly of pasture grass. No national or state significant ecological communities have been recorded in the direct area however a patch of Plains Grassy Wetland to the west of the site and a number of scattered indigenous trees are considered to be of high local environmental significance. A single indigenous tree is located on the site. Tree numbers shown hereon correspond to the Flora & Fauna Assessment & Net Gain Analysis, Traralgon North DCP and DP, by Ecology & Heritage Partners.
  - 3. Planning Controls:**  
 The subject land is Residential 1 Zone and covered by the Development Plan Overlay - Schedule 7 (DPO7).
  - 4. Aboriginal Cultural Heritage:**  
 The land is not considered to be culturally sensitive and as such there is no legislative requirement to prepare a Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006.
  - 5. Opportunities:**

    - To take advantage of undeveloped land located within a developing residential area;
    - To provide a supermarket site in accordance with the Traralgon North Development Plan (TNDP);
    - To increase facilities within the local area and encourage walking to daily activities;
    - To take advantage of existing infrastructure;
    - To provide a quality development that responds to the site and surrounds;
    - To provide landscaped buffers to both Marshalls Road & Traralgon-Maffra Road.
  - 6. Constraints:**

    - Location of significant tree;
    - Location of easements along east boundary.
  - 7. This plan is based on the Plan of Survey and information obtained from a site visit. Building footprints, access ways, footpaths and roads have been determined from the aerial photograph and site visit. This plan is schematic and should be used for the purposes of this site analysis only.**

**Legend**

- Site boundary
- Easement
- Key entrance route (as per TNDP)
- Gippsland Plains Rail Trail
- Significant tree
- Other tree
- Plains Grassy Wetland vegetation
- Land Subject to Inundation Overlay
- Design & Development Overlay 1
- Contour Intervals, 1m to AHD

**ISSUED** Millar & Merrigan and the NBA Group acknowledge the use of this drawing only for the purpose identified by the status shown on this drawing. This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. © Millar & Merrigan Pty Ltd and the NBA Group.

**SITE & CONTEXT PLAN**  
 Proposed Supermarket  
 145 Traralgon - Maffra Road, Traralgon  
 Latrobe City Council  
 15534P7\_V1

**Millar & Merrigan Pty Ltd** ACN 005 541 668  
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Planning and Environment Act 1987

**LATROBE PLANNING SCHEME**

**AMENDMENT C89**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by Latrobe City Council which is the planning authority for this amendment.

The amendment has been prepared at the request of Stable Property Investments Pty Ltd C/- NBA Group Pty Ltd.

**Land affected by the amendment**

The land affected by the amendment is part 145 Traralgon-Maffra Road, Traralgon. It is located on the north-west corner of Marshalls Road and Traralgon-Maffra Road, shown in Figure 1 below.

The subject land is known as part Lot A on PS729261 and has an area of approximately 2.3ha.



Figure 1: Subject Site



**What the amendment does**

The amendment seeks to rezone the land from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z), apply maximum floor space areas of 4700sqm and 780sqm for shop and office respectively in the Schedule to the C1Z, and insert a strategy and amend the Traralgon Structure Plan at Clause 21.05 to support the development of a neighbourhood activity centre on the site.

The amendment is made under Section 96A of the *Planning and Environment Act 1987* to facilitate consideration of a combined planning permit application for the development of a neighbourhood activity centre including:

- buildings and works associated with the construction of a supermarket and supporting shops;
- a two lot subdivision to create a separate lot for the site;
- removal of native vegetation (one remnant tree);
- a reduction in the car parking requirement;
- creation of access to a Road Zone Category 1.

The proposed Site Plan for the combined permit application is provided at Attachment 1 to this explanatory report. The full set of plans and supporting reports are provided separately.

A draft Traralgon North Neighbourhood Activity Centre Development Plan (the NAC Development Plan) is also proposed as a supporting document to the amendment. The NAC Development Plan would be endorsed under the existing Development Plan Overlay – Schedule 7 (DPO7) as an addendum to the existing Traralgon North Development Plan (TNDP) which covers the site and the surrounding growth area.

**Strategic assessment of the amendment****• Why is the amendment required?**

The purpose of the amendment is to allow the site to be developed as a neighbourhood activity centre. The amendment seeks to apply appropriate planning controls to the land which:

- Allows the commercial development of the site under the Commercial 1 Zone;
- Facilitates the development of a neighbourhood activity centre to meet the local convenience needs of the existing and future community in the Traralgon North growth area and surrounds;
- Provides an appropriate level of control over the intended commercial use and development of the land to establish an activity centre that is complementary to the role and function of the Traralgon CBD and other existing centres.

The rezoning is required to allow Council to consider a combined planning permit application for the development of a supermarket and supporting shops and services.

The proposed rezoning from the GRZ1 to the C1Z, including floor space caps, and supporting amendments to the MSS are required in order to achieve the desired future land use outcome of a neighbourhood activity centre.

The amendment furthers the strategic opportunity for the site as identified in the endorsed *Traralgon North Development Plan* (TNDP) which identifies the land as '*potential growth corridor supermarket site (subject to rezoning)*'. The necessary strategic analysis to support the rezoning has been undertaken as part of the amendment process.

- **How does the amendment implement the objectives of planning in Victoria?**

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The relevant objectives of Section 4 of the Act include (*inter alia*):

*S.4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land; and*

*S.4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (a).*

The amendment implements the objectives of planning in Victoria by providing for and facilitating the fair, orderly, sustainable and economic development of a neighbourhood activity centre in a strategic location that is highly accessible to the local community. The site also benefits from its location within an undeveloped growth area, allowing the site to be orderly planned to achieve a desirable land use and development outcome.

The amendment will facilitate the development of a supermarket and supporting shops and services, thereby promoting the economic and sustainable use of the land to meet the local convenience needs of the existing and future population.

- **How does the amendment address any environmental, social and economic effects?**

The amendment is expected to have positive social and economic effects for Latrobe City as it will strengthen the role of Traralgon as the municipality's primary service centre. The Commercial 1 Zone will facilitate the development of a supermarket and supporting shops to service the local community. It will provide for additional short and long term employment opportunities, increased retail choice and competition, and an improvement in the quality and proximity of retail services offered to the residents of Traralgon North and the wider area.

The land is currently zoned for residential development and is located within the Traralgon North Development Plan area. Accordingly, urban development has already been contemplated for the site and as such the amendment does not affect the provision of viable farming and is not expected to have any negative environmental impacts.

A detailed Biodiversity Assessment formed part of this application for rezoning. The proposed development of this site necessitates the removal of one scattered tree which is indigenous to the area. An appropriate offset will be sourced for the removal of the remnant indigenous tree, and this development will not result in any net loss in the contribution made by native vegetation to Victoria's biodiversity.

The future buildings under the permit application have been located away from the abutting internal future dwellings, and are buffered by landscaped tree reserves adjacent to the main road abutments to minimise any unreasonable adverse effects on existing and future residents.

The site enjoys a prominent corner location on two main roads. A detailed Traffic Assessment by GTA Traffic Consultants indicated adequate capacity in the surrounding road network, subject to associated roadwork.

The Gippsland Regional Growth Plan seeks to promote the Traralgon area as part of the Latrobe Regional City. The subject land is included as being part of future urban growth (zoned), and adjacent to a large area designated to be investigated as a future urban growth area. The amendment supports the strategic directions for Traralgon in promoting future regional investment and a more diverse and resilient economy.

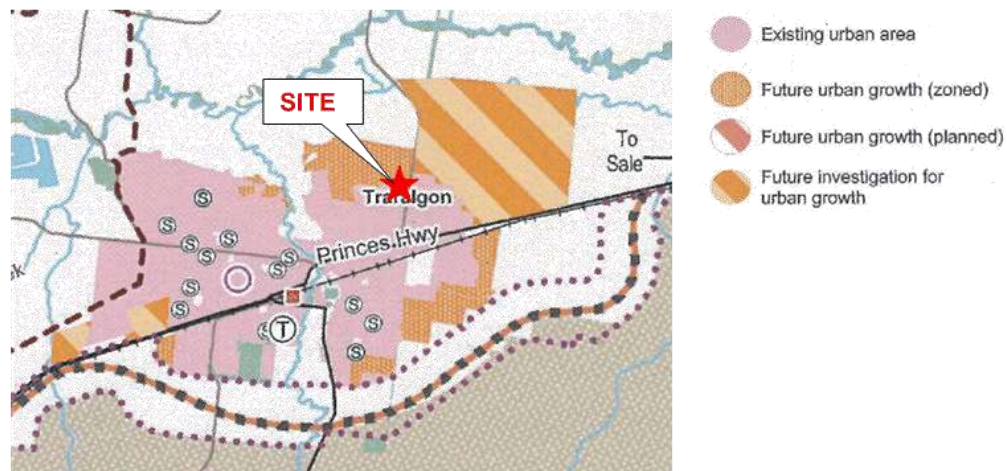


Figure 2: Gippsland Regional Growth Plan (extract)

Both the Traralgon Structure Plan (2010) currently forming part of the planning scheme (Clause 21.05) and the Traralgon Growth Areas Review (August 2013, adopted by Council in April 2014) identify a future neighbourhood and local activity centre respectively within the 'future residential' area in Traralgon North. The Traralgon North Development Plan (November 2013) provides for a potential growth corridor supermarket site on the subject land subject to further strategic analysis as part of this amendment process.

The Traralgon Growth Areas Review (TGAR) is intended to provide a growth strategy that identifies areas for future urban development around Traralgon, the Traralgon-Morwell Corridor, Glengarry and Tyers up to the year 2051. It recognises the need for access to local shopping facilities, stating (in part):

*As new residential areas develop, planning policy requires that they are provided within appropriate access to local shops and to community facilities within a walkable distance. The importance of these principles are underlined within the Latrobe Planning Scheme through the incorporation of the Healthy Design Guidelines, as well as through state planning policy which seeks to increase the sustainability of new*

*communities by providing access within walkable catchments to a range of services for new residents. In addition the Precinct Structure Planning Guidelines prepared by the Growth Area Authority sets out a series of guidelines for the provision of services and facilities, such as 95% of new dwellings should be within 1km of a supermarket (appropriately sized). While these guidelines have been developed for a metropolitan context they provide a useful tool in assessing the potential location of activity centres provided the local context is considered e.g. the appropriate size for any supermarket within these centres.*

Planning Scheme Amendment C87, which has been exhibited and a Planning Panel hearing conducted, proposes to implement the recommendations of TGAR into the scheme. Further discussion on this is provided later in this explanatory report in relation to the MSS.

An Economic Impact Assessment (EIA) has been prepared forming part of the rezoning application, and provides an analysis of the economic and social impacts of the proposal. It notes that some impacts are likely to be experienced by competitive retailers but that these impacts are unlikely to threaten the ongoing viability of any existing retailers. The EIA concludes that the proposal would provide a net community benefit given its key positive impacts including:

- Providing a full-line supermarket for local residents;
- Catering to the increased populations in the trade area;
- Reducing travel time for local residents;
- Additional employment.

A peer review of the EIA was commissioned by Council as part of its assessment of the proposed amendment. The peer review supports the findings of the EIA, notably that the proposal would not cause an unreasonable adverse impact on the role and function of the Traralgon CBD or other centres.

The opportunity for a neighbourhood centre to be developed in the early development stage of the growth area would also provide social benefits by avoiding the time lag in the provision of services that can often accompany greenfield residential growth.

• **Does the amendment address relevant bushfire risk?**

The amendment has considered the relevant bushfire risk. The site is situated within a Bushfire Prone Area, however the site and surrounding area is generally cleared and as such the risk of bushfire is not significant. The area surrounding the site is future residential land and development is expected to commence in the near future. The amendment does not increase the risk to life, property, community infrastructure or the natural environment from bushfire.

The subject land is not affected by the Bushfire Management Overlay.

• **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Minister's Direction on the *Form and Content of Planning Schemes* under section 7(5) of the Act.

The amendment is affected by and complies with, Minister's Direction 11 *Strategic Assessment of Amendments* as set out in this Explanatory Report.

The amendment is affected by and complies with, Minister's Direction 15 *The Planning Scheme Amendment Process* of the *Planning and Environment Act*.

- **How does the amendment support or implement the State Planning Policy Framework (SPPF) and any adopted State Policy?**

The amendment supports the State Planning Policy Framework by providing for the orderly development of the subject land, consistent with the following policies:

Clause 11.01-2 – Activity Centre Planning

The amendment consolidates the role of Traralgon as the primary service centre in the municipality, providing for the establishment of complementary retail uses to support a developing urban precinct that will benefit from economic and transport synergies with the existing centre.

Clause 11.02-3 – Structure Planning

The amendment seeks to give effect to the objectives of the *Traralgon North Development Plan*, which provides the strategic framework for the use and development of land in the area along with the Traralgon Structure Plan and associated documents.

Clause 11.04-3 – Employment Corridors

The amendment will provide for the development of a new retail facility within a growing urban area. It will generate substantial employment opportunities through the construction phase and ongoing operation of additional retail facilities.

Clause 11.05-1 - Regional Settlement Networks

The amendment will provide for sustainable growth and development in accordance with the adopted Traralgon North Development Plan, and the strategic directions of the Gippsland Regional Growth Plan to promote Traralgon as a productive and sustainable regional centre.

Clause 11.08 - Gippsland Regional Growth

The amendment will result in a development which will strengthen economic resilience by being part of a more diverse economy and building on the region's traditional strengths through new investment, innovation and value-adding.

Clause 17.01-1 – Business

The amendment provides for the creation of a new retail facility within a newly developing urban area that will provide a net community benefit in relation to accessibility, efficient infrastructure use, economic prosperity and employment opportunities.

Although the subject land is not an existing or specifically planned activity centre, it does satisfy the strategy of providing small scale shopping opportunities to meet the needs of local residents. This is particularly relevant in growth areas where new centres must be created to support new residential neighbourhoods.

The proposed centre will provide a net benefit to the local community, and will provide shopping opportunities in a convenient location to meet the needs of local residents and workers.

- **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically the Municipal Strategic Statement (MSS)?**

The amendment is generally consistent with Council's MSS in facilitating development that supports the strategic growth of Traralgon as a regional city. In particular, the amendment implements the following strategies for identifying appropriate locations for retailing at Clause 21.07-6 (Retailing Overview):

- *Encourage neighbourhood shops providing local convenience goods and services in locations accessible to local communities.*
- *Encourage shops that do not significantly detract from the function of the existing major retail centres.*
- *Discourage 'out of centre' retail developments.*
- *Provide for localised convenience retailing.*

The amendment proposes to create a new neighbourhood activity centre to support the local convenience shopping needs of the existing and future population of the growth area and surrounding community.

Clause 21.05-6 (Specific Main Town Strategies – Traralgon) provides a structure plan for Traralgon which includes the identification of a 'possible future neighbourhood centre' on Park Lane to the west of the site. The development of a neighbourhood centre in this location was not realised and the land is now developed as residential.

The adopted Traralgon Growth Areas Review (TGAR) provides a revised framework plan for Traralgon, notably the identification of a larger growth area for future residential development to the north and west of the site. Proposed Amendment C87 seeks to implement the review and replace the Traralgon Structure Plan at Clause 21.05 with a revised structure plan to reflect the strategic directions of TGAR. The revised structure plan identifies two proposed local activity centres approximately one kilometre to the east and west of the subject site, as well as the expanded future growth area. The nominated centre to the west of the site partly represents a relocation of the centre on Park Lane as a result of it having not being developed in that location, as well as being better located to support a larger growth area.

As part of the strategic assessment of the amendment consideration has been given to the size and location of the proposed activity centre.

The proposed neighbourhood activity centre is larger than the local centre previously contemplated by TGAR. This is supported by further analysis that has been undertaken to inform the amendment. As outlined previously, an EIA and peer review forming part of the amendment conclude that the proposed centre would meet the local convenience needs of the local area and would not unreasonably detract from the role and function of the Traralgon CBD and other existing centres.

The proposed floor space caps are proposed so that any future expansion beyond what had been assessed under the current proposal would require a planning permit, providing an opportunity for its economic impact to be assessed at that time. Together with the draft Traralgon North Neighbourhood Activity Centre Development Plan this seeks to ensure that

the use and development of the C1Z site is consistent with its local convenience role and does not unreasonably impact the CBD or other centres.

Although the existing and proposed Traralgon Structure Plan don't specifically identify an activity centre on the subject site, these locations are indicative and it is considered that the location of a new centre within one kilometre of the nominated locations is generally consistent with the intent of the structure plan. The location of the proposed centre on the corner of Traralgon-Maffra Road and Marshalls Road was considered as part of the Traralgon North Development Plan as well as the EIA. The neighbourhood centre would serve the future residents of the growth area as well as the surrounding towns to the north of Glengarry and Toongabbie. The proposed location is therefore considered appropriate for a neighbourhood centre given its dual main road frontage and high accessibility.

For these reasons, the proposal is consistent with the strategic intent of providing appropriate retail services to support the local convenience needs of the community in line with the strategies of Clause 21.07-6 outlined above. It is also generally consistent with the intent of Clause 21.05 in providing well located activity centres to support the future growth areas of Traralgon. The amendment proposes to amend the Traralgon Structure Plan to nominate a neighbourhood activity centre on the site as supported by the strategic analysis of this amendment.

- **Does the amendment make proper use of the Victorian Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions (VPP) by applying the Commercial 1 Zone to facilitate the development of a neighbourhood activity centre.

Maximum leasable floor areas for shop and office can be utilised in the Schedule to the Commercial 1 Zone for areas outside metropolitan Melbourne. The use of floor space caps is appropriate in providing a mechanism for the economic impact of any further development on the site to be assessed to ensure that it is appropriate to the neighbourhood role of the centre.

This will be further supported by the draft Traralgon North Neighbourhood Activity Centre Development Plan which is proposed to be endorsed under the existing DPO7 as an addendum to the existing Traralgon North Development Plan.

- **How does the amendment address the views of any relevant agencies?**

The proposed amendment will be referred to all relevant agencies that may have an interest in the proposal as part of the exhibition stage of the amendment process.

Preliminary feedback has been sought from VicRoads in relation to the amendment and combined planning permit application. VicRoads does not object to the proposal subject to the inclusion of appropriate permit conditions on the development.

- **Does the amendment address the requirements of the Transport Integration Act 2010?**

The proposed amendment and development of the land for a supermarket and supporting shops is not likely to have an impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010*.

A Traffic Impact Assessment (October 2011) was prepared by GTA Consultants and forms part of this submission. This Assessment concluded:

*Based on the analysis and discussions presented within this report, the following conclusions are made:*

- i Following the full development of the area, it is expected to generate up to 1,250 and 12,500 vehicle movements in any peak hour and daily respectively.*
- ii. There is adequate capacity in the surrounding road network to cater for the traffic generated by the area, subject to Marshalls Road being reconstructed to a 'Connector Street – Level 2' standard.*
- iii. The internal road network is expected to be able to accommodate the projected daily traffic volumes.*
- iv Provision should be made for potential future public transport services, particularly along Marshalls Road.*
- v. Footpaths should be provided on both sides of each of the roads within the development area, and appropriate bicycle facilities also provided.*

The amendment therefore supports the objectives and principles of the *Transport Integration Act 2010*.

#### **Resource and Administrative Costs**

- **What impact will the new planning provisions have on the administrative costs of the responsible authority?**

The proposed amendment would not have an unreasonable impact on the resource and administrative costs of the responsible authority.

#### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Latrobe City Council Corporate Headquarters 141 Commercial Road Morwell VIC 3840	Latrobe City Council Traralgon Service Centre 34-38 Kay Street Traralgon VIC 3844
---	--

Latrobe City Council Moe Service Centre 44 Albert Street Moe VIC 3842	Latrobe City Council Churchill Service Hub 9-11 Phillip Parade Churchill VIC 3842
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The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning web site at [www.dtpli.vic.gov.au/planning/publicinspection](http://www.dtpli.vic.gov.au/planning/publicinspection)



**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 7 September 2015.

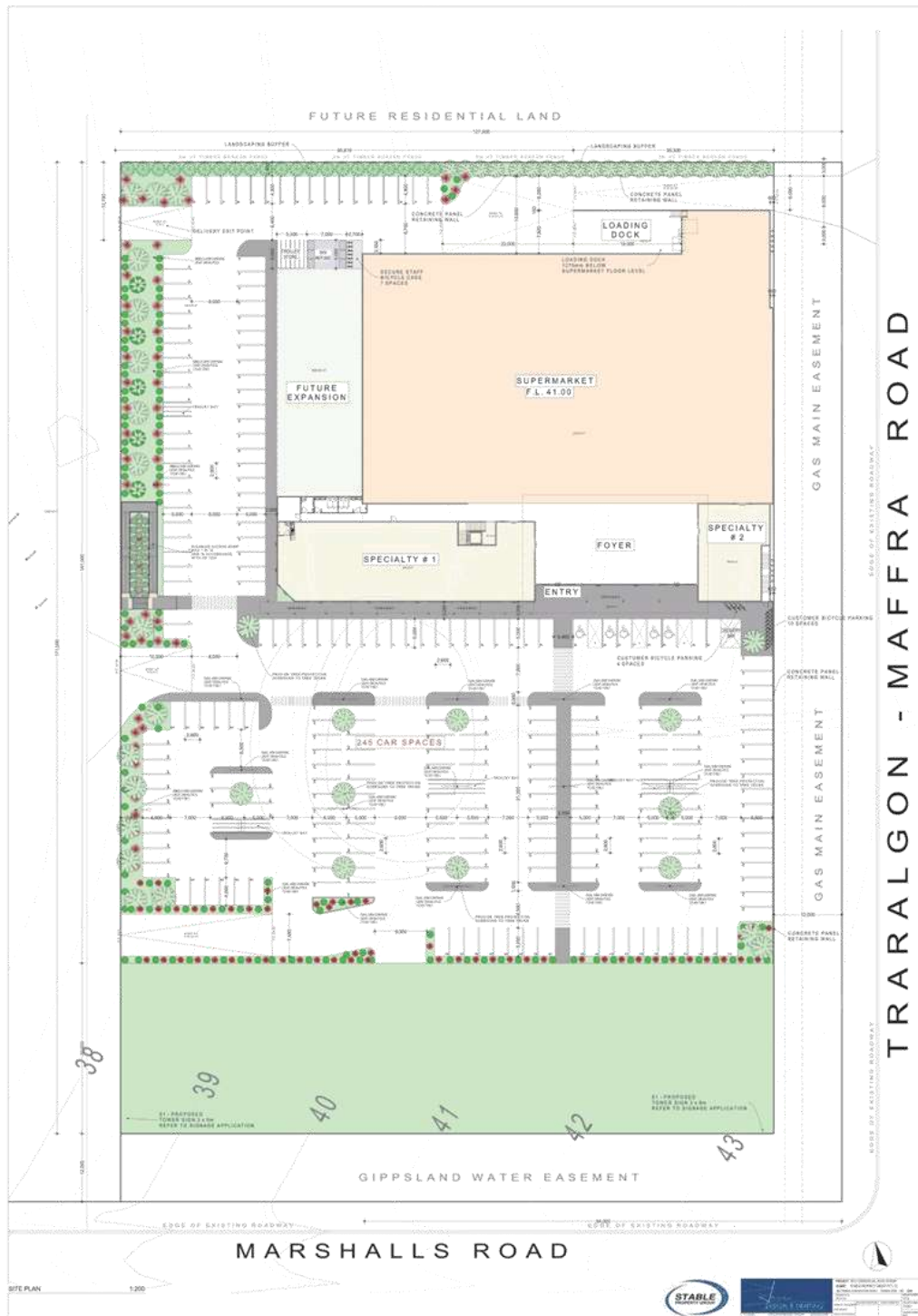
Submissions must be sent to: Lucy Lane  
Senior Strategic Planner  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

**Panel Hearing Dates**

In accordance with clause 4(2) of Minister's Direction No. 15 the following panel hearing dates have been scheduled for this amendment:

- Directions hearing: week commencing 2 November 2015.
- Panel hearing: week commencing 30 November 2015.

Attachment 1 – Proposed Site Plan (combined permit application)



*Planning and Environment Act 1987*

**Panel Report**

**Latrobe Planning Scheme Amendment C89  
Planning permit application 2015/113  
145 Traralgon Maffra Road, Traralgon**

**2 February 2016**



*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Latrobe Planning Scheme Amendment C89

Planning permit application 2015/113

145 Traralgon Maffra Road, Traralgon

2 February 2016



Trevor McCullough, Chair



John Collins, Member

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## List of Abbreviations

CBD	Central Business District
C1Z	Commercial 1 Zone
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
EIA	Economic Impact Assessment
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
NAC Development Plan	Traralgon North Neighbourhood Activity Centre Development Plan
PTV	Public Transport Victoria
SPPF	State Planning Policy Framework
TGAR	Traralgon Growth Areas Review
TIA	Transport Impact Assessment
TNDP	Traralgon North Development Plan
VIF	Victoria in Future

## Overview

Amendment Summary	
<b>The Amendment</b>	Latrobe Planning Scheme Amendment C89 Planning permit application 2015/113
<b>Subject Site</b>	145 Traralgon Maffra Road, Traralgon
<b>The Proponent</b>	Stable Property Investments Pty Ltd
<b>Planning Authority</b>	Latrobe City Council
<b>Authorisation</b>	A03087 authorised on 15 June 2015
<b>Exhibition</b>	14 July to 7 September 2015
<b>Submissions</b>	Submissions received: Opposed: 7 ; Support with changes: 4 ; Support: 25 A list of submitters is attached as Appendix A
Panel Process	
<b>The Panel</b>	Trevor McCullough (Chair), John Collins
<b>Directions Hearing</b>	Traralgon, 11 November 2015
<b>Panel Hearing</b>	Traralgon, 7 and 9 December 2015
<b>Site Inspections</b>	Unaccompanied on 11 November 2015
<b>Appearances</b>	<ul style="list-style-type: none"> <li>• Latrobe City Council represented by Ms Lucy Lane and calling expert evidence from Mr Tim Nott on Economics</li> <li>• Stable Property Group represented by Mr Matthew Townsend of Counsel and calling expert evidence from Mr Rob Milner on Planning and Mr John Henshall on Economics</li> <li>• Stockland Developments represented by Mr Paul Chiappi of Counsel and Ms Tamara Brezzi of Norton Rose Fulbright, Solicitors and calling expert evidence from Mr Matt Lee on Economics</li> <li>• VicRoads represented by Ms Kylie Franklin</li> <li>• Mr Peter Wood</li> <li>• Mr David Longmore</li> <li>• Mr Michael Naughton</li> </ul>
<b>Date of this Report</b>	2 February 2016



## Executive Summary

### (i) Summary

Latrobe Planning Scheme Amendment C89 and planning permit application 2015/113 apply to the land on the northwest corner of Traralgon-Maffra Road and Marshalls Road, Traralgon.

The Amendment proposes to facilitate the development of a neighbourhood activity centre (NAC) on the subject site by making the following changes to the planning scheme:

- Rezone the land from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).
- Apply maximum floor space areas of 4,500sqm for shop and 990sqm for office in the Schedule to the C1Z.
- Insert a strategy and amend the Traralgon Structure Plan at Clause 21.05 to designate a neighbourhood activity centre on the site.

The planning permit application relates to buildings and works associated with construction of a full line supermarket and supporting shops and office space on the site.

There were 29 supporting submissions and seven opposing submissions. Opposing submitters raised the following issues:

- The proposed centre is not needed as there are already enough shops and supermarkets in Traralgon.
- The proposed new centre would adversely impact on existing local businesses, particularly on the food and grocery sector.
- The scale of the proposed supermarket is not appropriate.
- The proposal is premature in terms of catchment/trading analysis.
- There is not strategic support for the location of the proposed NAC.
- Amenity impacts (aesthetic, noise, light spill and air quality) potentially effecting the (future) residential properties neighbouring the subject site.
- Traffic and safety issues.

The Panel has considered the submissions and considerable body of expert evidence provided by Council, the Proponent and submitters, and has concluded that the Amendment, along with the proposed permit conditions (as amended), should be supported.

More specifically the Panel concludes:

- The Amendment is strategically well founded.
- The provision of a neighbourhood activity centre is justified by the projected population growth expected in the north of Traralgon.
- On balance, the subject site is a suitable location for a neighbourhood activity centre. The proposed changes to the Traralgon Structure Plan at Clause 21.05 are appropriate.
- Development of the Marshalls Road NAC, including the proposed full-line supermarket, will have a temporary and limited adverse impact on the Traralgon CBD

and local centres within its catchment, but that this impact unlikely to be of a scale that would materially affect the ability of the CBD or the local centres to fulfil their role in the Traralgon retail hierarchy.

- There is a net community benefit in approval of the current Amendment.
- The proposed floor space caps, as amended are appropriate.
- The planning permit should be revised to incorporate the new condition 54 in relation to possible future works at the the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road, as proposed by Council and accepted by the Proponent.
- The proposed parking reduction is appropriate.
- The other conditions proposed in the revised draft planning permit are appropriate.

**(ii) Recommendations**

**Based on the reasons set out in this Report, the Panel recommends:**

- 1. Amendment C89 to the Latrobe Planning Scheme be adopted as exhibited, subject to the change to the Schedule to the Commercial 1 Zone as shown in Appendix C to this report.**
- 2. Planning Permit 2015/113 be approved subject to the changes as shown in Appendix D to this report.**

# 1 Introduction

## 1.1 The subject site

The Amendment and planning permit apply to the land shown outlined in Figure 1.



Figure 1 Site aerial plan

The subject site is located on the northwest corner of Traralgon-Maffra Road and Marshall's Road, Traralgon. The site has an area of approximately 2.3ha and forms part of the larger property of 145 Traralgon-Maffra Road, Traralgon (Lot A on PS 729261). It is located on the northeast edge of the existing urban area of Traralgon and is currently undeveloped. It forms part of the *Traralgon North Development Plan* (TNDP) area (see Site Context Plan - Figure 2 below). The Traralgon North Development Plan area is one of the main areas for urban growth identified in the 2013 Traralgon Growth Areas Review (TGAR).



Figure 2 Site context

## 1.2 Amendment description

The Amendment was prepared by the Latrobe City Council as Planning Authority. As exhibited, the Amendment proposes to allow the development of a neighbourhood activity centre (NAC) on the subject site.

Specifically, the Amendment proposes to:

- Rezone the land from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z)
- Apply maximum floor space areas of 4500sqm for shop and 990sqm for office in the Schedule to the C1Z, and
- Insert a strategy and amend the Traralgon Structure Plan at Clause 21.05 to designate a neighbourhood activity centre on the site.

A draft development plan is also proposed as a supporting document to the amendment. The NAC Development Plan would be endorsed under the existing Development Plan Overlay – Schedule 7 (DPO7) as an addendum to the existing Traralgon North Development Plan (TNDP) which covers the site and the surrounding growth area.

## 1.3 The Planning permit application

Planning permit application 2015/113 seeks to approval of:

- Buildings and works associated with construction of a full line supermarket and supporting shops and office space
- A two lot subdivision to create a separate lot for the site
- Removal of native vegetation on the site (one remnant tree)

- A reduction in the standard car parking requirement, and
- Creation of access to a Road Zone Category 1.

The planning permit does not include the two future 'pad sites' identified on the site plan for possible development at a later date. Development of this part of the site would be subject to a separate permit application.

#### **1.4 Issues dealt with in this report**

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. A list of documents tabled at the Hearing is attached as Appendix B. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of the site.

The key issues raised in submissions opposing the Amendment and/or permit were the need for, size and economic impact of the proposal.

In particular submitters raised the following issues:

- The proposed centre is not needed as there are already enough shops and supermarkets in Traralgon.
- The proposed new centre would adversely impact on existing local businesses, particularly on the food and grocery sector.
- The scale of the proposed supermarket is not appropriate.
- The proposal is premature in terms of catchment/trading analysis.
- There is not strategic support for the location of the proposed NAC.
- Amenity impacts (aesthetic, noise, light spill and air quality) potentially effecting the (future) residential properties neighbouring the subject site.
- Traffic and safety issues.

Submissions supporting the proposal were predominately from landowners and residents in the eastern area of Traralgon. The reasons for support included:

- The NAC will improve local residents access to conveniently located shopping and services.
- A new centre will relieve congestion and lack of car parking the Traralgon CBD.
- The provision of shopping facilities will support and stimulate residential growth in the area and provide a level of self-sufficiency for the TNDP area.
- The NAC will provide increased employment opportunities and economic benefits.
- There is a large enough population in Traralgon and surrounding areas to support three main supermarkets and two smaller supermarkets.

The key issues raised in submissions from referral agencies were:

- VicRoads raised issues relating to potential impacts of traffic generated by the development and in particular impacts on the operation of the Princes Highway/Traralgon-Maffra Road and Princes Highway/McNairn Road intersections.
- Public Transport Victoria (PTV) raised issues relating to public transport access to the centre. The issues raised by PTV were resolved in discussions with Council prior to the Hearing.

- The Department of Environment, Land, Water and Planning (DELWP) generally supported the proposal but recommended the inclusion of conditions in the planning permit relating to the removal of native vegetation.
- EPA Victoria had no objection to the proposal.

This report deals with the issues raised under the following headings:

- Planning context
- Population projections and residential demand
- The most appropriate location
- Economic impact of the proposal
- Floor space caps
- Traffic issues
- Amenity issues
- Form and content of the proposed Amendment and permit.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by a number of general clauses in the SPPF and by specific provisions relating to regional planning and the Gippsland Regional Growth Plan.

The SPPF contains a number of objectives and strategies relating generally to growth area and activity centre planning. In particular Council referenced:

Clause 11.01-1 - Activity centre network

- *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

Clause 11.01-2 - Activity centre planning

- *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

Clause 11.02-1 - Supply of urban land

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.02-2 - Planning for growth areas

- *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 11.02-3 - Structure Planning

- *To facilitate the orderly development of urban areas.*

Clause 11.05-1 - Regional settlement networks

- *To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*

Clause 11.05-4 - Regional planning strategies and principles

*Objective*

- *To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.*

*Strategies*

- *Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.*
- *Apply (inter alia) the following principles to settlement planning in Victoria's regions, including the hinterland areas:*

## Clause 11.08 Gippsland regional growth

The Gippsland Regional Growth Plan identifies Latrobe City, comprising Traralgon, Morwell, Moe and Churchill, as one of ten major regional cities in Victoria. The Regional Growth Plan seeks to promote growth and economic investment in Traralgon.

**(ii) Local Planning Policy Framework**

Overall Council argued that the Municipal Strategic Statement (MSS) generally supports the development of a new neighbourhood activity centre in the Traralgon North growth area to meet local convenience needs. In particular Council submitted that the Amendment supports the provisions of Clause 21.05 (Main Towns) and Clause 21.07-6 (Retailing Overview) of the Latrobe MSS.

Council highlighted the following provisions of the two Clauses:

**Clause 21.05 – Main Towns**

While acknowledging that one of the commercial strategies discourages significant new retail and office development outside the Traralgon CBD and bulky goods precincts, Council argued the MSS also identifies the importance of establishing new neighbourhood activity centres (or 'clusters') in Traralgon's residential growth areas. In this context Council drew particular attention to the following strategies:

- *Encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters. (21.05-2).*
- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters. (21.05-6).*
- *Encourage neighbourhood clusters within Areas 8 (i.e. south east Traralgon) and 11 (i.e. Traralgon north). (21.05-6).*

**21.07-6 – Retailing Overview**

Council submitted that the policy and strategies in Clause 21.07-6 strongly encourage the creation of neighbourhood centres that support Traralgon's growth areas without unreasonably impacting the CBD or other existing centres. In particular, it noted the following statements from the Clause:

*No new centres should be supported unless demand can be demonstrated as well as substantial assessment and statement that existing centres should not be detrimentally affected. Town centres in Latrobe City must grow and innovate their retail offer to cater for increased demand and to remain competitive.*

*Potential emerging growth areas in Morwell and Traralgon will require additional neighbourhood shopping facilities, with discrete allocation in accordance with*



*population and household growth patterns. These centres require a consolidation of retail floor space in the order to 3,000 – 5,000 sqm to best service these areas.*

Key strategies under the objective 'to identify appropriate locations for retailing activities' include:

- *Encourage neighbourhood shops providing local convenience goods and services in locations accessible to local communities.*
- *Encourage shops that do not significantly detract from the function of the existing major retail centres.*
- *Encourage strong pedestrian and public transport connectivity to and between the neighbourhood clusters.*
- *Provide for localised convenience retailing.*

Council also noted that one of the strategies in this clause discourages 'out of centre' retail developments. It submitted that as the proposed Amendment seeks to create a new neighbourhood activity centre to implement the objectives and strategies encouraging access to local retailing and services and therefore does not constitute an 'out of centre' development.

Council noted that the retail provisions of the current MSS generally implement the Retail Strategy Review<sup>1</sup> prepared by MacroPlan in 2007.

### **(iii) Other Strategic Documents**

Council's submission also outlined relevant elements of strategic planning for the growth of Traralgon. It argued that the Amendment responds to and implements the intent of the relevant strategic planning documents.

The key strategic planning documents include the Traralgon Structure Plan currently included in the planning scheme, the revised Traralgon Structure Plan more recently prepared by Council, the Traralgon North Development Plan (TNDP) and the Traralgon Growth Areas review (TGAR):

#### **The Traralgon Structure Plan**

Council pointed out that the current Traralgon Structure Plan<sup>2</sup> (see Figure 3) contained within Clause 21.05, designates 'Area 11', which includes the Franklin Place Development Plan area (south of Marshalls Road and currently under development), the TNDP area (north of Marshalls Road with the first stage under development) and a small pocket of industrial land opposite the subject site, as a 'future residential' growth area. The Structure Plan also identifies land on Marshalls Road between Area 11 and the existing urban area as an 'existing residential opportunity'. This land is partly developed and is known as 'The Strand' estate.

<sup>1</sup> Retail Strategy Review (MacroPlan, June 2007)

<sup>2</sup> Traralgon Structure Plan at Clause 21.05 – prepared in 2007 and implemented into the Scheme in 2010

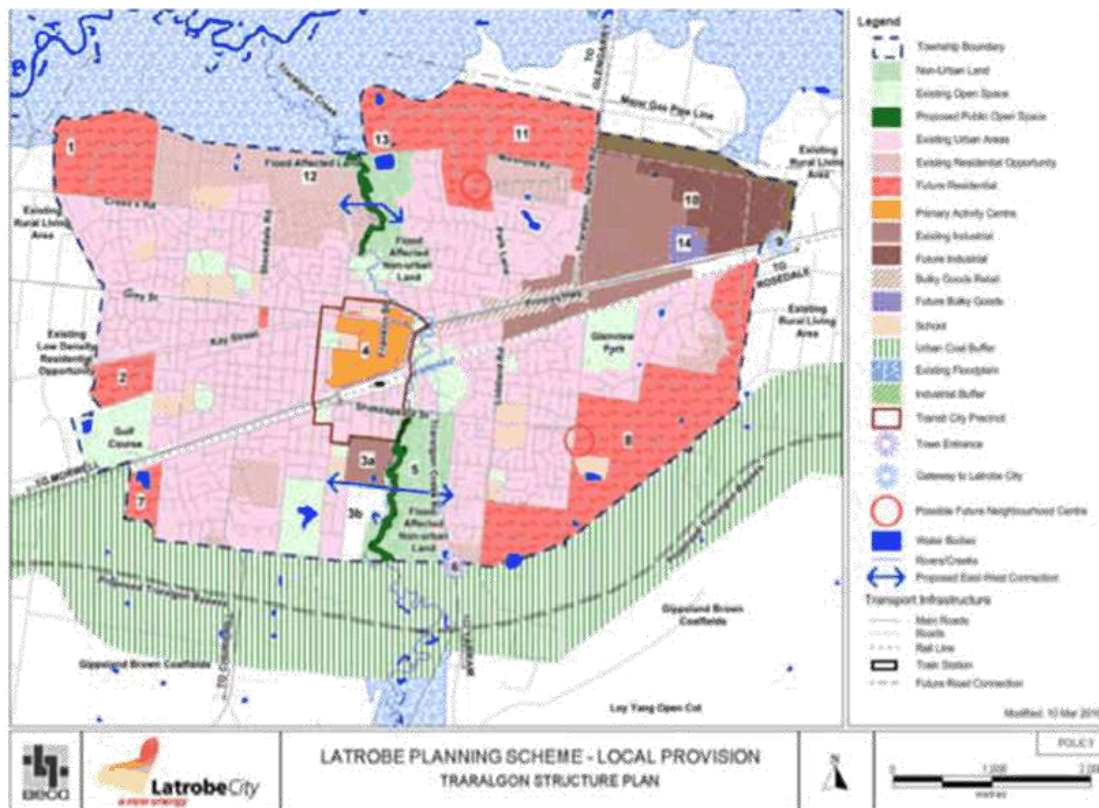


Figure 3 Current Traralgon Structure Plan

The Structure Plan nominates a location for a 'possible future neighbourhood centre' in Area 11 on Park Lane within the Franklin Place Development Plan area. The *Franklin Place Development Plan*<sup>3</sup> has since been endorsed. It provides for the residential development of the whole precinct and does not include a neighbourhood centre. A planning permit has been issued for the majority of the precinct (excluding the area abutting Marshalls Road that is designated for a retirement village), and development is nearing completion. An alternative location for a neighbourhood centre to serve Traralgon's northern growth area is therefore required.

A 'possible future neighbourhood centre' is also nominated in Area 8 to support the future growth area south of the Princes Highway.

The Traralgon Structure Plan and associated strategies contained in Clause 21.05 generally implements the *Latrobe Structure Plans – Traralgon*<sup>4</sup> prepared by BECA in 2007.

The Panel noted that the current Structure Plan identifies the land east of the Traralgon-Maffra Road as either existing or future industrial.

A draft revised Traralgon Structure Plan (figure 4 below) was prepared by Council as part of a package of proposed changes to the Planning Scheme in Amendment C87 to give effect to

<sup>3</sup> Franklin Place Development Plan (NBA Group, July 2013) – Endorsed 1 July 2013 under DPO5

<sup>4</sup> Latrobe Structure Plans – Traralgon (BECA, 2007)

the TGAR. The revised Structure Plan proposed, in the medium to longer term, substantial residential development in the north east of Traralgon (east of the Traralgon-Maffra Road). It proposed the development of three neighbourhood activity centres in the north, south and east of Traralgon. In the proposed structure plan the northern neighbourhood centre was still shown as located at the intersection of Park Lane and Marshalls Road.

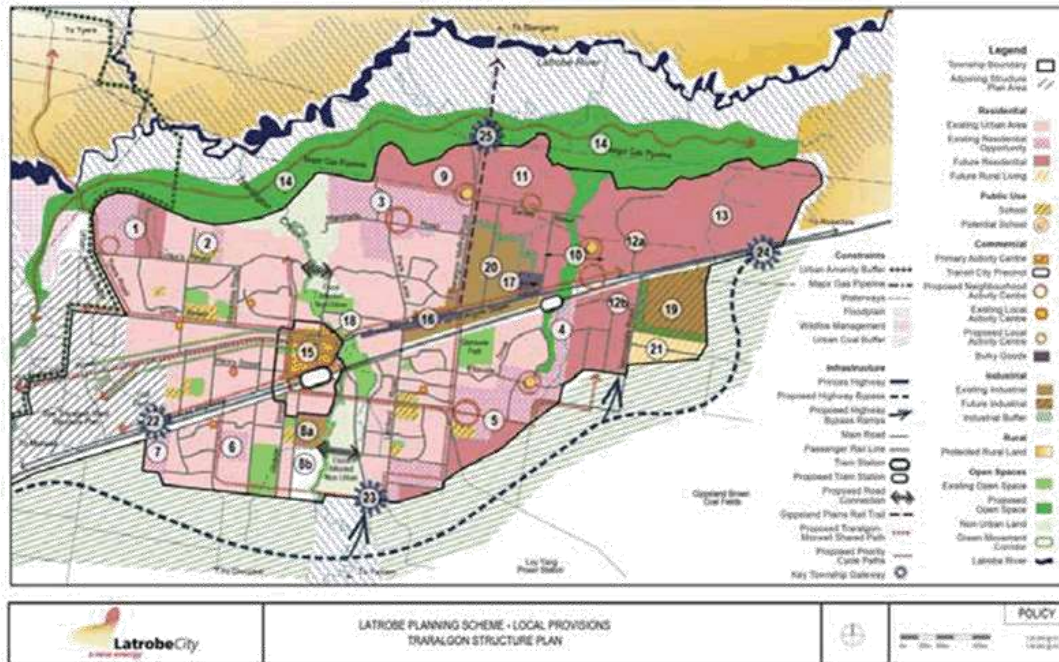


Figure 4 Proposed Traralgon Structure Plan

The C87 Amendment has been the subject of a Planning Panel report and has not yet been finalised by Council.

The C87 Panel Report concluded that the Panel ‘considers the Traralgon Growth Areas Plan to be thorough and logical based on best available information at the time’. However, the C87 Panel flagged concerns regarding the southern growth area identified in TGAR. In particular it referred to geotechnical evidence that indicated ‘significant ground instability associated with the coal mine beyond the one kilometre coal buffer area and that existing monitoring is inadequate to determine the extent of this activity’. The Panel concluded that ‘the precautionary principle should be applied by excluding land within two kilometres of the coal mine from future urban expansion on an interim basis until better defined geotechnical evidence is available’. Potential growth in the Traralgon West area is also constrained by the Australian Paper Mill and Latrobe Airport.

The C87 Panel did not make any findings or recommendations that cast doubt on proposed residential development in the TNDA or, in the longer term, east of the Traralgon-Maffra Road.

In its submissions to the current panel Council noted that it expects that Amendment C89 will be approved prior to Amendment C87. In this eventuality the proposed structure plan will be revised to show the northern NAC at the Marshalls Road site.

### Traralgon North Development Plan

The subject site is located within the *Traralgon North Development Plan*<sup>5</sup> area. The TNDP is one of Traralgon's key growth areas, providing for the development of 118.6ha of land to create a new neighbourhood containing approximately 1,077 residential lots as well as substantial active and passive open space, community facilities, shared path connections, upgrades to existing roads and intersections and a potential new bus route.



Figure 5 Traralgon North Development Plan

The subject site is nominated in the TNDP as a 'potential growth corridor supermarket site' subject to further strategic analysis and rezoning. The TNDP notes that consideration is needed in the context of the long-term growth of Traralgon North and the relationship to the Traralgon CBD. It states that the planning scheme amendment process is the appropriate mechanism for these strategic issues to be addressed. The TNDP specifically states that a proposal to rezone the land should consider<sup>6</sup>:

- *The strategic justification for the proposal.*
- *Whether the proposal is consistent with the Traralgon Growth Areas Review.*

<sup>5</sup> Traralgon North Development Plan (Planisphere, September 2013) – Endorsed 29 November 2013 under Development Plan Overlay Schedule 7

<sup>6</sup> Page 40 (chapter 5.8) – Traralgon North Development Plan

- *The economic and social impacts of the proposal on the Traralgon Central Business District and commercial activities in nearby townships such as Glengarry, Tyers and Toongabbie.*
- *The strategic justification for the timing and scale of the development.*

The TNDP notes that the scale of the proposed NAC would serve a catchment extending well beyond the local neighbourhood and is therefore beyond the scope of the Development Plan. However, it also notes that, given that the trade catchment of a full-line supermarket would extend beyond the TNDP area, the nominated location of the subject site with frontage to Traralgon-Maffra Road is considered appropriate<sup>7</sup>.

The TNDP includes provision of infrastructure, including the construction of a signalised intersection at Traralgon-Maffra Road and Marshalls Road that is required to be delivered at the time that any activity centre/supermarket is developed. Marshalls Road will also be upgraded to the standard of a collector street as part of the overall development of the precinct.

#### **Traralgon Growth Area Review (TGAR)**

The Traralgon Growth Area Review report was prepared by the Hansen Partnership for Council and the State Government in August 2013. It recognised that opportunities for long-term growth and expansion of Traralgon are heavily constrained and sought to provide a framework for growth until 2051, allowing strategic decisions to be made in a coordinated manner. Among other things the TGAR report proposed that the majority of the land east of Traralgon-Maffra Road be identified for future residential development (See Figure 6).

TGAR included a recommended staging plan for residential development in Traralgon (See Figure 7). This identified the TNDP area together with land in the south-east (areas 10 and 11) and in the north-west (area 16) as the first stage of future greenfield development. Land immediately north of the TNDP area (area 3a) and an area east of the Traralgon-Maffra Road (area 4) were recommended as the second stage of greenfield development. Additional greenfield areas in the north east (area 3b) and the east (area 6) were identified for long term development. The TGAR recommendations were intended to be implemented by Amendment C87. As noted earlier in this report the C87 Panel report raised concerns regarding the suitability for residential development of some of the land in the south-east.

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<sup>7</sup> Page 22 (chapter 3.5) – Traralgon North Development Plan

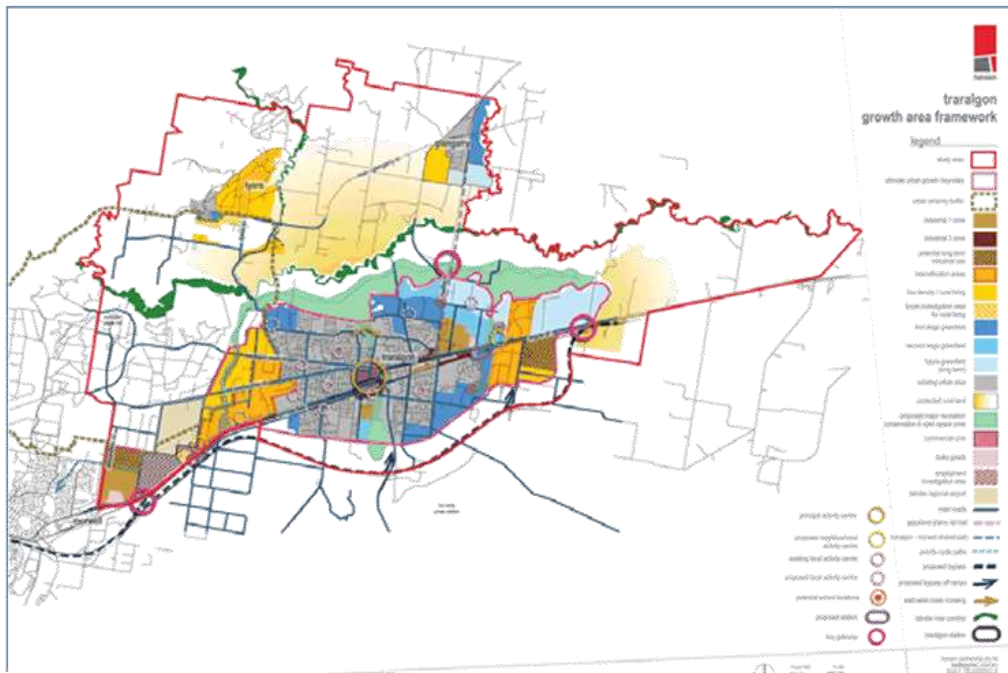


Figure 6 Traralgon Growth Area Framework plan

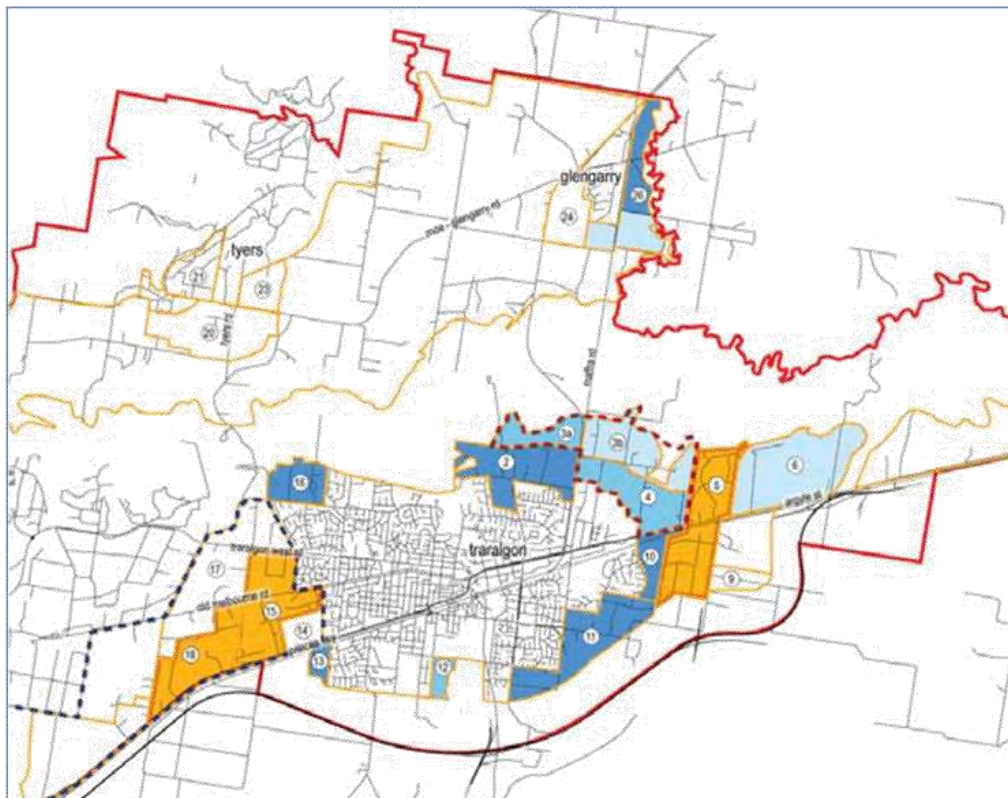


Figure 7 Traralgon Growth Area Review – recommended staging

## 2.2 Planning scheme provisions

### (i) Zones

The Amendment proposes to rezone the subject site from General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).

The purpose of the C1Z is as follows:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

*To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The Amendment, as exhibited proposed maximum floor spaces areas of 4,700sqm for shop and 780sqm for office in the Schedule to the C1Z. Council proposed in the Hearings to change this to 4,500sqm for shop and 990sqm for office in order to provide greater flexibility in configuring the use of floor space in the development.

### (ii) Overlays

Development Plan Overlay Schedule 7 (DPO7) currently applies to the subject site. A draft development plan is proposed as a supporting document to the amendment. The NAC Development Plan would be endorsed under the existing Development Plan Overlay – Schedule 7 (DPO7) as an addendum to the existing Traralgon North Development Plan (TNDP) which covers the site and the surrounding growth area.

No change to the DPO7 is proposed as part of this Amendment.

There is no development contributions plan that applies to the site, however the DPO7 requires infrastructure contributions to be negotiated and included in a section 173 agreement prior to the commencement of any development.

### (iii) Particular provisions

The provision of car parking on the site is set out in clause 52.06. The planning permit application seeks a reduction in the car parking requirements. The Proponent has calculated that 256 to 259 car spaces are required under clause 52.06. The application proposes to provide 245 spaces. Submissions on this issue are discussed in Chapter 7.

## 2.3 Ministerial directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

### Ministerial Direction 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments)

**The form and content of Planning Schemes (s7(5))**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

**2.4 Discussion**

The planning context was a matter of some debate at the Hearing. A number of strategic planning studies have been undertaken by Council, but in some instances their results have yet to be fully reflected in the planning scheme. In particular, as a result of delays in the finalisation of Amendment C87, the current Traralgon structure plan (Clause 21.05) has not yet been updated to reflect the findings of key strategic studies such as TGAR and TNDP. The development of an activity centres strategy has been foreshadowed but not yet undertaken. Moreover, the wording of some provisions in the scheme is open to differing interpretations (e.g. references to development of 'neighbourhood clusters'). As a result the submissions of both those supporting and opposing the current Amendment were able to quote particular provisions of the scheme, or relevant strategic studies, to support their point of view.

The Council in its submissions argued that the strategic intent of its planning for the future of Traralgon was clear, and particular that:

- TGAR provides the basic framework for the future growth of Traralgon, even given the need for some review and refinement in relation to the extent of planned residential development in Traralgon's southern and western growth areas.
- The northern and north eastern growth areas will play a key role in providing for Traralgon's future housing needs in both the short and medium to longer term.
- Traralgon has reached a size where it is appropriate to plan for a network of neighbourhood activity centres as part of the city's retail hierarchy. The intention to provide for development of such centres, together with their expected role and scale, is clearly flagged in the planning scheme.
- There is justification, and the clear intent in Council's planning strategies, for one such centre to be located in the north of Traralgon.

The TGAR strategy for managing Traralgon's growth was adopted by Council in April 2014 and considered by the Panel reviewing Amendment C87. The C87 Panel concluded that the strategy set out in TGAR was 'thorough and logical' and did not raise issues in relation to the TGAR proposals for residential development in Traralgon's north and north-east. Uncertainties regarding the impact of buffer zones on the extent of residential development in the south and west of Traralgon have delayed finalisation of Amendment C87 and incorporation of a revised Traralgon structure plan into the Planning Scheme. While there was some disagreement as to the expected rate of development no evidence was presented to the current Panel that cast doubt on the likelihood of future residential development in the north and northeast.

Nor was any evidence presented to the Panel that questioned the logic, or consistency with the planning scheme, of Council's intent to incorporate a network of neighbourhood activity centres into planning for Traralgon's future development. The appropriate locations, scale, timing and economic impact of development of such a centre in the north was the subject of submissions and these issues are discussed in detail in subsequent sections of this report. It



was also argued that there is a need to prepare a Traralgon-wide activity centres strategy before decisions are made. Council has indicated that no such study is currently scheduled or budgeted for. While it may be desirable that such a study be undertaken waiting upon its completion is likely to delay a decision on the current Amendment by a year or more. The Panel does not consider that such a delay is necessary and is satisfied, based upon the evidence presented, that Council has made a reasonable strategic case both for provision of a neighbourhood centre to serve residential development in Traralgon's north and that such provision has been foreshadowed in Council's strategic planning and is consistent with the planning scheme.

## **2.5 Conclusions**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Population projections and residential demand

#### 3.1 The issue

The parties contested the most appropriate population projections on which to assess the proposed development. The Panel has reviewed the submissions and evidence and drawn some conclusions.

#### 3.2 Evidence and submissions

##### Council submission

Council, in Part B of its submission to the Panel, set out its expectations regarding population growth in Traralgon and the way in which this related to the decision to rezone the subject site to enable development of a neighbourhood activity centre.

In particular, Council stated that the most recent analysis of Traralgon’s population growth is provided in the *Traralgon Growth Areas Framework* (TGAR). It draws on various sources (including the State Government’s Victoria in Future 2012 (VIF) forecasts) to compile an overall forecast for Traralgon to the year 2051.

Figure 8 below compares the different sources, which have been extended to 2051 by continuing the annual growth rates inherent in each forecast.

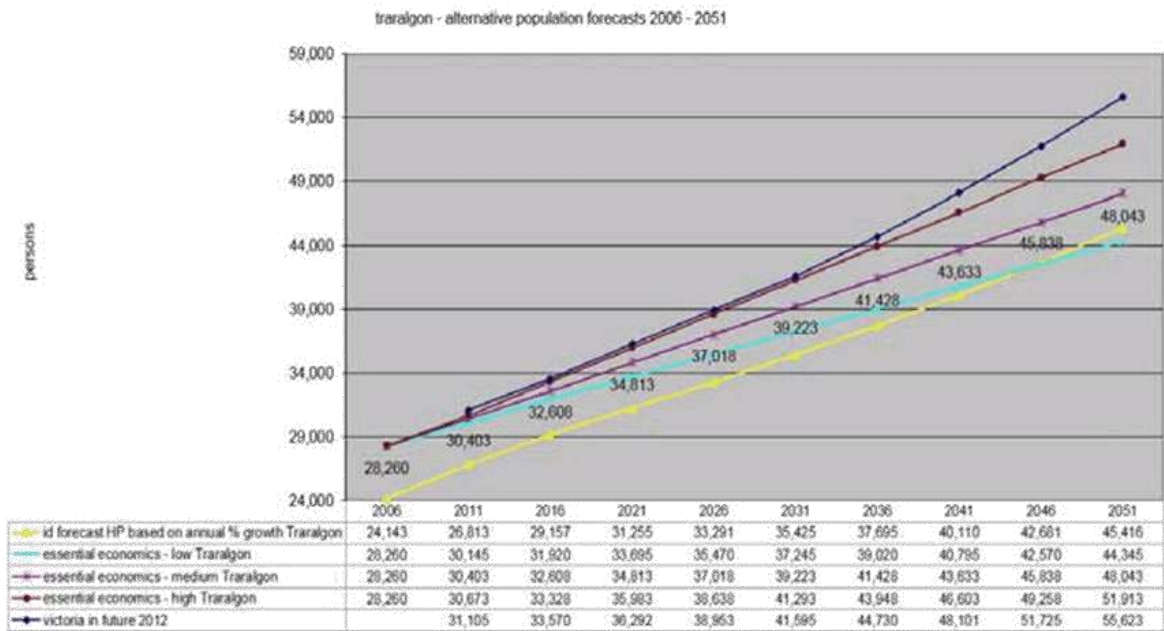


Figure 8 Population projections from various sources<sup>8</sup>

<sup>8</sup> From Council Part B submission

Based on its analysis TGAR (and Council) adopted the Essential Economics forecasts, shown in Table 1 below.

council adopted population forecast for traralgon – 2011 to 2051					
scenario	2011 (persons)	2051 (persons)	additional (people)	ave. annual change (persons)	ave. annual % change
Low	30,145	44,345	14,200	355	0.97%
medium	30,403	48,043	17,640	441	1.15%
High	30,673	51,913	21,240	531	1.32%

Table 1 Council adopted population forecast for Traralgon<sup>9</sup>

TGAR quoted<sup>10</sup> Essential Economics as estimating that new dwelling approvals averaged 142 per annum between 1998 and 2007 and 257 per annum between 2003 and 2007. Council in their submission stated that prior to 2012 a lack of available land had acted as a constraint on residential development.

Council stated that Traralgon had the highest annual development rate of any urban centre in Latrobe City. The high demand for residential development in Traralgon and its role in accommodating a significant proportion of regional growth is expected to continue with Council expressing the view that the medium and high forecasts in Table 1 are considered the most likely.

TGAR translated the estimated population growth into a required number of dwellings to 2051. While the projected demand slows slightly after 2021 the average annual demand varied from 180 (low growth forecast), 218 (medium growth forecast) and 257 (high growth forecast). Council stated that TGAR translates this into a required land supply of between 904ha – 1,294ha to 2051.

#### Future growth areas and staging of residential development

The current Traralgon Structure Plan forming part of Clause 21.05 was prepared in 2007 and implemented into the planning scheme in 2010 (see Figure 3). The structure plan identifies future residential growth areas on the town's edges. 'Area 11' comprises the approved *Franklin Place Development Plan* (currently under development) and *Traralgon North Development Plan* (TNDP) area. Other substantial future residential areas are identified south of the Princes Highway ('Area 8') and in the west of Traralgon ('Area 1').

The subject site is located within the TNDP, which as one of Traralgon's key growth areas provides for the development of 118.6ha of land to create a new neighbourhood of approximately 1,077 residential lots. The key plan from the TNDP is shown in Figure 5. The first stages of development in the TNDP (known as 'The Rise' estate) are currently underway to the north of the subject site. An application is currently being considered for the balance of the property to the west of the subject site.

Council stated that an estimate prepared in 2010 indicated that that the current Traralgon structure plan, including the TNDP area and all the other identified growth areas, may have as little as 4 to 11 years supply of residential land.

<sup>9</sup> Council Part B submission

<sup>10</sup> TGAR page 14

The *Traralgon Growth Areas Review* (TGAR) assessed current land supply, constraints and opportunities to accommodate projected population growth in Traralgon to 2051. The TGAR Framework Plan identifies additional areas for future residential growth to the north and east of the TNDP area. The growth areas shown in TGAR are broadly identified as ‘first stage’ (the growth areas shown on the current Traralgon structure plan), ‘second stage’ immediately north east of the TNDP area (area 3a and area 4 in the TGAR Framework Plan) and ‘future long term’ (area 3b north-east of the TNDP area). An ‘intensification area’ (area 5) and ‘future long term’ residential growth area (area 6) are also identified to Traralgon’s east. TGAR is proposed to be implemented through Amendment C87 which would incorporate a revised Traralgon structure plan (figure 9) into the planning scheme.

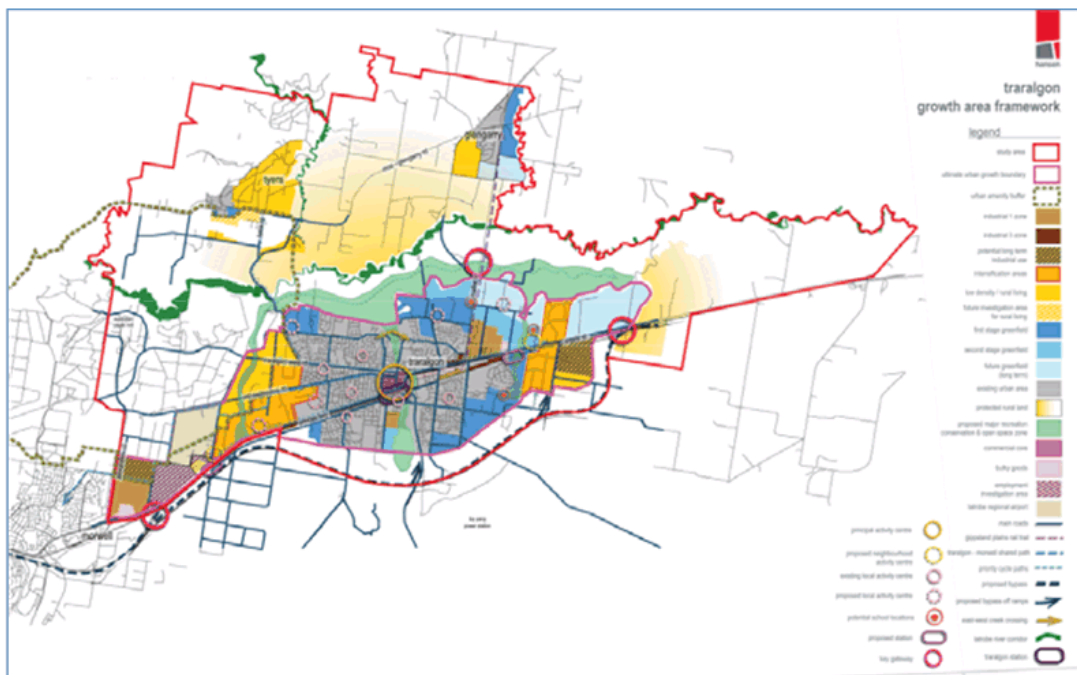


Figure 9 Proposed (revised) structure plan for Traralgon

Council concluded that ‘given the status of the other growth areas, the TNDP area followed by the areas to the north and east of the site (areas 9 and 11 on the proposed new structure plan under Amendment C87) will be a key focus for growth in the short to medium term’ and that ‘the timing of development will be dependent on whether growth occurs at a low, moderate or high rate, the level of infill development that can be accommodated within the existing urban area, and the density at which the growth areas are developed’.

**Other Evidence regarding population and housing growth\**

A number of the reports commissioned by the Proponent and Council and the expert witness statements presented at the Panel Hearing made reference to expected population and growth in Traralgon.

The November 2014 Economic Impact Assessment report prepared by MacroPlan Dimasi for the Proponent noted that:

*'Traralgon has experienced solid population growth over the past decade through greenfield development, mainly at the northern fringe of the township. ... the immediate area surrounding the Marshalls Road subject site is planned to be developed for residential uses, which is expected to sustain ongoing development over the medium to long term' and 'The trade area population is estimated at 5,520 people in 2014, and is projected to increase strongly over the forecast period to reach 8,000 people by 2026, reflecting an average increase of 3.1% per annum. The majority of population growth within the trade area will be driven by residential development at the greenfield site (of) the Traralgon North DP & DCP, this area has the potential to yield 1,338 residential lots, reflecting an average density of 12.5 lots per hectare. Another source of population growth is the parcel of residential land located directly south of the Traralgon North development area, on the south-western corner of Marshalls Road and Park Lane. This area totals some 24 hectares and, by applying the same residential density of 12.5 lots per hectare, could potentially yield 300 residential lots upon completion over the longer term.'*

Mr Nott, in his expert witness statement, noted that in assessing potential growth he had adopted the trade area as the MacroPlan Dimasi report but had separately assessed the likely population growth within this trade area. He had assumed an average rate of population growth of 3.3% per annum for the trade area based primarily upon the assumption that the TNDA area would be fully developed over the next 20 years (he assumed 0.5% growth in the balance of the trade area).

Mr Nott stated that he believed that this assumed rate of greenfields development was reasonable given that VIF 2014 forecast overall population growth of 1.2% per annum from 2016 to 2026. In response to questions, Mr Nott agreed that his estimate of the rate of population growth in the trade area assumed that approximately two-thirds of Traralgon's growth would occur in the TNDA area. He pointed out that all of the expert witnesses' statements have the trade area population growing to 7,000-8,000 by 2026.

Mr Lee, in his expert evidence, identified the primary trade area for the proposed neighbourhood centre as the northern urban area of Traralgon (i.e. excluding the townships of Glengarry and Toongabbie) and estimated the 2014 population of this primary trade area at 2,595. He stated that population growth in the urban part of the catchment had been relatively slow (around 50 persons per annum) since 2011 and in that period represented approximately one-third of total population growth in Traralgon. He estimated the 2014 population of the secondary (non-urban) catchment at 2,550.

Mr Lee noted that the VIF 2015 forecast population growth for Traralgon was 135 persons per annum from 2011-2014 accelerating to approximately 345 persons per annum after 2016. He assumed that approximately half of this growth would occur in the north of Traralgon.

Mr Henshall of Essential Economics did not provide detailed evidence in relation to expected population growth, but in response to questions agreed that he had assumed that the TNDA area would be fully taken up in the period to 2026.

Mr Milner, in his evidence, stated that he expected the northern and eastern growth areas to carry a disproportionate share of Traralgon's growth given the constraints on

development in other growth areas. He said that he estimated the total long term capacity of the proposed residential areas east of the Traralgon-Maffra Road at approximately 18,000 people and that in due course this would allow for development of another neighbourhood activity centre in the east of Traralgon.

### 3.3 Discussion

While there were some differences of opinion between Council and the expert witnesses regarding the prospects for population growth in Traralgon, and especially within the trade area of the proposed Neighbourhood Activity Centre, there is general agreement on a number of key points:

- The population of Traralgon is expected to continue to grow. The most authoritative of the available forecasts is the State Government VIF 2015 projections. This forecasts population growth in Traralgon averaging 345 persons per year from 2016 to 2031. The Panel notes that the Council submission expects somewhat faster growth.
- It is likely that the TNDA will accommodate a substantial share of the new housing developed in response to this population growth. On this point the opinions of the experts varied with one suggesting that the TNDA share might be as low as half of total Traralgon growth, while others expressed the view that the TNDA might accommodate as much as two-thirds of total Traralgon growth.
- Most other areas of zoned 'greenfields' land in the north of Traralgon are under development and initial housing development in the TNDA has commenced.
- It can be confidently expected that the TNDA will be fully developed over time – although the exact time required to reach effective build-out is uncertain.
- In the longer term the revised Traralgon structure plan recommended in the TGAR proposes very substantial additional residential development east of the Traralgon-Maffra Road.
- All of the expert witnesses agreed that Traralgon is now of a size that justifies planning for the incorporation of Neighbourhood Activity Centres into the Traralgon retail hierarchy. In the Panel's view the forecasts of future residential growth in the north of Traralgon will warrant the location of one of these centres in the north.
- A smaller amount of population growth and residential development can be expected in the non-urban portion of the likely catchment for a northern Traralgon NAC.

### 3.4 Conclusions

The Panel concludes that:

- It is most likely that there will be continuing population growth in Traralgon and that a substantial part of this growth will be accommodated by residential development in the north and north east of Traralgon.
- The rates of growth assumed by Council and the Proponent in assessing potential future demand for retail development in the north of Traralgon may be somewhat higher than the estimates made by other submitters, but on the evidence presented they cannot be shown to be unreasonable.

- While there is inevitably a degree of uncertainty in any localised forecast of population and housing growth, differences in growth rates will in practice translate into a few years difference in the timing of build out of the TNDP area and the commencement of development in north-east Traralgon.
- Given this, there is justification for Council's decision to make provision for development of a Neighbourhood Activity Centre in the north of Traralgon.

## 4 The most appropriate location

### 4.1 The issue

The parties contested the strategic justification for the location proposed for the development. In particular there was disagreement regarding the relative merits of the proposed site as against a site in the vicinity of the intersection of Marshall Street and Park Lane. More generally there was disagreement as to the appropriateness of making a decision on the location of a new NAC prior to preparing an overall activity centre strategy for Traralgon.

The Panel has reviewed the submissions and evidence and drawn conclusions.

### 4.2 Evidence and submissions

#### Council submissions

Council responded to arguments in submissions that there was insufficient strategic justification for the Amendment and in, particular, that the subject site is not the preferred activity centre location identified on the current Traralgon Structure Plan. Council also responded to submissions that an activity centres strategy needs to be undertaken in order to properly test the need for new neighbourhood centres; the timing for the development based on population growth; and the merits of different locations.

Council expressed the view that, although the site is not specifically identified through an activity centres strategy, this does not mean there isn't sufficient strategic justification for the proposal. Council argued that the existing strategic framework strongly encourages the provision of neighbourhood centres in growth areas and specifically identifies the need for a centre to support growth in Traralgon's north. This was initially identified through the Retail Strategy Review that informed the existing Traralgon Structure Plan and was more recently reiterated in TGAR and the TNDP.

Council argued that the centre that is now proposed represents a refinement of the earlier plans based on more detailed strategic and economic analysis, including consideration of the merits of the proposed site compared to alternative locations.

In this context, Council argued that planning authorities should seek to implement the key principles of existing strategic and structure plans rather than being bound by the details of such plans. In support of this view, the Council quoted the findings of the Bass Coast C92 Panel that considered a proposal to create an activity centre larger than that nominated in an adopted structure plan. In that report the Panel stated that:

*... the Panel would caution against a strictly literal translation of the recommendations of a document like a Structure Plan in the manner suggested by the submitter.*

*Documents like these provide a strategic vision and direction, which can then be refined following further analysis connected to a specific proposal. In this case,*



*the Proponent (with the support of the Planning Authority) has undertaken a detailed assessment of the proposal in its totality and concluded it to be sound.<sup>11</sup>*

Council argued that the same principle regarding the refinement and implementation of strategic plans is relevant to activity centre strategies, being high level strategic documents that are often refined in response to specific development opportunities that are in line with the intent of the strategy. Council also argued that this is particularly relevant to lower order centres where in Melbourne's growth areas the planning of neighbourhood centres is typically undertaken at a more detailed level such as part of the PSP process.

Council considered that the existing strategic framework, together with the detailed economic analysis undertaken as part of this Amendment, provide sufficient strategic justification to support the size and location of the proposed neighbourhood centre to support growth in Traralgon's north. Furthermore, the Amendment provides a similar level of analysis to what would likely be undertaken relevant to the northern growth areas as part of a municipal or township wide activity centres strategy.

In Council's view, the above quote from the Bass Coast C92 Panel report also highlighted the importance of the availability of an appropriate development opportunity. Council argued that, while this is not the most important or determining consideration for the Amendment, it is particularly relevant in planning for growth areas and in a regional context where it can be difficult to attract investment. There is no guarantee that an equivalent development at an alternate location, such as at Park Lane, would be pursued by a landowner or developer or when that could occur.

Council's view is that the possibility that a better alternative location to the subject site could be identified through an activity centres strategy is outweighed by the risk that an appropriate and strategically supported development proposal could be lost as a consequence of the delay. Even if the proposed development under the concurrent permit application wasn't constructed straight away, it is strategically important that the land be rezoned now to ensure suitable land is available for neighbourhood shopping facilities to support the growing community. In summary, Council concluded that to refuse this proposal, despite the analysis that has been undertaken demonstrating strategic support, would be of significant detriment to Traralgon's continuing growth and would not result in a net community benefit.

Council also submitted that, on the basis that a neighbourhood centre is economically and strategically supported, the subject site is the most appropriate location for a NAC serving Traralgon's north and north-east for the following key reasons:

- It represents a refinement of the indicative locations nominated in the current structure plan and TGAR in response to further strategic analysis, particularly in relation to the need for a neighbourhood centre rather than a smaller local centre as previously contemplated.
- Its prominent location on the corner of an arterial (Traralgon- Maffra) road and collector (Marshall) road makes it highly accessible to its catchment.

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<sup>11</sup> Bass Coast C92 panel report

- It is central to its broader catchment that includes existing residents on the northern edge of Traralgon, approved growth areas (including the TNDP area) and the nearby towns of Glengarry and Toongabbie.
- It is also central and accessible to the additional longer term growth areas to the east of Traralgon-Maffra Road identified in TGAR.
- The existing pocket of industrial land opposite the site south of Marshalls Road is planned for residential redevelopment and has the potential to accommodate higher density housing.
- The current proposal for the subject site provides an opportunity for neighbourhood shopping facilities to be available in the early development stages of the TNDP growth area.

The Council acknowledged that the TGAR nominates a local activity centre at the corner of Park Lane and Marshalls Road, a relocation of the activity centre (on the other side of Marshalls Road) shown on the current Traralgon Structure Plan. Council argued that this site was nominated as a broad, indicative location with further detailed analysis to be undertaken as part of any rezoning for the establishment of a new centre. TGAR stated:

*Commercial and retail uses should be accommodated within one of the activity centres shown on the following plan, unless there is robust strategic justification provided and a net community benefit can be established for alternate sites.<sup>12</sup>*

Council argued that the nomination of the Park Lane location was based on it being a smaller local centre intended to serve only the TNDP area and recent developments to the south of Marshalls Road (the Franklin Place and Strand estates).

The proposed location of a larger neighbourhood activity centre on the subject site was subsequently nominated on the final TNDP in preference to the Park Lane location. This alternative was considered in response to submissions received from Woolworths and NBA Group (on behalf of the landowner) which provided supporting documents, including an economic analysis, demonstrating that a larger centre could be supported and that the proposed location on Traralgon-Maffra Road was more suitable to serving the larger catchment. Council considered that this was an appropriate alternative subject to further strategic analysis being undertaken as part of the planning scheme amendment process.

Council's view is that the detailed strategic and economic analysis undertaken as part of this Amendment confirms that the proposed NAC on the subject site should be supported as it can serve a catchment that includes the existing residential area south of Marshalls Road, the Traralgon North growth area and the nearby towns of Glengarry and Toongabbie. On the basis of its higher accessibility to the broader catchment Council considers the proposed location is more appropriate than the previously suggested location at Park Lane.

Council acknowledged that the proposed site doesn't provide for the co-location with community facilities that would be afforded by the Park Lane location, however, it considers this to be outweighed by the other economic and locational advantages of the subject site.

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<sup>12</sup> Page 12 Traralgon Growth Areas Review August 2013

While the Park Lane location would co-locate the activity centre with open space and community facilities, it is likely to be a smaller local centre and due to its lack of arterial road frontage may not attract the mix of shopping facilities intended to be provided at the neighbourhood level. It may therefore struggle to become a vibrant community focal point. Council stated that the proposed community facilities and multi-purpose open space area within the TNDP would serve a more localised function which would benefit from its central location, with the proposed NAC providing a broader community hub with a greater mix of uses and a shared path connection along Marshalls Road.

#### **Submissions on behalf of Stockland Ltd**

Ms Brezzi for Stockland submitted that the proposed rezoning was inconsistent with the current provisions of the Latrobe Planning Scheme and that it was premature to rezone the subject site to permit development of a NAC including a full line supermarket in the absence of an up to date activity centres strategy for Traralgon. She submitted that a proper activity centres plan would consider the best locations for new centres in Traralgon and may well conclude that neighbourhood centres would be more appropriately located elsewhere (for example adjacent to the rail line on the Princes Highway in east Traralgon), and that only a local centre was appropriate in north Traralgon.

In response to questions from the Panel regarding the size limits on the proposed centre, Ms Brezzi argued that if rezoning of the subject site were to be approved, appropriate size limits on development would be 1,500sqm for the supermarket and a total for 1,000sqm for other shops (or alternately a 2,500sqm limit on the total development with a condition that no more than 1,500sqm be in a single tenancy). Such a limit would effectively mean that the subject site could be developed as a local centre and this would minimise the chance of prejudicing the outcomes from a proper activity centres study.

#### **Expert Evidence in relation to centre location**

The original economic impact assessment report prepared by MacroPlan Dimasi stated that *'Traralgon-Maffra Road is a main north-south thoroughfare, linking to the Princess Highway in the south and running through the towns of Glengarry and Toongabbie to the north; while Marshalls Road provides convenient access to the site for residents from the west. The proposed centre will therefore be conveniently located for both local residents and residents from the broad surrounding region, particularly to the north.'*

Mr Tim Nott in his witness statement responded to criticism of the proposed centre location compared to the Park Lane/Marshalls Road alternative. He acknowledged that:

*'it is true that the centre location proposed .... will be on the edge of the Traralgon North development area. This will reduce the number of people in the development area who can comfortably walk to the centre. It is also true that the centre will not be co-located with community facilities that are planned to serve the Traralgon North development area, just to the north of the intersection of Marshall's Road and Park Lane. Co-location of community and commercial facilities is one of the desirable attributes of activity centres, allowing multi-purpose trips and improving the viability of both sets of activities.'*

He also stated that:

*'On the other hand, the location at the intersection of two main roads – Marshall's Road and Traralgon-Maffra Road - will increase the visibility of the centre to passing traffic, thereby improving its viability. In addition, in the longer term, the centre would have a more central position for the growth areas of Traralgon North, taking into account the future development areas to the east of Traralgon-Maffra Road. It is unlikely that these areas will support a further neighbourhood activity centre and so the proposed centre under review here will serve east and west of Traralgon-Maffra Road.'*

Finally, Mr Nott gave evidence that a location further east than Park Lane will reduce the retail trading impact on the Traralgon CBD; *'every metre closer to the CBD will reduce the natural trade area of the CBD for food and groceries and other convenience goods.'*

In response to questioning during the Hearing, Mr Nott argued that at a neighbourhood scale co-location was desirable but not essential and that the proposed centre would include some community facilities (i.e. the proposed medical centre).

Mr Henshall of Essential Economics, in his expert evidence, concluded that:

*I support the location of the proposed Neighbourhood Centre at the north-western corner of Traralgon-Maffra Road and Marshalls Road in terms of facilitating access of trade area residents to the centre and, at the same time, providing the centre with exposure to passing traffic along Traralgon-Maffra Road, which provides an important link to the north.*

Mr Lee, in his evidence, noted in relation to the proposed neighbourhood centre location that *'it is not surrounded by an existing residential community nor is it centrally positioned with respect to the residential catchment in Traralgon North. Non-residential land uses surround the site to the east and north-east.'*

Mr Lee stated that the only supporting strategic planning justification for the proposed site was the reference in the September 2013 TNDP report that had subsequently been endorsed by Council. Mr Lee noted that the TNDP *'specifies that further strategic assessment of this proposal would need to be conducted to support the rezoning'* and that specific guidance is provided in section 5.8 of the Development Plan in terms of the extent of further analysis required:

*Before deciding on a proposal to rezone the land the planning authority should consider (among other requirements of the Planning and Environment Act 1987):*

- *The strategic justification for the proposal.*
- *Whether the proposal is consistent with the Traralgon Growth Areas Review.*
- *The economic and social impacts of the proposal on the Traralgon Central Business.*
- *District and commercial activities in nearby townships such as Glengarry, Tyers and Toongabbie.*
- *The strategic justification for the timing and scale of the development.*

In this context, Mr Lee stated that *'it appears to me to be somewhat self-serving for the EIA to refer to the Traralgon North DP as providing strategic justification when the DP itself calls*

*for additional strategic justification prior to any rezoning being approved. In my opinion the level of strategic analysis contained within the amendment material does not appear to meet the requirements as set out in the Traralgon North Development Plan.'*

Mr Lee also drew attention to the discussion of activity centre planning in the TGAR which proposed an activity centre hierarchy consisting of the Traralgon Town Centre as a Principal Activity Centre, with Neighbourhood Centres positioned along the Princes Highway spine to the east (close to a possible future railway station) and to the west (within the Latrobe Regional Hospital precinct). A local activity centre was nominated for a position close to Marshalls Road and Park Lane. Mr Lee stated that, in his opinion, this suggested activity centre framework is entirely sensible as it allows for both new neighbourhood centres to be centrally positioned with an ability to serve a larger and more sustainable catchment. For example, the existing residential population surrounding the Traralgon East site is already in excess of 7,000 residents and would be expected to grow more rapidly as it serves development fronts to the north-east and south-east of the townships, as well as future development indicated in the east adjacent to the industrial estate.

Mr Lee also stated:

*'While I agree that Traralgon should commence planning for a new level in the retail hierarchy, my opinion is that this should be done in an appropriate fashion with a level of strategic planning justification which appears to be absent in the current amendment and permit application. .... there has been insufficient detailed strategic analysis to be able to determine the appropriate location and the appropriate size of a new centre to be developed in north-east Traralgon to serve this residential growth area.'*

He noted that the existing planning scheme, the TGAR and the Traralgon North DP all recommend that an activity centres study be undertaken. He argued that such an activity centre strategy would help to determine an appropriate retail hierarchy to support the ongoing growth of Traralgon's residential community while ensuring that new centres are best positioned to become vibrant and viable focal points.

He concluded:

*'In my opinion such a study would conclude that a centre serving the north-east part of Traralgon should be smaller than currently proposed through C89 to better reflect the size of the catchment. An activity centre strategy would probably agree with the TGAR that a more central position close to Princes Highway is the most appropriate location to accommodate a vibrant new full-line supermarket based centre which is supported by an appropriately-sized residential catchment.'*

Mr Milner, in his planning evidence, addressed the justification for provision of a neighbourhood activity centre in Traralgon's north together with comparison of the subject site and the potential alternative site adjacent to the proposed community hub at the intersection of Park Lane and Marshalls Road. In relation to the strategic justification for a neighbourhood centre on the proposed site, Mr Milner gave evidence that Traralgon was large enough to support development of neighbourhood centres. He argued that the north and north east is likely to accommodate a disproportionate share of Traralgon's future

growth and that it is no longer appropriate that residents in the north and north east should have to travel into the Traralgon CBD to do their regular grocery shopping.

Regarding the comparative merits of the two sites Mr Milner's argued that, at the time of the preparation of the current Traralgon structure plan, it made sense to nominate a site for a small activity centre at Park Lane because no residential development was anticipated east of the Traralgon-Maffra Road. However, in the light of the more extensive residential development in the north envisaged by TGAR the subject site offers greater net community benefit particularly by virtue of its more central location, arterial road accessibility and potential for integration with other land uses.

#### **Other submissions**

Mr Naughton questioned the reasons for the original proposal for a smaller activity centre at Park Lane being replaced with the current proposal for a larger centre on the subject site. He doubted the justification for establishment of such a large centre/supermarket at this time and expressed concern regarding the aesthetic and noise impacts on adjacent residential areas of a development of the scale proposed. He believed that as the subject site is at the highest point of the TNDP area a supermarket on the size proposed would dominate the landscape and detract from the amenity of surrounding areas.

### **4.3 Discussion**

There is no doubt that Council's strategic planning for Traralgon is in a state of transition and that it would be preferable for decisions on major rezoning proposals to be made in the context of more settled strategic plans. However, the current proposal must be dealt with on its merits and in the light both of the current provisions of the planning scheme and the longer term strategic planning for Traralgon's future that has been completed to date.

While the current Traralgon structure plan in the Latrobe Planning Scheme envisages a 'possible future neighbourhood centre' in the vicinity of the Park Lane/Marshalls Road intersection the site originally envisaged has now been committed to residential development. While there is a potential alternative site to the north of the Park Lane/Marshalls Road intersection there is no current proposal for development of an activity centre on that site and it is unclear if this situation will change in the foreseeable future.

With one exception, all of the experts supported the proposed site as a suitable location for a neighbourhood activity centre. While the dissenting expert argued that a decision should await the completion of a Traralgon wide activity centre study, he acknowledged that a site at the junction of an arterial and a collector road would normally be considered a suitable location for a neighbourhood activity centre.

Since the incorporation of the current Traralgon structure plan into the Latrobe Planning Scheme the Council has undertaken a number of significant strategic planning studies - in particular the TNDP and the TGAR. The TGAR in particular envisages a great deal more residential development in the north and northeast of Traralgon than was provided for in the current Traralgon structure plan.

While the Latrobe C87 Amendment (which would give effect to the findings of TGAR and incorporate a revised Traralgon structure plan into the Latrobe Planning Scheme) has yet to be finalised, the issues raised by the Panel considering that Amendment do not cast doubt

on the aspects of TGAR (and the new structure plan) that propose additional residential development in Traralgon's north. Indeed the issues raised by the C87 Panel may reduce or delay residential development to the south and west of Traralgon and have the effect of transferring demand to the north. Given the TGAR recommendations it seems likely that the area east of the Traralgon-Maffra Road will eventually be rezoned for residential development and that north Traralgon will play a key role in providing for future residential growth in Traralgon. In this context it is sensible practice for Council to make a decision regarding the current rezoning proposal in the light of the TGAR and other recent strategic planning studies.

The Panel is satisfied that Traralgon is now of a size where it is appropriate to plan for the introduction of a new level of activity centres into the local retail hierarchy and that, particularly on the basis of TGAR, a sound case can be made for the provision of a neighbourhood activity centre to the north of Traralgon.

The Panel is not convinced that the suggested alternative (Park Lane) site has significant advantages when compared to the subject site. The only substantial advantage advanced for the Park Lane site is the potential for co-location of the activity centre and community facilities. If necessary there is scope for the Council to re-examine planning for the areas adjacent to the subject site (either the undeveloped land north of Marshalls Road or the current industrial site south of Marshalls Road) to provide for some co-location of community facilities and the possibility of higher density housing.

Council argued that the strategic planning undertaken to date, together with the specific investigations undertaken in relation to the current proposal (including the investigation of potential economic impacts on the Traralgon CBD), provide a sufficient basis for Council to be able to make an informed judgement regarding the merits of developing a neighbourhood centre on the subject site. The Panel concurs with this view.

While it may be desirable for an area wide activity centre study had been completed before a decision is made in relation to the location of the proposed NAC, the Panel is satisfied that the strategic planning undertaken to date provides a reasonable basis for consider the merits of the Amendment. In the Panel's view it is unlikely that the proposed development will preclude desirable activity centre outcomes in other areas of Traralgon. Delaying a decision until the outcome of an activity centres study is unlikely to produce a materially different outcome in terms of centre location.

#### **4.4 Conclusions**

The Panel concludes that:

- On the basis of the evidence presented, there is a reasonable expectation that north Traralgon (both the TNDP area and the land east of the Traralgon-Maffra Road identified for future residential development in the TGAR) will provide for a substantial portion of Traralgon's future residential growth.
- The scale of residential development envisaged for the TNDP area, together with demand from other more established parts of north Traralgon and the non-urban catchment north of Traralgon, justify the provision of a new activity centre in the north. When regard is given to the scale of residential development east of the

Traralgon-Maffra Road envisaged in TGAR, a sound case can be made for such a northern activity centre to have the status of a neighbourhood centre.

- The suggested alternative (Park Lane) site would provide only marginally more convenient access for residents of the TNDP area and the established northern areas of Traralgon than would an activity centre on the subject site. The subject site would provide more convenient access for residents from the townships and rural areas north of Traralgon and from the potential future residential areas east of the Traralgon-Maffra Road. The subject site's location at the junction of an arterial and a collector road is in accord with good planning practice and the visibility of the site to passing traffic will assist the earlier viability of the proposed activity centre.
- There is a benefit to residents of north Traralgon (and non-urban parts of the activity centre catchment) in facilitating the early development of an activity centre in the north. Approval of rezoning of the subject site is more likely to achieve this aim than is deferring a decision on the rezoning pending a Traralgon wide activity centre study.
- On balance, the Panel believes that the subject site is a suitable location for a neighbourhood activity centre and the proposed changes to the Traralgon Structure Plan at Clause 21.05 are appropriate.



## 5 Economic impact of the proposal

### 5.1 The issue

The parties contested the economic impact of the proposed development.

The Panel has reviewed the submissions and evidence in relation to the economic impact on the Traralgon CBD, other supermarkets and retail in nearby towns.

### 5.2 Evidence and submissions

#### Council submissions

In supporting approval of the Amendment, Council pointed to provisions in State and local planning policy that encourage the provision of neighbourhood activity centres in new greenfield residential developments to meet local convenience shopping needs in accessible locations. Council argued that such centres form part of a hierarchy with larger sub-regional centres (i.e. the Traralgon CBD) and smaller local centres (e.g. smaller 'top up' supermarkets such as the IGA on Park Lane and Foodworks on Hyland Street and the stores in Glengarry and Toongabbie) which each provide a different role to collectively fulfil the shopping needs of the community.

In particular, Council highlighted provisions in Clause 21.07-6 (Retailing Overview) of the Council's MSS. The Clause states, in part, that:

*Potential emerging growth areas in ... Traralgon will require additional neighbourhood shopping facilities, with discrete allocation in accordance with population and household growth patterns.*

*These centres requires a consolidation of retail floor space in the order of 3,000-5,000sqm to best service these areas.*

The Clause also states that Council should:

*Encourage (new) shops that do not significantly detract from the function of the existing major retail centres.*

Council noted that the drafting of the Clause was informed by a June 2007 Retail Strategy Review prepared by MacroPlan.

As key issues in relation to the Amendment include the need for the new centre and the potential impact of its development on the Traralgon CBD, both the Economic Impact Assessment (EIA) prepared by MacroPlan Dimasi for the Proponent and the peer review commissioned by Council from Tim Nott provide an analysis of the need for and impact of the proposed centre. Both assessments conclude that the development is economically supported and would not have a significant adverse impact on the role and function of the Traralgon CBD or local centres.

The EIA identifies a main trade area for the proposed centre that includes the surrounding Traralgon North growth area as well as the townships of Glengarry and Toongabbie. The size of the catchment is largely driven by the location of the site on Traralgon-Maffra Road which facilitates access by residents of Glengarry and Toongabbie.

Council stated that the catchment is estimated to have a current population of approximately 5,000 people and is projected to reach approximately 8,000 people by 2026. The majority of the population growth will be driven by the development of the TNDP area. As the population projections do not include the additional growth areas identified in TGAR, the ultimate population of the catchment is likely to be even higher. The alternate views of the experts regarding population growth in the catchment are discussed in chapter 3 of this report.

The EIA indicates that there will be demand for 4,700sqm of retail floor space within the catchment in 2017 which will increase to over 5,500sqm by 2021, with the potential expansion of the supermarket expected to be supported by around 2022-2023. Council concludes that this means that the proposed centre is not only supportable, but is required to meet the retail needs of the local population.

The EIA estimates that the proposed centre would have a 5.4% impact on the CBD. A large proportion of this impact would be on supermarket sales, with the impact on non-food sales expected to be marginal. This reflects the convenience based role of the proposed NAC. Council considers that these impacts are reasonable, with CBD sales still expected to increase over time.

The Council commissioned, peer review by Mr Tim Nott estimates that 80-85% of trade at the proposed centre would otherwise have gone to the CBD. As a result, the proposed centre is expected to have an overall impact of 5-7% on retail sales in the CBD, with a 16-20% impact on the food and grocery segment. Council noted that some of the impact on the grocery segment would be on the existing CBD supermarket operated by Woolworths, the intended operator of the supermarket in the proposed centre.

Council concurs with the key conclusion of the MacroPlan Dimasi and Nott reports that while the impact of the new centre will require some rearrangement of the food and grocery segment within the CBD, it would not affect the its sub-regional role or the level of service that it can provide to the community. Council considers that the development of neighbourhood scale centres is a necessary change in order to support the overall growth and function of Traralgon as an efficient and sustainable major regional city. The proposed NAC would provide a different role and function that would complement and support the higher sub-regional role of the Traralgon CBD.

Council concluded that if a neighbourhood centre of sufficient size to support the Traralgon North growth area is not planned and delivered in a timely manner, the role and function of the CBD as a sub-regional centre would be compromised by the increased pressure and congestion resulting from providing convenience shopping for residents living well outside a conveniently accessible catchment. In Council's view the relatively minor impact on the CBD is outweighed by the broader social and economic benefits of the proposed centre resulting in a significant net community benefit.

Council also stated that the proposed centre would not compete directly with existing smaller centres within Traralgon, Glengarry and Toongabbie as they provide a different role and function serving the top-up food and grocery needs to their local catchments.

**Expert Evidence**

The initial assessment of the potential economic impact of the proposed Marshalls Road NAC was the Economic Impact Assessment (EIA) prepared in November 2014 by MacroPlan Dimasi. The EIA was one of the background documents exhibited with the Amendment. It defined the main trade area and competition for the proposed Marshalls Road NAC as shown in Figure 10.

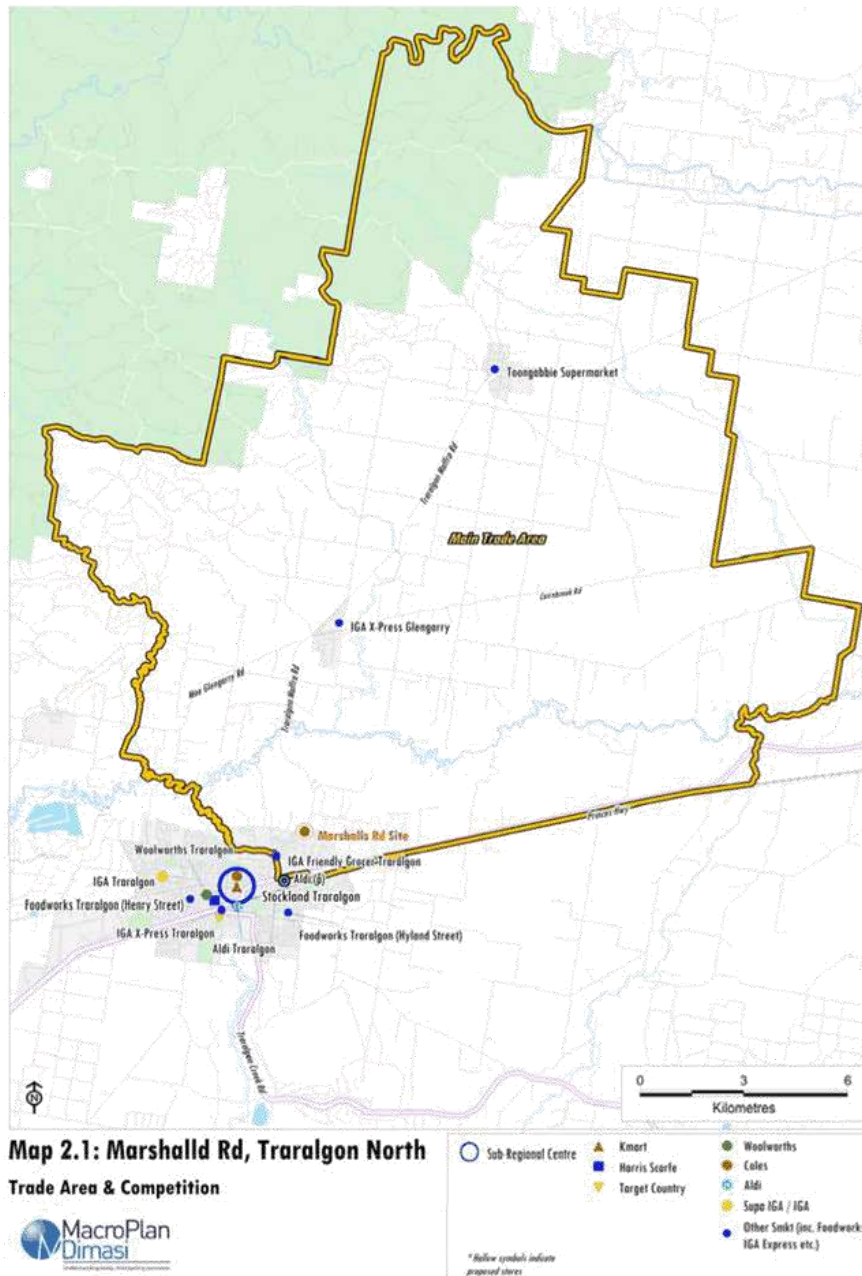


Figure 10 Trade area map from MacroPlan report

The EIA looked particularly at the demand for and competitive context of the supermarket proposed for the Marshalls Road NAC. It identified the existing smaller grocery stores in Park Lane, Glengarry and Toongabbie together with the food retailers in the Traralgon CBD as the principal competitors potentially impacted by the Marshalls Road centre.

The EIA also noted that an Aldi supermarket was proposed to be developed on Argyle Street in Traralgon's east. It noted that this new store was expected to replace the existing Aldi store in the CBD and that *'Aldi supermarkets typically serve larger catchments than other supermarket chains, and an Aldi supermarket ... would serve all of Traralgon and also the surrounding rural areas'*. It concluded that *'A new Aldi supermarket at this site (which is located immediately beyond the Marshalls Road trade area) would have no implications for a supermarket at the Marshalls Road site given the different roles the two supermarkets would serve'*.

The EIA stated that:

*'in summary the Traralgon City Centre provides the main retail facilities in the region, including for the Marshalls Road trade area residents. The development of the proposed neighbourhood centre on Marshalls Road would provide existing and future trade area residents with a convenient place to undertake their food and grocery shopping in a modern centre within their local area. However, trips for non-food shopping and services would still be undertaken in the city centre, as would a portion of their supermarket shopping'*.

In assessing the likely impacts of the proposed Marshalls Road NAC the EIA presented *'an indicative projection of the anticipated impacts on existing retail facilities in the region'*. It noted that *'Such projections can be considered indicative only for the simple reason that it is very difficult to predict with certainty the precise impact on any one retailer or any other centre that will result from the change of retail structure serving a particular region.'*

The EIA's key conclusions were summarised as follows:

- Following the development of the Marshalls Road NAC, the average trading impact on retailers in the Traralgon City Centre is estimated at 5.4%, including a 7.5% impact on Stockland Traralgon and 4.5% on the balance of the city centre.
- The only other retailers in Traralgon likely to experience an impact are those located on Hyland Street to the south. This impact is expected to be minor, at 2.1% on average or an estimated \$0.3 million in total.
- A large proportion of the projected impacts would be on supermarket sales at the centres in question. Non-food sales are likely to experience marginal impacts.
- The assessed impacts are considered to be reasonable and would not have any major implications for any existing retailers in Traralgon. Even allowing for the development of the Marshalls Road centre, existing retail facilities located in Traralgon are still expected to achieve sales of \$453.9 million in 2016/17, which is an increase on the current sales level of \$448.5 million.

Council commissioned Mr Nott to undertake a peer review of the EIA report prepared by MacroPlan Dimasi. His report indicated that he was in broad agreement with the conclusion of the EIA that development of the proposed NAC would not have a substantial adverse impact on the role of the Traralgon CBD as a regional centre. Mr Nott expressed the view

that Traralgon had grown large enough to provide for the development of neighbourhood activity centres as part of its retail hierarchy.

Referring to his earlier (2015) report for Council Mr Nott stated that he had prepared an alternative impact assessment which examined two scenarios that tested:

- The results of the Marshalls Road centre on its own (scenario 1); and
- The development of Marshalls Road as well as a proposed ALDI supermarket on Argyle Street in Traralgon East (scenario 2).

These scenarios resulted in a decline in overall retail sales in the Traralgon CBD of 5-7% and a decline in food and grocery sales of 14-20%. This would likely cause some rearrangement of the food and grocery sector within the CBD but the role of the CBD would not be challenged - it would continue to provide a sub-regional retail service including significant provision of food and groceries.

Mr Nott stated that his analysis, and that provided by MacroPlan Dimasi, found that the Marshalls Road supermarket would be likely to begin trading at a relatively low level – less than \$7,000 per square metre when a more normal trigger for investment is \$8,000 per square metre. However, given population growth in the catchment area and growth in resident spending, this target would be reached over time. By 2026, ten years after the opening of the centre, the supermarket should be trading well and at a level that could accommodate a minor expansion (as envisaged by the development proposal).

The impact of the Aldi proposal on the Marshalls Road Centre would be to reduce the initial retail turnover density of the supermarket at Marshalls Road from around \$6,600 per square metre to around \$6,300 per square metre. These figures are low by industry standards but have been judged acceptable by Woolworths, the proposed supermarket operator, in the context of a growing residential catchment. The low retail turnover density of the proposed supermarket at Marshall's Road would have no adverse consequences in terms of higher competitive impacts on other centres such as the Traralgon CBD.

Mr Nott concluded:

- Traralgon is growing large enough for a layer of neighbourhood centres to be introduced into the local hierarchy of activity centres. The neighbourhood centres will enable the urban area to function more equitably and efficiently. However there will inevitably be a period of adjustment.
- The proposed Marshalls Road centre will create an improved level of service for its catchment and will do this without posing a substantial risk to the role and function of the Traralgon CBD or to the existing network of centres.

Mr Chiappi, in questioning Mr Nott, drew his attention to the provisions of Clause 21.07-6 of the Latrobe Planning Scheme which, inter alia, states *'No new centres should be supported unless demand can be demonstrated as well as substantial assessment and statement that existing centres should not be detrimentally affected'* and asked if this was the test used by Mr Nott in assessing the acceptability of the impact of the proposed Marshalls Road centre. In response Mr Nott expressed the view that the wording of the clause was *'a little silly as even one new shop would cause some detrimental effect on existing centres'*.

In response to this and other questions, Mr Nott stated that:

- Development of the Marshalls Road centre would not preclude the future construction of an activity centre south of the railway line. The southern area already had a population of about 5,000 and had scope for further growth although the exact extent of this future growth will not be known until issues relating to the coal mine buffer are resolved.
- While it would be desirable for Council to prepare a Traralgon activity centre strategy, there is sufficient justification for the proposed Marshalls Road centre as it stands. The Marshall Road site is central to the northern and north eastern development areas identified in TGAR, its location on an arterial road is appropriate for a centre of this type and being further from the Traralgon CBD than the alternative Park Lane site will somewhat reduce its impact on the CBD.
- The main impact of the proposed Marshalls Road centre/ supermarket will be on the food stores in the Traralgon CBD and not on the smaller stores in Glengarry and Toongabbie. The stores in the two towns are quiet small and will primarily serve 'top up' needs. The main weekly grocery spend of most residents of the townships would already involve a trip to Traralgon.

Mr Henshall stated that having reviewed both the MacroPlan Dimasi EPA report and Mr Nott's peer review report to Council he had concluded that:

- The approach taken to retail impact assessment in the two reports is consistent with industry practice.
- The definition of the likely trade area for the Marshalls Road NAC set out in the MacroPlan Dimasi report is reasonable and takes into account the location of the Traralgon CBD.
- He did not disagree with the MacroPlan Dimasi conclusions that the proposed Marshalls Road NAC '*would provide existing and future trade area residents with a convenient place to undertake their food and grocery shopping*' and that trips for non-food shopping and accessing services '*would still be undertaken in the city centre, as would a portion of their supermarket shopping*'.
- The forecast level of initial sales per square metre (\$6,800) of the proposed supermarket was low in terms of the industry average (\$9,500/sq metre). To capture market share a supermarket operator may be content to accept a lower average sales figure in a trade area where population and sales figures are expected to grow following the initial establishment phase.
- The estimates of the impact of the Marshalls Road NAC on retail turnover in the Traralgon CBD were reasonable. Even after the development of the proposed Marshalls Road supermarket the retail turnover of the Traralgon CBD was likely to exceed the level achieved in 2013.
- From an inspection of the CBD supermarkets, and without having access to turnover figures, his impression was that the existing supermarkets were probably 'over trading'.
- The small shops in Glengarry and Toongabbie would likely continue to be used by local residents for 'top up' shopping between regular visits to supermarkets in Traralgon.

- The proposed location at the junction of an arterial and a collector road was appropriate for a NAC and was relatively central to its expected catchment.

In conclusion Mr Henshall emphasised that the economists who had reviewed the proposed development had agreed that:

- There is a need for additional food and convenience floorspace in Traralgon.
- It is appropriate to plan on the basis that neighbourhood activity centres should be part of the Traralgon retail hierarchy.
- The economic impact of the proposed NAC on existing centres/retailers will be modest.

In his evidence Mr Lee stated:

- The definition of the expected catchment for the Marshalls Road activity centre contained in the MacroPlan Dimasi report is generally sound and would represent the likely pattern of visitation to the centre. However he argued that it would be more realistic to distinguish between the primary (urban Traralgon) and secondary catchment (the smaller rural centres) areas of the centre.
- The current population of the catchment was very small to support a neighbourhood centre anchored by a full-line supermarket.
- He considered the EIA forecast of growth in the catchment population to be *'overly high when compared with recent growth rates and the official state government forecasts for the Traralgon township as a whole'*. For the EIA forecast of catchment growth to be realised the TNDP area would need to accommodate two thirds of total Traralgon population growth.
- He has significant concerns regarding the EIA's assumptions regarding the share of catchment spending that is likely to be retained by the proposed neighbourhood centre. He considers the EIA assumptions to be significantly too high given 'the small catchment size (in population terms), the extensive geographic area within the catchment, and the proximity of Traralgon town centre'.
- Analysis by his company of the total provision of supermarket floorspace in Traralgon indicates a 2015 provision of approximately 423sqm per 1,000 population. This contrasts with a Victoria wide average of 330sqm per 1,000 population which 'does not provide strong support for the conclusion that Traralgon is undersupplied with supermarket space or that there is an overwhelming need for a new full-line supermarket on the subject site'.
- He agrees that 'the proposed development would not lead to any diminution to the role of the Traralgon town centre'.
- Although impacts would be felt by the small supermarkets in Glengarry and Toongabbie he agrees that these stores provide a top-up shopping role rather than competing for the major weekly grocery purchase.

In answer to questions, Mr Lee agreed that Traralgon is ready for consideration of neighbourhood centres as part of its retail hierarchy but did not agree that a neighbourhood centre on the subject site is needed. He considered that a location on the Princes Highway in Traralgon's east would be a preferable location for a neighbourhood centre. A centre in that location would be able to draw on population in both the north and east of Traralgon.

In summary, Mr Lee concluded that the EIA had somewhat overstated the net community benefit from development of the proposed Marshalls Road NAC and that further analysis leading to preparation of a Traralgon wide activity centre strategy is desirable before proceeding with the current Amendment.

### 5.3 Discussion

A critical issue for consideration of the current Amendment is what degree of adverse impact on existing activity centres and retailers should be considered acceptable when assessing the net community benefit associated with establishment of a new activity centre. As pointed out by Mr Chiappi, Clause 26.7-6 of the Latrobe Planning Scheme states that:

*No new centres should be supported unless demand can be demonstrated ..... and  
..... existing centres should not be detrimentally affected.*

The wording of this clause could be taken as implying that new centres should only be approved if it was expected that they would have no adverse impact on existing centres. However, Clause 26.7-6 also states that:

*Town centres in Latrobe City must grow and innovate their retail offer to cater for increased demand and to remain competitive; and*

*Potential emerging growth areas in Morwell and Traralgon will require additional neighbourhood shopping facilities, with discrete allocation in accordance with population and household growth patterns. These centres require a consolidation of retail floor space in the order of 3,000 – 5,000sqm to best service these areas.*

In the light of these latter provisions it is clear that the Clause does not envisage that new centres be ruled out if it could be argued that they would have any adverse impact on existing centres. A common sense reading of the clause would instead suggest that the relevant test should be whether a new activity centre, or the proposed size of such a centre, would materially impair the capacity of existing centres to play their role in the planned centre hierarchy for Latrobe City.

In the context of the current Amendment such a functional test would translate into two key questions - will approval of development of the Marshalls Road NAC:

- Materially effect the capacity of the Traralgon CBD to successfully fulfil its role as a sub-regional retail, service and community centre?, or
- Threaten the existing role of the small local centres (i.e. the Park Lane, Glengarry and Toongabbie centres) in providing for the day to day needs of the communities they serve?

The Panel has focussed on these questions in forming a view on the acceptability of the likely impacts of the proposed Marshalls Road NAC.

The views of the experts on these points are reasonably consistent and their conclusions are clear. All of the experts agree that:

- Traralgon has reached a size where it is appropriate to incorporate a network of neighbourhood activity centres into the retail hierarchy.
- Development of the Marshalls Road NAC will have an immediate adverse impact upon turnover in the Traralgon CBD but this impact will not be of a magnitude that



would threaten the sub-regional role of the CBD. The most detailed of the estimates is that of Mr Nott who anticipates that the impact on CBD turnover will be in the order of 5-7% overall and 12-14% in the food and groceries category. Several of the experts made the point that the loss of turnover in the CBD was likely to be made up within a few years and that there are steps that CBD retailers can and should take to strengthen their competitive position. None of the experts suggested that it was likely that existing CBD supermarkets would close (noting that the existing Aldi supermarket in the CBD is proposed to be relocated).

- There will be some impact on the smaller stores within the catchment of the Marshalls Road centre (i.e. at Park lane, Glengarry and Toongabbie). However these stores primarily serve a 'top up' shopping role for the areas in which they are located with most residents travelling into the Traralgon CBD to do their weekly food and grocery shopping. The experts all expressed the view that it is unlikely that development of the Marshall Road centre will undermine this top up role of the local centres.

In summary, the view of the experts is that development of the Marshalls Road centre will have an impact on but will not fundamentally threaten the role in the retail hierarchy of either the Traralgon CBD or the smaller local centres.

In this context it is relevant to note that Council broadly concurs with the views of the experts in terms of the likely impact of the Marshalls Road NAC on the Traralgon CBD. Council's submissions make the point that:

*'While this impact will require some rearrangement of the food and grocery segment within the CBD, it will not effect its role or the level of service it can provide to the community.'* Council also expressed the view that *'This is a necessary change in order to support the overall growth and function of Traralgon as an efficient and sustainable major regional city. The proposed NAC would provide a different role and function that would complement and support the higher sub-regional role of the Traralgon CBD'* and that *'If a neighbourhood centre of sufficient size to support the Traralgon North growth area is not planned and delivered in a timely manner, the role and function of the CBD would be compromised by the increased pressure and congestion in providing for convenience based shopping for residents living well outside a conveniently accessible catchment. This would impact its capacity to attract higher order investment ..... The relatively minor impact on the CBD is outweighed by the broader social and economic benefits of the proposed (Marshall Road) centre resulting in a net community benefit.*

No evidence was presented to the Panel that would cause it to disagree with the view expressed by both the experts and the Council that, while development of the Marshalls Road NAC will have an impact upon existing centres, it is unlikely to undermine the function of either the Traralgon CBD or the local centres in the retail hierarchy of a growing Traralgon.

## 5.4 Conclusions

The Panel has concluded that:

- A sound case has been made for incorporation of neighbourhood activity centres into the Traralgon activity centre hierarchy.
- Development of the Marshalls Road NAC, including the proposed full-line supermarket, will have a temporary and limited adverse impact on the Traralgon CBD and local centres within its catchment. However this impact is unlikely to be of a scale that would materially affect the ability of the CBD or the local centres to fulfil their role in the Traralgon retail hierarchy.
- There is a net community benefit in approval of the current Amendment.

## 6 Floor space caps

### 6.1 The issue

The parties contested the most appropriate size for the proposed development and in particular whether it was appropriate to permit the development of a full-line supermarket as part of the proposed activity centre.

The Panel has reviewed the submissions and evidence and drawn conclusions.

### 6.2 Evidence and submissions

The Amendment as exhibited proposed to impose a floor space cap on the size of the Marshalls Road NAC. While none of the submissions received following the exhibition opposed or requested a change to the proposed floor space caps, the appropriateness of the proposed caps was raised as an issue during the Hearing.

#### Council submission

Council in its submission noted that the EIA and the Council commissioned peer review of the proposed Marshall Road NAC both conclude that the size of the proposed centre, including the future supermarket expansion and likely pad site uses, is supported and will not have a detrimental impact on the Traralgon CBD or other centres.

Council recognised the potential impact of a larger centre, which could be developed once the site is rezoned, has not been assessed and is therefore unknown. Based on the land area of the proposed C1Z, the peer review estimated that the site could physically accommodate around 8,600sqm of retail floor space. If developed all at once, a centre of that size could have a significant impact on the Traralgon CBD. Although this is considered unlikely to be viable given the location and population catchment of the site, planning must consider the potential for this to occur under the C1Z provisions.

'Shop' and 'office' uses do not require a permit under the C1Z. Although a permit is required for buildings and works, Council would have limited control over the type and size of retail and office uses once the land is rezoned. Therefore Council propose to apply a floor space cap to provide a trigger for assessment of any further expansion that might be proposed following rezoning. The Schedule to the C1Z provides the ability to apply a maximum leasable floor area for shop (other than restricted retail) and office uses, creating a land use permit trigger if development exceeds the specified cap. This mechanism is only available to areas outside metropolitan Melbourne. Council argued that floor space caps are particularly appropriate for regional cities and towns in order to establish the particular centre's place in the retail hierarchy and protect the role of the town centre.

The Amendment, as exhibited, proposed maximum floor spaces areas of 4,700sqm for shop and 780sqm for office in the Schedule to the C1Z. Council proposed in the Hearings to change this to 4500sqm for shop and 990sqm for office in order to provide greater flexibility in configuring the use of floor space in the development. This proposed floor space cap aligns with the centre size assessed as part of the Amendment. The proposed floor space caps will create a permit trigger for any future expansion beyond this size to provide an opportunity for its potential economic impact to be further assessed.

Council noted that as the exact size and uses of the potential pad sites is currently unknown and they have not been included in the retail floor space assessment and corresponding caps. However, for the purpose of the Amendment the pad sites have been considered. That is, as part of their assessment the EIA and peer review give consideration to the likely development of the pad sites in forming their overall conclusions that the proposed centre, including the potential pad sites, is appropriate. Council noted that the likely uses that would be developed on the pad sites, such as a take away food premises and petrol station and car wash, are consistent with the role and function of a neighbourhood centre. If further shop or office space was sought on these sites the floor space caps would ensure that the suitability of this land use, including its economic impact, can be considered through the planning permit process.

### **Stockland submission**

Mr Lee, in presenting his expert evidence, specifically addressed the issue of the appropriate size of a Marshalls Road centre and the recommended floor space limits. He questioned the EIA's assessment of retail demand generated by the catchment of the Marshall Road centre and its conclusion that a neighbourhood centre of around 4,000sqm of retail floorspace is '*not only supportable at the subject site, it is required to meet the retail needs of the local population*' (EIA, p24).

He noted that the EIA conclusion is based on forecasts of the expenditure capacity generated by catchment residents, the application of 'retention rates' to predict how much spending would be directed to local retail facilities (including the proposed centre), and the conversion of this spending into floorspace potential through the use of average retail sales per square metre of floorspace. According to the EIA, the proposed centre would achieve total retail sales of \$26.0m in 2017, with the large majority (\$22.1m) generated by the supermarket.

Mr Lee said that, in his opinion, it is difficult to believe that 42% of all retail spending would be retained at the proposed neighbourhood centre and the small townships of Glengarry and Toongabbie. He argued that this assumption is unreasonable having regard to the proximity of Traralgon Town Centre just 3km from the subject site and the range and type of retail available there. He said that in the case of the food, liquor, groceries spending category, a major supermarket such as Coles or Woolworths usually captures in the order of 20-30% of available spending in its primary catchment, with these market shares falling substantially under 10% in secondary catchment sectors and that the analyses undertaken by the MPA when planning local town centres in metropolitan Melbourne's growth areas recognise that neighbourhood centres typically account for around 20-30% of total retail provision.

Mr Lee outlined the alternate analysis that he had undertaken of the retail demand generated by the identified catchment. That analysis:

- Accepted the EIA's assumed expenditure figures.
- Updated the catchment population forecasts in line with the figures presented in his evidence.

- Assumed that 75% of all spending is directed to supermarkets – which he stated is a standard industry average based on published ABS data – along with 7% of sales involving merchandise.
- Assumed a still generous market share of 45% captured by the supermarket, and
- Included provision for a generous 15% of sales generated from beyond the catchment.

On the basis of this analysis the proposed supermarket is likely to achieve very low sales performance of just \$13.9m in 2017 at an average of \$4,279/sqm. Even by 2026 the supermarket would still generate less than \$20m in sales at just over \$6,000/sqm. He stated that this compares with a current average of approximately \$11,500 per sqm for full-line Woolworths stores.

Mr Lee concluded that the total retail floorspace supportable at the subject site would be only 2,500 sqm in 2017, increasing to 3,500sqm by 2026 and that *'the proposed size of the supermarket is excessive having regard to the size of the catchment, with the result that a full-line supermarket of the size proposed would be a very poorly-performing store.'*

#### **Other expert opinions**

Mr Nott in his evidence noted that one submitter (Submission 8) had objected to the scale of the proposed neighbourhood centre – particularly the supermarket element - on the grounds that such a facility would be more suited to a much larger population and not the 4,000 to 6,000 people likely to live in Traralgon North and surrounds. The submission suggested that a supermarket of 2,000 square metres would be sufficient for this level of population. In responding to this, Mr Nott forecast that the trade area population will grow to nearly 8,000 by 2026, and will continue to grow beyond that time. This population will, in his opinion, create demand for a supermarket larger than the suggested 2,000 square metres. He estimated that the trade area residents can support 2,800 square metres of floorspace at the neighbourhood level in 2016. This is sufficient for a mid-sized supermarket of, say, 2,400 square metres, and a range of specialty food stores (bakery, butcher, bottle shop etc.). By 2026, the trade area spending will support almost 3,900 square metres of floorspace - sufficient to support a full-line supermarket and specialty stores.

Mr Nott acknowledged that the Proponent of the Marshall's Road centre has decided to build somewhat in advance of demand. He calculated that the starting sales per square metre of the proposed supermarket if built in 2016 would be only \$6,600, which is low by normal standards. However, given the forecast population growth, this appears likely to rise to more normal levels within five years or so.

He concluded that the provision of a full line supermarket by an operator who was willing to make the decision to invest to secure market share (which he said was a common practice) would be a desirable outcome for the residents of the Traralgon North development area and surrounding communities.

Mr Nott commented on the point made in one submission that although a permit for the development may be granted it may never be built, *'thereby locking up the land for Woolworths and not its competition'*. He pointed out that while a permit for development would not guarantee construction, and that the land may be dormant until better returns

can be achieved, approval of the rezoning and planning permit would give the best chance of providing a full-line supermarket service for the residents of the Traralgon North development area as it grows.

Mr Nott noted that Council proposed a cap on the retail floorspace at the Marshalls Road centre, and he observed that a cap would not be necessary if it was assumed that rational actors would cater for market demand. However he conceded that a cap may be necessary in order to reassure the community about potential impacts and to prevent unnecessary speculation by current and future developers. In this context, and given the retail analysis, an appropriate cap on retail floorspace would be the quantum of floorspace indicated in the present development proposal, including the future supermarket addition. This would allow for the development as proposed and would provide some flexibility for the owner to expand the retail provision in line with the market demand.

Mr Naughton stated that the proposed size of the development was excessive given the local population it was intended to serve and was likely to add to the market dominance of the large supermarket chains. He also doubted the need for the types of development that had been suggested for the pad sites given other facilities that already exist in the area. He expressed concern regarding the potential impact of a supermarket of the size proposed on both the smaller local centres and on the Traralgon CBD.

### 6.3 Discussion

There is a difference of opinion between the experts regarding the prospective turnover of the proposed supermarket. This reflects their differing judgements regarding the rate of future population growth in the centres catchment and the share of local retail demand likely to be captured by a Marshalls Road NAC. Mr Lee stated that the turnover of the proposed centre would be below industry norms, especially in its early years. Mr Nott indicated that it is not unusual for a supermarket operator to accept low initial turnover rates in order to secure market share. He argued that it is appropriate to proceed with the rezoning and to set the floorspace cap at the level proposed as this would maximise the likelihood of early development of the centre and benefit local residents.

As set out earlier in this report the evidence of all of the experts is that development of the proposed NAC will have only a limited and temporary impact on Traralgon CBD and will not undermine the day to day 'top-up' shopping function of the small centres in the catchment.

Provided that retail developments are consistent with the activity centres hierarchy proposed for the area in the relevant planning strategies, it is not the function of the planning system to limit competition or to attempt to fine tune the size or timing of private investment.

As noted earlier in this report, the Panel is satisfied that the Council has made a sound strategic case for development of a neighbourhood activity centre to serve ongoing residential development in the north of Traralgon. The Planning Scheme (clause 21.07-6 – retailing overview) suggests '*a consolidation of retail floor space in the order of 3,000 – 5,000 square metres*' for such neighbourhood centres. The floorspace cap proposed by Council as part of the current Amendment is broadly in line with the clause.

## 6.4 Conclusions

The Panel concludes that:

- Council's decision to incorporate a floorspace cap for the Marshalls Road NAC as part of the current Amendment is supported.
- The amended floorspace cap proposed by Council and included in the revised zone schedule in Appendix C is appropriate.

## 7 Traffic issues

### 7.1 The issue

Are the projected traffic and parking impacts of the proposed development appropriately dealt with by planning permit conditions?

### 7.2 Submissions

In its submission, Council noted that:

- Two submitters had raised concerns regarding traffic and safety as a result of increased traffic volumes generated by the proposed development and the new road to access the centre (and future adjoining residential area) from Marshalls Road.
- A Transport Impact Assessment (TIA) was submitted with the proposal and provides an analysis of traffic and movement implications including the proposed road access to Marshalls Road and projected traffic volumes. The TIA concludes that traffic associated with the proposed development can be adequately accommodated in the surrounding road network.
- The endorsed TNDP provides for the upgrade of Marshalls Road and the construction of a signalised intersection at Marshalls Road and Traralgon-Maffra Road. Under the Development Plan the developer of the site is required to pay contributions towards the construction of these and other infrastructure projects.
- The signalised intersection is required to be constructed at the same time as the development of the neighbourhood centre (if approved). A shared pedestrian and cycling path will also be provided along the north side of Marshalls Road.
- These traffic and pedestrian projects will significantly improve the connectivity and safety of the surrounding neighbourhood.

Both of the submitters who raised concerns regarding traffic issues appeared at the Hearing. Mr Naughton in particular raised with the Panel the potential impact of the proposed development on the intersection of the Princes Highway and Traralgon-Maffra Road and had also expressed a more general concern regarding the potential impact of the expected traffic volumes associated with the proposed activity centre on the amenity and safety of local residents. Mr Wood expressed concern regarding the lack of available detail regarding truck access to the proposed centre from the Traralgon-Maffra Road, proposals for widening of Marshall's Road and the proposed access road to the centre carpark from Marshalls Road. Mr Wood's concerns were at least in part addressed by information provided by Council at the Hearing.

VicRoads made a late submission in relation to the Amendment seeking to have the following conditions included in the planning permit:

1. *All infrastructure associated with the operation of the Arterial Road is to be contained within the Arterial Road reserve boundaries.*

*Any land required to be set aside for Arterial Road purposes shall be shown as Road R1 on the Plan of Subdivision and be vested as road in the name of Roads Corporation (not VicRoads) in the vesting table of subdivision.*



*Following registration of the plan, the original Certificate of Title that issues in the name of Roads Corporation shall be posted to:*

*VicRoads  
Property Services Department  
60 Denmark Street  
Kew, Vic, 3101*

*All costs associated with the transfer and declaration of land to be vested in the Roads Corporation and the amendment of the Latrobe City Planning Scheme to rezone the land to Road Zone (RDZ1) is to be met by the applicant.*

- 2. The applicant undertakes further traffic analysis (SIDRA) on the intersections of the Princes Highway and McNairn Road and the Princess Highway Traralgon-Maffra Road. As a result of the findings provide any mitigating solutions to ensure no loss of service on the Arterial Road network. This may include, but not limited to, the requirement to re-phase the signals at these locations. Any associated works will be at no cost to VicRoads.*

In subsequent discussions between Council and VicRoads it was agreed that the first of these conditions would be included in the permit. At the time of the Hearing, the second suggested condition had not been accepted by Council.

Council submitted that, in the context of the larger TNDP development, it was not convinced that the proposed shopping centre development would have a sufficiently impact upon traffic volumes and levels of service at the Princes Highway/Traralgon-Maffra Road and Princes Highway/McNairn Road intersections to justify imposition of the condition sought by VicRoads.

Ms Franklin, appearing for VicRoads, addressed the potential impact of the proposed development on traffic volumes as follows:

- The current average PM peak traffic volume on the Traralgon-Maffra road is 255 vehicles. The traffic assessments of the proposed development undertaken as part of the amendment process indicates that this is likely by 220 vehicles per hour (representing an 80% increase on current traffic volumes).
- VicRoads believe that an increase of this magnitude will have an impact on the level of service at the Pacific Highway/Traralgon-Maffra Road intersection.
- VicRoads also believe that some residents from south of the Princes Highway are likely to use McNairn Road to access the proposed neighbourhood centre in preference to travelling in to the Traralgon CBD.
- Based upon the preliminary analysis VicRoads believes that there is likely to be a significant impact upon both Highway intersections.
- VicRoads therefore sought to have the conditions on the planning permit amended both to require the Proponent to undertake further traffic analysis and to meet any costs required to maintain the current level of service at the Princess Highway/Traralgon-Maffra Road and Princes Highway/McNairn Road intersections.

The Panel sought clarification from VicRoads regarding the nexus between the NAC development and any future reduction in the level of service at the two Princes Highway intersections. In particular, the Panel questioned the scale of the anticipated traffic impacts

on the two intersections associated with the shopping centre development, the relative contribution to increased traffic volumes from the NAC as against the residential development in the TNDP area and the extent to which earlier traffic planning for the intersections would have made allowance for an increase in traffic volumes likely to be associated with the activity centre previously proposed for Park Lane.

The Panel requested VicRoads, Council and the Proponent consult further with a view to suggesting revised, and less open ended wording, for the condition sought by VicRoads.

While not accepting that the proposed development would have a material impact upon the level of service at the two intersections, the Council subsequently proposed the following alternative wording for the planning permit condition:

*Condition 54 – The permit operator must:*

- a) *Prior to the commencement of the development, undertake traffic analysis (SIDRA) on the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road to identify whether any mitigation measures are required to ensure no loss of service on the Arterial Road network based on the increased traffic movement expected as a result of the approved development only.*
- b) *If mitigation measures are required as per (a) above, provide identification of any such costs associated with these works.*
- c) *The cost apportioned to the development in relation to any mitigation measures required must be based on the percentage increase of the traffic movements at maximum levels as per the approved planning permit and endorsed plans (as amended from time to time).*
- d) *The cost apportioned to the development as per (c) above must be provided prior to certificate of occupancy being issued for the supermarket or as otherwise agreed by the responsible authority.*
- e) *The above conditions must be addressed to the satisfaction of the responsible authority in consultation with VicRoads.*

A submission on the exhibited Amendment from Public Transport Victoria requested the designation of Marshalls Road as a bus route and the imposition of a permit condition requiring Marshalls Road to be constructed to a standard suitable for public transport access together with the provision of a bus stop on either side of Marshalls Road adjacent to the proposed activity centre. Council's view was that the requested conditions were unnecessary as the widening of Marshalls Road and the provision of bus stops are included in the TNDP.

Following the Directions Hearing, Council had discussions with PTV in response to their submission resulting in their submission being resolved.

The planning permit application seeks a reduction in the car parking requirements. The Proponent has calculated that 256 to 259 car spaces are required under clause 52.06. The application proposes to provide 245 spaces.

The Proponent submitted a Traffic Impact Assessment for the development prepared by GTA consultants that noted that surveys of shopping centres in Victoria with supermarkets under 10,000sqm indicated a peak parking demand of 4.1 spaces per 100sqm rather than the 5 spaces per 100sqm required under clause 52.06.

Mr Wood opposed any reduction of car parking, submitting that Council should review its overall parking provisions to ensure fairness across the municipality.

Council has determined that the provision is sufficient and proposes that the proposed reduction of 14 spaces be approved. In reaching this conclusion, Council submitted that consideration should be given for multi-purpose trips and consolidation of shared spaces.

### **7.3 Discussion**

The Panel considers that the wording of the revised condition 54 as proposed by Council is clearer in its effect than the form of words originally suggested by VicRoads.

The Proponent has indicated that it is willing to accept the condition in this revised form. It is not known whether VicRoads accept the wording of this condition, but it would seem to the Panel to achieve the intent of VicRoads' submission.

Together with the existing traffic related conditions the amended condition will be sufficient to ensure that the Proponent meets the costs of any traffic works that may be required to provide for the direct impacts of the development. The Panel agrees with Council that it is unlikely that the development will trigger any works, but the Panel sees no harm in including the additional clause to protect the functionality of the traffic network.

The Panel agrees that the proposed car parking reduction is appropriate. It is reasonable to assume there will be some shared trips and the clause 52.06 requirement of 5 spaces per 100sqm is conservative. The proposed reduction of 12 to 15 spaces represents a modest reduction and should not cause any parking capacity issues.

### **7.4 Conclusions**

The Panel concludes that:

- The planning permit should be revised to incorporate the new condition 54 in relation to possible future works at the the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road, as proposed by Council and accepted by the Proponent.
- The proposed parking reduction is appropriate.

## 8 Amenity issues

### 8.1 The issue

Are the expected amenity impacts of the proposed development appropriately dealt with by planning permit conditions?

### 8.2 Submissions

Mr Naughton in his submission raised a number of concerns with regard to the potential impacts of the proposed NAC development on the amenity of surrounding residential areas. In particular he expressed concerns regarding:

- The aesthetics of the proposed building and the visual dominance of the development in the landscape given that it will be located at the highest point of the TNDP area.
- The spillover of lighting from the supermarket/NAC and associated car parks onto adjacent residential areas ('light pollution').
- Noise associated with extended hours of operation of the supermarket.
- The possibility of air pollution associated with the operation of shops in the NAC.

In response, Council advised that the hours of operation and noise standards specified in the proposed planning permit are in accordance with state standards.

### 8.3 Discussion

The Panel has reviewed the conditions proposed to be incorporated into the planning permit as they relate to the amenity issues raised by Mr Naughton. The proposed conditions include requirements relating to:

- Noise from the premises not exceeding the limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- A noise assessment is to be prepared by a qualified person within 6 months of the shopping centre opening, or as agreed in writing by the Responsible Authority, to demonstrate compliance with SEPP N-1.
- The use of silent type security alarms to further limit noise impacts on adjacent land uses.
- External lighting to be designed, baffled and located so as to prevent any adverse effect on adjoining land.
- Permitted hours of operation of the loading dock including specific limits upon the hours during which delivery vehicles can reverse into the loading dock. All deliveries to the supermarket must be made through the loading dock.
- Submission of detailed plans for the proposed treatment of the interface between the shopping centre and the residential land to the north of the subject site 'to demonstrate how the interface will be appropriately visually screened to the satisfaction of the Responsible Authority'.

These specific conditions are supplemented by a general requirement that the operation of the shopping centre must be managed so that the amenity of the area is not adversely affected, including through the:

- Transport of materials (or) goods to or from the land.
- The appearance of any buildings, works or materials.
- The emission of noise, artificial light, vibration, smell, fumes, ... (and) waste products.

The Panel believes that these conditions are sufficient to enable the Council to manage the potential for adverse noise, light and pollution impacts on adjoining residential areas.

The aesthetics of building design will always be a matter of personal opinion and views on any building will vary. However, the Panel notes that the design of the proposed building is of a professional standard and that an attempt has been made in both the building and landscape design to break up the bulk of the building especially as seen from Marshalls Road and the Traralgon-Maffra Road. In finalising of the planning permit Council will need to pay particular attention to screening of the relatively blank northern and western walls.

While the proposed building is located at the highest point of the TNDP area the relatively gentle slope should enable, over time, landscaping to partly screen and soften the bulk of the building when viewed from residential areas. In this context the Panel notes that as the adjoining residential areas are not yet developed future residents considering the purchase of properties close to the proposed activity centre will be able to exercise their own judgements regarding its amenity impact.

#### **8.4 Conclusions**

The Panel concludes:

- The conditions included in the revised draft planning permit are adequate to enable the Council to effectively manage the potential for any adverse amenity impacts upon adjacent residential areas.

## 9 Form and content of the proposed Amendment and permit

### 9.1 The issue

Are the form and content of the proposed Amendment and planning permit appropriate?

### 9.2 Summary of conclusions

In summary, for the reasons set out in the report, the Panel has drawn the following conclusions:

- The Amendment is strategically well founded.
- The provision of a neighbourhood activity centre is justified by the projected population growth expected in the north of Traralgon.
- On balance the subject site is a suitable location for a neighbourhood activity centre. The proposed changes to the Traralgon Structure Plan at Clause 21.05 are appropriate.
- Development of the Marshalls Road NAC, including the proposed full-line supermarket, will have a temporary and limited adverse impact on the Traralgon CBD and local centres within its catchment, but that this impact unlikely to be of a scale that would materially affect the ability of the CBD or the local centres to fulfil their role in the Traralgon retail hierarchy.
- There is a net community benefit in approval of the current Amendment.
- The proposed floor space caps, as amended are appropriate.
- The planning permit should be revised to incorporate the new condition 54 in relation to possible future works at the the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road, as proposed by Council and accepted by the Proponent.
- The proposed parking reduction is appropriate.
- The other conditions proposed in the revised draft planning permit are appropriate.

### 9.3 Amendment C89

Panel accepts the changes to the maximum floorspace areas as proposed by Council in the Hearing and as shown in the revised C1Z Schedule attached as Appendix C.

No other changes are recommended.

### 9.4 Planning permit 2015/113

Council proposed a number of minor changes to the planning permit conditions as follows:

- Clause 1 – clarifications in relation to the ‘future expansion area’ and other minor changes.
- New clause 27 – clarifies the noise requirements.
- New clauses 31 and 32 – add requirements of DELWP in relation to native vegetation offsets.
- New clause 47 – additional telecommunications requirements.
- New clause 53 – VicRoads’ clause clarifying requirement for land set aside for roads.

- New Clause 54 – VicRoads' clause in relation to traffic works at the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road.

The Panel supports the minor changes proposed and has included all in the Panel preferred version included as Appendix D.

As discussed in Chapter 7, the Panel supports the addition of the proposed new clause 54 to clarify the developers potential obligation for traffic works at the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road.

## **9.5 Recommendations**

**The Panel recommends that:**

- 1. Amendment C89 to the Latrobe Planning Scheme be adopted as exhibited, subject to the change to the Schedule to the Commercial 1 Zone as shown in Appendix C to this report.**
- 2. Planning Permit 2015/113 be approved subject to the changes as shown in Appendix D to this report.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	AEC Investments
2	Mr Sumeet Brar
3	Ms Parminder Kaur
4	Ms Tina Harkin
5	Mr Brad Harkin
6	Ms Cassie Spagnolo
7	Ms Barbara Gapper
8	Mr David Langmore
9	Mr Ashwin Pragji
10	Mr Mark Baines
11	Mr John and Mrs Heather O'Connor
12	RGM Accountants and Advisors Pty Ltd
13	Mr Tim Ferguson
14	Mr Leon & Marg Hammond
15	Mr Graeme Matthews
16	Ms Glenda Matthews
17	Mr Robert Matthews
18	Ms Jenny Neave
19	Stockland Pty Ltd
20	Ms Leanne Sulton
21	Mr David Garrett
22	Mr Ormond Higgins
23	Mr Anthony and Shonna Meo
24	Mr Michael and Jonine Naughton
25	Mr John & Mrs Kate Kamphuis
26	Ms Axella Johannesson
27	Mr Peter Wood
28	Traralgon Chamber of Commerce and Industry
29	Ms Ellen Ellis
30	Mr Dale Stott - Franklin Place Estate
31	Department of Environment, Land, Water and Planning



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No.	Submitter
32	EPA Gippsland
33	Gippsland Water
34	Minister for Roads and Road Safety
35	Public Transport Victoria
36	VicRoads – Eastern Region

## Appendix B Document list

No.	Date	Description	Presented by
1	30/11/2015	Latrobe City Council Part A Submission	Council
2	7/12/2015	Latrobe City Council Part B Submission	Council
3	4/12/2015	Mr Nott – Supplementary Material	Mr Nott
4	10/12/2015	Legend for proposed revised Traralgon Structure Plan	Council
5	7/12/2015	Submission on behalf of the Proponent	Mr Townsend
6	7/12/2015	Map of Traralgon population by area	Mr Lee
7	9/12/2015	Submission on behalf of Stockland Development	Norton Rose Fulbright Solicitors
8	9/12/2015	Statement by Mr Peter Wood	Mr Wood
9	9/12/2015	Statement by Mr David Langmore	Mr Langmore

## **Appendix C Panel preferred Schedule to the Commercial 1 Zone**

LATROBE PLANNING SCHEME

15/07/2013  
 VC100  
 Proposed C89

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

Land	Maximum leasable floor area (m2) for office	Maximum leasable floor area (m2) for shop (other than restricted retail premises)
<a href="#">Part 145 Traralgon-Maffra Road, Traralgon – Commercial 1 Zone land on the corner of Traralgon-Maffra Road and Marshalls Road, Traralgon</a>	<a href="#">990sqm</a>	<a href="#">4,500sqm</a>

## **Appendix D Panel preferred Planning Permit 2015/113**

Appendix D shows track changes against the exhibited version.

Latrobe Planning Scheme Amendment C89  
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# PLANNING PERMIT

NOTE 1. GRANTED UNDER DIVISION 5 OF  
PART 4 OF THE PLANNING AND  
ENVIRONMENT ACT 1987

**Permit No.: 2015/113**

**Planning Scheme: Latrobe Planning Scheme**

**Responsible Authority: Latrobe City Council**

**ADDRESS OF THE LAND:**

Part 145 Traralgon-Maffra Road, Traralgon

**THE PERMIT ALLOWS:**

Buildings and works associated with a supermarket and shops, two lot subdivision, removal of native vegetation, reduction in the car parking requirement and creation of access to a Road Zone Category 1.

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

**Amended Plans Condition**

1. Prior to the commencement of works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally consistent with those provided by modified to show:
  - a) [Deletion of the 'future expansion area' on the Site Plan and replaced with landscaping to appropriately screen the building façade.](#)
  - b) [A note on the Ground Floor Plan that the 'future expansion area' is indicative only and not forming part of this application.](#)
  - c) [Removal of references to advertising signage on the Site Plan.](#)
  - d) [A note on the elevations stating that advertising signage shown is indicative only and subject to a separate planning permit application.](#)
  - e) [Greater articulation along the eastern and western building façades.](#)
  - f) [Details of the height and finish of the retaining wall along Traralgon-Maffra Road.](#)
  - g) [Correction to the materials schedule on the elevations to distinguish between the two 'G' materials.](#)
  - h) [Detailed elevation\(s\) and/or section\(s\) of the interface with residential land to the north showing the change in ground level \(lowest and highest\), retaining wall, boundary fence, landscaping, lighting, loading area and rear façade of the development to demonstrate how the interface will be appropriately visually screened to the satisfaction of the Responsible Authority.](#)
  - i) [2m road widening of Marshalls Road and 10m reserve with Gippsland Water easement shown on the Site Plan and Plan of Subdivision.](#)
  - j) [Any land required to be set aside for Arterial Road purposes shown as Road R1 in the name of Roads Corporation \(not VicRoads\) in the vesting table on the Plan of Subdivision.](#)
  - ak) Landscaping in accordance with an endorsed landscape plan under Condition 9.

When approved, the plans will be endorsed and will then form part of the permit.

**General Conditions**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
4. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. Any assets required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.
7. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
8. No plant, equipment, services or architectural features other than those shown on the endorsed plan are permitted above the roof level of the building/s except with written consent of the Responsible Authority.

**Landscaping Conditions**

9. Prior to the commencement of any works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The plan must include, to the satisfaction of the Responsible Authority:
  - a) Landscaping and planting within all open areas of the site;
  - b) Larger shade trees and additional trees within the car park area;
  - c) Additional species added to the pallet of trees, shrubs and grasses. This should incorporate specified that have been approved in the approved residential subdivision on the balance of the site;
  - d) The shared path along the eastern and southern boundaries of the site;
  - e) Trees near the path on the southern side of the development to provide a consistent streetscape approach with the adjoining residential subdivision;
  - f) Greater tree coverage on the eastern side of the development;
  - g) Greater buffer planting and increased diversity of plant species with a range of heights and forms on the eastern side of the development;
  - h) Fencing and landscaping along the northern boundary of the site to appropriately screen the loading zone area from the residential interface;
  - i) Clear detail of proposed temporary landscape treatment for the 'pad sites' on the southern part of the site. This can be in the form of a separate interim landscape plan but must be submitted and approved together with the overall landscape plan;
  - j) New plantings including their layout in the new road reserve on the western side of the site and in any public open space areas;
  - k) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
  - l) All proposed open space and streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies;
  - m) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls, viewing decks, boardwalks or bridges;
  - n) Additional supporting information, such as certified structural designs or building forms;
  - o) Vehicle access points for maintenance purposes;
  - p) Mechanisms/structures or landscaping for the exclusion of vehicles from landscaped areas were necessary;

- q) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
- r) Design and construction layouts for equipment in playground areas;
- s) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres;
- t) Location of public lighting; and
- u) A detailed maintenance plan for all proposed landscape features. This plan must include minimum maintenance standards that will be met during the permit holders maintenance period of the development generally in accordance with the Responsible Authority's current maintenance standards for the following:
  - Grass cutting heights
  - Weed treatment
  - Plant care and replacement
  - Tree watering and care
  - Litter management
  - Mulch coverage
  - Street furniture maintenance/repairs
  - Playground defects or damage

When approved, the plan will be endorsed and will then form part of the permit.

10. Prior to the occupation of the buildings or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### **Development Conditions**

12. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
  - a) How the land including all buildings, open space and paved areas and stormwater from upstream areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
  - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.
  - c) A drainage system providing for all stormwater discharging from the land to be conveyed to the legal point of discharge. The pipe drainage system must be designed to take the 1 in 10 year ARI storm event.
  - d) Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes or concentrated stormwater discharges.
  - e) Details (including on-site detention) to ensure that stormwater discharge from the land must be limited to pre-development flows and to ensure that there are no adverse effects on flooding either upstream or downstream of the development.
  - f) All stormwater discharging from the land must be discharged so as not to cause erosion or flooding to the subject or surrounding land.
  - g) Provision of over-land surcharge routes and cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land.
13. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.



14. Before the use commences of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
  - a) All drainage works must be constructed in accordance with the approved site drainage plan.
  - b) The areas shown on the endorsed plans for vehicle access, loading and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.
15. Before the use commences of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, all road works, drainage and other civil works associated with the construction of the road identified as Lighthorse Avenue must be completed for the full length of this road's abuttal to the proposed development, to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority.
16. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
17. The areas set aside for car parking, access lanes and driveways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
18. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land.
19. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

**Amenity Conditions**

20. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
21. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
22. The loading and unloading of vehicles and the delivery of goods must at all times be undertaken within the boundaries of the subject land unless with the written consent of the Responsible Authority.
23. The loading zone at the rear of the supermarket may operate only between the hours of:
  - 7.00 am — 10.00 pm Monday to Saturday
  - 9.00 am — 10.00 pm Sundays and public holidaysunless with the written consent of the Responsible Authority.
24. A Loading Management Plan for the loading bay at the rear of the supermarket must be submitted to and approved by the Responsible Authority. Supermarket loading must be conducted in accordance with this Plan. The Plan must provide for the following:
  - a) Signage/devices to restrict loading vehicles to enter from Traralgon-Maffra Road only;
  - b) Loading must occur from within the loading bay designated on the approved plans under this permit.
  - c) Loading may only occur between the hours of
    - 7.00 am — 10.00 pm Monday to Saturday
    - 9.00 am — 10.00 pm Sundays and public holidays
  - d) Trucks requiring to reverse into the loading bay may only do so between the hours of
    - Monday to Friday 7 am to 4 pm
    - Saturday 7 am to 9 pm
  - e) All deliveries to the supermarket must be made through the loading bay only.
25. Goods or packaged materials must not be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

- [26](#) Noise from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- [2627](#) Within 6 months of the commencement of the use associated with the development, or as agreed in writing by the Responsible Authority, a noise assessment prepared by a qualified person must be provided to the satisfaction of the Responsible Authority demonstrating compliance with SEPP N-1 in accordance with Condition 26.
- [2728](#) The use must be managed so that the amenity of the area is not detrimentally affected, through the:
- transport of materials, goods or commodities to or from the land;
  - appearance of any building, works or materials;
  - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - presence of vermin
- or otherwise, to the satisfaction of the Responsible Authority.

#### Native Vegetation Offset Conditions

- [2829](#) In order to offset the removal of one scattered tree with a strategic biodiversity score of 0.105 approved as part of this permit, the permit holder must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and the *Native vegetation gain scoring manual* (DEPI 2013):

The offset must:

- contribute a gain of 0.002 general biodiversity equivalence units
- be located within the West Gippsland Catchment Management Authority boundary and the Latrobe municipal district if available
- have a strategic biodiversity score of at least 0.084

- [2930](#) Before any native vegetation removal approved under this permit commences, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence must be:

- a security agreement for the offset site or sites that complies with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013), including a 10 year offset management plan that has been endorsed by the responsible authority; and/or:
- a credit register extract from the Native Vegetation Credit Register.

A copy of the offset provided will then be endorsed by the Responsible Authority and form part of this permit.

- [31](#) Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to Regional Planning and Approvals at the Traralgon regional office of the Department of Environment, Land, Water and Planning.

- [32](#) Where offsets are not secured on the Native Vegetation Credit Register, annual monitoring and reporting is required. Details of annual monitoring and reporting must be included in the endorsed offset plan, and must comply with the requirements of *Permitted clearing of native vegetation – First party general offset kit* (DEPI 2014), or to the satisfaction of the Department of Environment, Land, Water and Planning. Annual offset reports must be provided to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of ten consecutive years. After the 10th year, the landowner must provide a report at the reasonable request of the statutory authority.

- [3033](#) Before the commencement of any works, the permit holder must advise all persons undertaking the vegetation removal/works on site of all relevant conditions of this permit.

**Subdivision Conditions**

**3134** Plans submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:

- a) Easements for drainage purposes,
- b) Road reserve widths complying with the Traralgon North Development Plan and the endorsed plans under this permit,
- c) Splays, a minimum of 3 metres by 3 metres unless required otherwise, at all intersections of the local road network, and
- d) Street names complying with the requirements of the Department of Environment and Primary Industry's "Guidelines for Geographic Names 2010".

**3235** Prior to the lodgement of engineering construction plans and specifications for any road works for the subdivision, a functional layout plan for the subdivision must be submitted to and approved by the Responsible Authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions and an electronic copy (PDF) provided. The functional layout plan must incorporate the following:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- b) All works from the Infrastructure Schedule of the Traralgon North Development Plan identified in accordance with the provisions of the Section 173 Agreement on title.
- c) Topography and existing features, including contours for the subject land and any affected adjacent land.
- d) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
- e) Details of tree protection zones (TPZs), for all trees to be retained on site (if any).
- f) Any trees proposed for removal from the site clearly designated.
- g) Typical cross-sections for each street type, dimensioning individual elements, services offsets and street trees.
- h) Details of intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
- i) The provision of roundabouts at all cross-road intersections.
- j) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops, line marking and traffic controls.
- k) The proposed minor drainage network.
- l) Preliminary location of reserves for electrical kiosks;
- m) Works external to the subdivision, including both interim and ultimate access requirements.
- n) Intersections with roads external to the subdivision.

**3336** Prior to the commencement of any road, drainage or landscaping works associated with the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:

- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
- b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a

contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

- c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures and vegetation protection during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 'Doing it right on subdivisions'.
- d) Cultural protection issues – the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out.

**3437** Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

**3538** Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

**3639** Prior to the commencement of any road and/or drainage works for the subdivision, detailed engineering plans and specifications must be submitted to the satisfaction of and approved by the Responsible Authority. The engineering plans must be generally in accordance with the approved Functional Layout Plans and consistent with the approved landscape detail plans. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and electronic copies in both PDF and DWG formats must be provided. The plans must include:

- a) All works from the Infrastructure Schedule of the Traralgon North Development Plan identified in accordance with the provisions of the Section 173 Agreement on title.
- b) Design and construction of all new roads including connections to existing roads. Roads shall be designed and constructed in accordance with the Traralgon North Development Plan, the endorsed plans and Latrobe City Councils "Design guidelines".
- c) Temporary vehicle turnarounds at the ends of streets to be continued in future stages, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
- d) Concrete footpaths along both sides of all proposed streets, unless otherwise required and 2.5 metre minimum width concrete shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
- e) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. Drainage plans must include hydraulic computations. The stormwater drainage system must:
  - Be designed to take the 1 in 5 year ARI storm event,
  - Meet the current best practice performance objectives for stormwater quality as contained in the "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999" as amended,
  - Ensure that flows downstream of the subdivision site are restricted as proposed in the endorsed Stormwater Management Plan.
- f) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
  - Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
  - All new and existing lots should be free from inundation.
  - All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria  $d_{av} v < 0.35 \text{ m}^2/\text{s}$  (where  $d_{av}$  = average depth in metres and  $v$  = average velocity in metres per second).

- g) Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
  - h) The provision of roundabouts at all cross-road intersections. Roundabouts must be designed in accordance with Austroads "Guide to Road Design".
  - i) Street lighting in accordance with Australian Standard AS1158, along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development.
  - j) All traffic signage, street name signage and road pavement line marking.
  - k) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
- 3740** Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with the engineering plans and specifications approved by the Responsible Authority and must include:
- a) All works from the Infrastructure Schedule of the Traralgon North Development Plan identified in accordance any agreement entered with the Responsible Authority.
  - b) All proposed new roads in accordance with the endorsed plans.
  - c) Concrete footpaths along both sides of all proposed streets and shared pedestrian/bicycle paths through all reserves to be provided in accordance with the endorsed plans and Latrobe City Council's Design Guidelines.
  - d) Intersection treatments and traffic calming measures.
  - e) Underground piped drainage to convey stormwater from each lot to the legal point of discharge for the 1 in 5 year ARI storm event.
  - f) Works to ensure that flows downstream are in accordance with the approved stormwater management plan.
  - g) Works to ensure the stormwater management system meets current best practice performance objectives for stormwater quality.
  - h) Provisions for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
    - i. Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows.
    - ii. Arrangements for the capture of overland stormwater flows from adjacent upstream areas not previously developed.
    - iii. All new and existing lots should be free from inundation.
    - iv. All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria  $d_{avg} v_{avg} < 0.35 \text{ m}^2/\text{s}$  (where  $d_{avg}$  = average depth in metres and  $v_{avg}$  = average velocity in metres per second).
  - i) Earthworks within the development to ensure that vehicle access can be obtained to each proposed allotment.
  - j) Street lighting along all new roads and shared paths and upgraded street lighting at the locations of proposed intersection works with external roads.
  - k) All traffic signage, street name signage and road pavement line marking.
  - l) The installation and registration of high stability permanent survey marks.
  - m) Provision of temporary vehicle turnarounds with a low maintenance sealed surface, at the end of all streets proposed to be continued in a later stage of the development where there are new lots with frontage onto the completed sections of those streets.

- [3841](#) Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
- a) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
  - b) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision.
- [3942](#) Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
- a) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
- [4043](#) Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period, including any defects liability period, for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.
- [4144](#) Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of road works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.
- [4245](#) The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
- [46](#) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- [47](#) The owner of the land must enter into an agreement with:
- a) [A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and](#)
  - b) [A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standard set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.](#)  
[Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:](#)
  - c) [A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and](#)
  - [ad\) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.](#)

#### Section 173 Agreement Condition – Development Contributions

- [4348](#) Prior to the commencement of any works, the operator of this permit must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) to provide that the Development Infrastructure Levy associated with the land must be paid prior to the commencement of any development.

The agreement must require the payment of infrastructure contributions for:

- a) The acquisition of any land required for a road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be wider than what presently exists, the infrastructure payment required must only relate to the additional width of the required road reserve. The contributions must be in the proportions set out in the development contributions tables in the approved development plan.
- b) The construction of any road that Council proposes is to be funded by the contributions agreement. If widening is to an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising a widened pavement and associated facilities in the proportions set out in the development contributions tables in the approved development plan.
- c) The design and construction of stormwater drainage infrastructure including main drainage, wetlands, and retarding basins as described in the approved development plan.
- d) The improvement of public open space, including active open spaces as identified in the approved development plan.
- e) The acquisition of land for public open space, including active open spaces and community facilities, in the proportions set out in the development contributions tables in the approved development plan.
- f) A contribution towards the development of community facilities in the proportions set out in the development contributions tables in the approved development plan.
- g) The acquisition of land for stormwater drainage purposes in the proportions set out in the development contributions tables in the approved development plan.
- h) Infrastructure associated with the proposed bus route.
- i) Traffic calming treatments.
- j) The walking and cycling network including safe crossing points on the abutting arterial roads (excluding footpaths along roads).

except with the written consent of the Responsible Authority.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.

The operator of this permit must pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement.

Prior to the commencement of works the operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the operator of this permit or its legal representative to provide either:

- a) a current title search; or
- b) a photocopy of the duplicate certificate of Title

as evidence of registration of the Section 173 Agreement on title.

**4449** Prior to the commencement of any works hereby permitted, the Development Infrastructure Levy associated with the land upon which this development is proposed, must be paid to the Responsible Authority unless there is an agreement with the Responsible Authority to secure the payment by some other means or other timeframe.

#### **VicRoads Conditions**

**4550** Before the submitted plans are endorsed a revised plan showing an AUL (s) left turn lane in accordance with the Austroad guidelines and VicRoads specifications must be approved by VicRoads.

**4651** Prior to the construction of the development a detailed functional layout plan in accordance with VicRoads Eastern Region checklist showing a left turn lane into the loading bay access on the Traralgon Maffra Road must be approved by VicRoads. This access must demonstrate correct access into the development.

- 52 Prior to the occupancy of the building the loading bay access and left turn lane must be constructed at no cost and to the satisfaction of VicRoads.
- 53 All infrastructure associated with the operation of the Arterial Road is to be contained within the Arterial Road reserve boundaries.
- Any land required to be set aside for Arterial Road purposes shall be shown as Road R1 on the Plan of Subdivision and be vested as a road in the name of Roads Corporation (not VicRoads) in the vesting table of the subdivision.
- Following registration of the plan, the original Certificate of Title that issues in the name of Roads Corporation shall be posted to:
- VicRoads  
Property Services Department  
60 Denmark Street  
Kew, Vic. 3101
- All costs associated with the transfer and declaration of land to be vested in the Roads Corporation and the amendment of the Latrobe City Planning Scheme to rezone the land to Road Zone 1 (RDZ1) is to be met by the applicant.
- 54 The permit operator must:
- a) Prior to the commencement of the development, undertake traffic analysis (SIDRA) on the intersections of the Princes Highway and McNairn Road and the Princes Highway and Traralgon-Maffra Road to identify whether any mitigation measures are required to ensure no loss of service on the Arterial Road network based on the increased traffic movement expected as a result of the approved development only.
  - b) If mitigation measures are required as per (a) above, provide identification of any such costs associated with these works.
  - c) The cost apportioned to the development in relation to any mitigation measures required must be based on the percentage increase of the traffic movements at maximum levels as per the approved planning permit and endorsed plans (as amended from time to time).
  - d) The cost apportioned to the development as per (c) above must be provided prior to certificate of occupancy being issued for the supermarket or as otherwise agreed by the responsible authority.
  - e) The above conditions must be addressed to the satisfaction of the responsible authority in consultation with VicRoads.

**Future Expansion of Supermarket**

4755 The development of the future expansion of the supermarket as shown on the endorsed plans is not approved under this permit and is subject to further planning approval.

**Expiry Condition – Subdivision**

4856 This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.



**Expiry Condition – Development**

4957 This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed and the use has not commenced within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

**Notes**

- Note 1. The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- Note 2. In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.
- Note 3. In accordance with the requirements of the Road Safety (Traffic Management) Regulations, a responsible entity for a road or road-related area (as defined in the Road Safety Act) may install Major Traffic Control Devices on the road or road-related area only with the authority of VicRoads.
- Note 4. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval
- Note 5. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 6. The location of the legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at [www.latrobe.vic.gov.au/Our\\_Services/Other\\_Services/Infrastructure/Work\\_Permits\\_and\\_Property\\_Information](http://www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information)
- Note 7. A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.
- Note 8. All removal of native vegetation within this development area is accumulative and any further removal of native vegetation associated with future staging may push the application into the moderate risk-based pathway.
- Note 9. VicRoads: Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
- Left turn lane

Latrobe Planning Scheme Amendment C89  
Planning permit application 2015/113 | Panel Report | 2 February 2016

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*(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)*

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Date of amendment	Brief description of amendment
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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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### WHEN DOES THE PERMIT BEGIN?

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The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if -
    - \* the development or any stage of it does not start within the time specified in the permit; or
    - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
    - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
  2. A permit for the use of land expires if -
    - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
    - \* the use is discontinued for a period of two years.
  3. A permit for the development and use of land expires if -
    - \* the development or any stage of it does not start within the time specified in the permit; or
    - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
    - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
    - the use is discontinued for a period of two years.
  4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
    - \* the use or development of any stage is to be taken to have started when the plan is certified; and
    - \* the permit expires if the plan is not certified within two years of the issue of the permit.
  5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
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### WHAT ABOUT APPEALS?

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- \* Any person affected may apply for a review of -
    - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or,
    - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or,
    - the failure of the responsible authority to extend the time within one month after the request for extension is made.
  - \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
  - \* An application for review must state the grounds upon which it is based.
  - \* An application for review must also be served on the Responsible Authority.
  - \* Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
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LATROBE PLANNING SCHEME

15/07/2013  
 VC100  
 Proposed C89

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

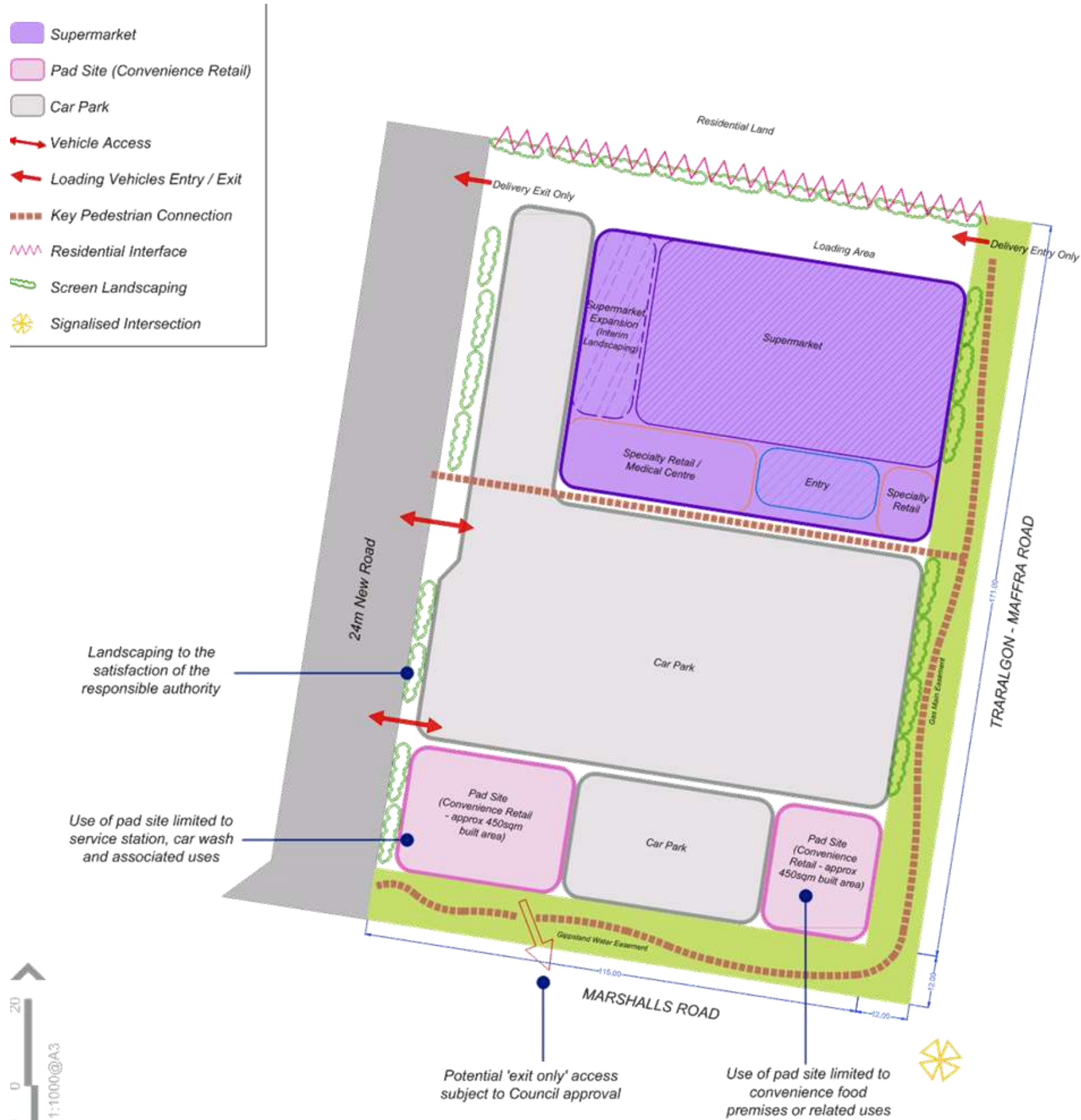
Land	Maximum leasable floor area (m2) for office	Maximum leasable floor area (m2) for shop (other than restricted retail premises)
<u>Part 145 Traralgon-Maffra Road, Traralgon – Commercial 1 Zone land on the corner of Traralgon-Maffra Road and Marshalls Road, Traralgon.</u>	<u>780sqm</u>	<u>4700sqm</u>

LATROBE PLANNING SCHEME

15/07/2013  
 VC100  
 Proposed C89

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

Land	Maximum leasable floor area (m2) for office	Maximum leasable floor area (m2) for shop (other than restricted retail premises)
<u>Part 145 Traralgon-Maffra Road, Traralgon – Commercial 1 Zone land on the corner of Traralgon-Maffra Road and Marshalls Road, Traralgon.</u>	<u>990sqm</u>	<u>4500sqm</u>



This Development Plan has been prepared to guide the use and development of the Traralgon North Neighbourhood Activity Centre under Schedule 7 to the development Plan Overlay (DPO7). It is to be read in conjunction with the endorsed Traralgon North Development Plan.

The purpose of this Development Plan is to ensure that use and development is consistent with the role and function of the NAC to provide for convenience based, day to day needs of the Traralgon North growth area.

**LAND USE**

- Support a neighbourhood centre containing a supermarket and supporting specialty shops up to 4700sqm leaseable floor area. Specialty shops are those considered complementary to the supermarket facility and may include a bank, electoral office, real estate agency, postal agency, newsagency, beauty salon, dry cleaning agent, food and drink premises, hairdresser or pharmacy.
- Any additional retail use outside of those nominated on the Development Plan must be subject to an economic assessment and demonstrate that the proposed uses would not unreasonably impact the role and function of the Traralgon CBD or other existing and future centres.
- Support the development of a medical centre up to 500sqm.
- Allow the development of uses on the nominated pad sites that provide a convenience function and contribute to the neighbourhood purpose of the centre such as convenience restaurant, service station and car wash.
- Discourage development associated with land uses that are not consistent with the neighbourhood purpose of the centre.

**BUILT FORM & CHARACTER**

- Ensure that the scale and massing of development is appropriate to the neighbourhood role and character of the centre and its prominent location as a gateway to Traralgon.
- Provide a positive contribution to local amenity and neighbourhood character.
- Encourage a high level of design detail to built form elements along road frontages.
- Avoid blank walls and harsh built form to both road frontages.

**RESIDENTIAL INTERFACE**

- Ensure that development appropriately responds to its interface with residential land (including existing and future properties) and does not cause any unreasonable impacts on amenity including appearance of built form.
- Provide visual screening through appropriate setbacks and landscaping.
- Provide noise attenuation measures as required.

**LANDSCAPING**

- Incorporate landscaping as a key feature of development to enhance the amenity and character of the neighbourhood.
- Landscaping is encouraged within the 12m buffer/easements where considered appropriate and supported by the relevant authorities
- The shared path indicated on the TNDP is required to be factored in to the landscaping of the NAC permitter boundary

**INFRASTRUCTURE**

- Development contributions must be provided in accordance with the TNDP.

**DEVELOPMENT PLAN**

Traralgon North Neighbourhood Activity Centre  
 Cnr Marshalls Rd & Traralgon-Maffra Rd, Traralgon  
 Latrobe City Council  
 15534P9\_V2

**NBA Group Pty Ltd** ABN 194 748 327 43  
 Metro Level 1, 1 Queens Road, Melbourne, 30  
**Regional** 382 Raymond Street, Sale, 3850  
**Mail** 156 Commercial Road, Morwell 3840  
**M** 04 18 402 240 **T** (03) 5143 0340  
**F** (03) 5143 1244  
 nick@nbagroup.com.au

**Millar & Merrigan Pty Ltd** ACN 005 541 668  
 Metro 2/126 Merrindale Drive, Croydon 3136  
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**Ausdoc** DX 13608 Croydon  
 admin@millarmerrigan.com.au



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

### 14.3 PLANNING PERMIT APPLICATION 2015/68 FOR THE USE OF LAND FOR GREYHOUND KEEPING, TRAINING AND BREEDING (35 DOGS) WITHIN THE URBAN GROWTH ZONE SCHEDULE 1 AT 28 THOMPSONS ROAD, NEWBOROUGH

General Manager

City Development

For Decision

#### PURPOSE

The purpose of this report is to determine Planning Permit Application 2015/68 for the Use of Land for Greyhound Keeping, Training and Breeding (35 dogs) within the Urban Growth Zone Schedule 1 at 28 Thompsons Road, Newborough.

#### EXECUTIVE SUMMARY

The applicant seeks a permit to use the land for the keeping, training and breeding of 35 dogs at 28 Thompsons Road, Newborough. When the application was submitted on 30 March 2015, the land was zoned Rural Living Zone Schedule 3. The land was rezoned to Urban Growth Zone Schedule 1 on 18 December 2015.

The owner of the land currently operates under Planning Permit No. 2008/2, which allows the keeping of no more than 10 racing dogs. The Latrobe Planning Scheme defines animal keeping as '*land used to a) breed or board domestic pets; or b) keep, breed, or board racing dogs.*'

Under the provisions of the Urban Growth Zone- Schedule 1, a permit is required for animal keeping with a condition attached that it '*must be no more than 5 animals*' as per the applied zone, which is the General Residential Zone. As this application is for the keeping, breeding and training of 35 animals, the application must be refused as the proposal is prohibited. However, the current Planning Permit (2008/2) for the land remains valid.

During consultation of the application six (6) objections were received. Having assessed the proposal against the relevant provisions of the Scheme, it is considered that the proposal must be refused under the provisions of the zone, as the proposed use of the land for the keeping, training and breeding of 35 dogs is prohibited under the current zoning of the land.

#### RECOMMENDATION

**That Council issues a Notice of Refusal to grant a Permit for Planning Permit Application No. 2015/68, for the Use of Land for Greyhound Keeping, Training and Breeding (35 dogs) within the Urban Growth Zone Schedule 1 at 28 Thompsons Road Newborough (Lot 4 on LP 93886) on the ground that the proposal is prohibited under Clause 37.07-9 of the Urban Growth Zone.**

### **DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

#### Latrobe 2026: The Community Vision for Latrobe Valley

##### *Strategic Objectives – Built Environment*

In 2026, Latrobe Valley benefits from a well-planned built environment that is complementary to its surroundings and which provides for a connected and inclusive community.

#### Latrobe City Council Plan 2013 - 2017

##### *Strategic Directions- Built Environment*

- *Promote and support high quality urban design within the built environment and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

#### Theme and Objectives

##### *Theme 5: Planning for the future*

##### *Strategic Direction*

*Provide efficient and effective planning services and decision making to encourage development and new investment opportunities. Plan and coordinate the provision of key services and essential infrastructure to support new growth and development.*

#### Legislation

*Local Government Act 1989*

*Planning and Environment Act 1987*

### **BACKGROUND**

The owner of the land currently operates under Planning Permit 2008/2, which allows the 'Use and Development of Land for Animal Keeping (Racing Dog Keeping) in accordance with the endorsed plans'. This permit was issued 8 October 2008 at the direction of VCAT as a result of the applicant seeking review of Council's decision to refuse a permit at the Council meeting of 21 April 2008. Condition 2 of the permit states that no more than 10 dogs shall be kept on the premises. A copy of the VCAT decision is included in Attachment 1.



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

### **SUMMARY**

Land:	28 Thompsons Road Newborough (Lot 4 on LP 93886)
Proponent:	J Sultana C/ V Sultana
Zoning:	Urban Growth Zone – Schedule 1
Overlay	Development Contribution Plan Overlay Schedule 1

Under the provisions of the Urban Growth Zone, a proposed use must comply with the requirements of the applied zone. The applied zone for the subject site is General Residential Zone, where the use of land for 'animal keeping' requires a permit for up to 5 animals. As this application is for the keeping, breeding and training of 35 animals, the application must be refused as the proposal is prohibited.

### **SUBJECT SITE AND SURROUNDS**

The subject site is located on the northern side of Thompsons Road, Newborough, has an area of 2.8 hectares and is roughly rectangular in shape. The site currently contains a dwelling, machinery shed a number of other ancillary outbuildings associated with the rural-residential use of the land.

The site also contains numerous buildings and works associated with the keeping of racing dogs, including a shed in which the dog kennels are located, extensive metal-clad dog runs and an exercise ring containing a dog walking machine. An aerial photograph of the property is included in Attachment 2.

The Moe Golf Club is located to the west of the property. The two properties to the north and east are used for rural residential purposes each incorporating a dwelling. A driver education centre is located to the south of the site, on the opposite side of Thompsons Road.

### **PROPOSAL**

The application seeks a permit for keeping, breeding and training of 35 greyhounds. As previously mentioned, owner of the land currently operates under Planning Permit No. 2008/2, which allows the keeping of 10 adult dogs.

The applicant submits that they breed their own dogs to race, and one or two female dogs are bred per year. Litter sizes vary from 3 puppies to 12 puppies per litter. As a dog is classed as no longer being a puppy at 3 months of age, planning permission is requested for the keeping of 35 dogs, as puppies are not ready to train until they reach 11 months old.

### **HISTORY OF APPLICATION**

Application was received on 30 March 2015, at which time the land was zoned Rural Living Zone Schedule 3. Further information was requested to address a number of points, mostly in relation to compliance with the

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

'Code of Practice for Operation of Greyhound Establishments' and the applicant provided this in parts, over a period of time.

Later, due to Greyhound Racing Victoria having concerns with the capacity of the existing infrastructure to accommodate 35 dogs, the applicant amended the application on 3 July 2015 to reduce the number of dogs from 35 to 25.

On 30 October 2015, the applicant requested that the application be reverted back to the initial proposal for the keeping of 35 dogs, as originally submitted. On 7 December 2015 the applicant was requested to commence the public notification of the application. On the 18 December 2015, Amendment C86 (Lake Narracan Structure Plan) was gazetted, and consequently the zoning of the land changed to Urban Growth Zone.

### **LATROBE PLANNING SCHEME**

#### **State Planning Policy Framework**

Clause 14.02-2 Water Quality  
 Clause 15.05- Noise abatement  
 Clause 15.01 Urban Environment  
 Clause 16.01-2 Location of Residential Development

#### **Local Planning Policy Framework**

21.04-5 Urban Design Overview  
 21.04-3 Rural Living Overview  
 21.05-2 Main Towns Overview  
 21.05-4 Specific main Town Strategies

#### **Urban Growth Zone**

Under the provisions of the Urban Growth Zone, a proposed use must comply with the requirements of the applied zone. The applied zone for the subject site is General Residential Zone, where a permit may be applied for the use of land for 'animal keeping' for up to 5 animals. As this application is for the keeping, breeding and training of 35 animals, the application must be refused as the proposal is prohibited.

#### **Development Contribution Plan Overlay Schedule 1**

*This overlay seeks 'to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.'*

#### **Particular Provisions**

None relevant

#### **General Provisions-Existing Uses**

##### **Clause 63.05**

Under this Clause, a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided '*any condition or restriction to which the use was subject continues to be met*'. An existing use right has been established for the land through Planning Permit No. 2008/2,

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

which allows the keeping of 10 adult dogs. The keeping of more than ten dogs would breach the conditions of Planning Permit 2008/2 therefore this Clause is not applicable in the consideration of this application.

### **Clause 63.08**

This Clause states that if *'land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with the Scheme. The responsible authority must be satisfied that the use of land for the alternative use will be less detrimental to the amenity of the locality.'* This Clause is also not applicable in the consideration of this application as the an *'existing use right'* has not been established for the keeping of 35 dogs, nor is the keeping of 35 dogs less detrimental than the keeping of the ten dogs currently allowed under Planning Permit 2008/2.

### **Decision Guidelines (Clause 65):**

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan.

### **INTERNAL / EXTERNAL CONSULTATION**

Pursuant to Section 52(1)(a) and (d) of the Planning and Environment Act 1987 a notice was placed on the site for a period of 21 days from 28 December 2015 to 18 January 2016. On 7 January 2016 adjoining land owners and occupiers and properties within a 500 metre radius were sent a letter. The 500 metre radius figure was utilised as EPA 'Noise Control Guidelines' recognise that *'perpetual barking of dogs has been known to exist at distances as far as 500 metres from the actual source'*.

Six (6) letters in the form of objections were received. Copies of all submissions are attached in Attachment 4 of this report (confidential). The issues raised were:

1. The visual impact of existing premises is unacceptable.
2. The keeping of the dogs on the land currently present noise issues with barking and yelping.
3. VCAT and Council have not been inspecting the site in accordance with the current permit.
4. Applicant did not provide sufficient information in their application.
5. The number of dogs allowed on the property has not been adhered to.
6. Concerns regarding effluent disposal and potential for toxicity in run-off, vermin and smell.
7. Inconsistencies between application form and Public Notice.

Under Section 52(1)(d) of the Act the application was referred to the Environment Protection Authority (EPA) and Greyhound Racing Victoria (GRV).

EPA did not object to the proposal but requested a condition to be included to ensure that noise emitted from the premises must not exceed recommended levels.

GRV requested the applicant provide further information in relation to compliance with the 'Code of Practice for the Operation of Greyhound Establishments', stating that until such time that the information is provided, GRV cannot give approval to further dogs at the facility. A copy of the GRV response is included in Attachment 3 (confidential). The information was re-referred to GRV on 8 December 2015 and no response has been received to date.

Internally, the application was referred to Council Health Services Department who deemed that there was insufficient information provided in relation to wastewater disposal. Council's Infrastructure Planning Department did not object to the proposal and did not request any conditions be included on the permit.

### **KEY POINTS/ISSUES**

#### **Strategic direction of the State and Local Planning Policy Frameworks:**

The proposal is located within an area designated for future urban growth and the State and Local Planning Policy Frameworks seek to ensure that such areas are protected. Given the potential for negative amenity impacts associated with the keeping of 35 dogs, it is considered that the proposal does not appropriately respond to State and Local Policies due to the potential for future land use conflicts between the proposed use and future urban land. The concerns raised in the objections highlight the amenity issues which have resulted from the owner of the land operation under their current permit which was issued at the direction of VCAT.

#### **'Purpose' and 'Decision Guidelines' of the Urban Growth Zone:**

The purpose of the Urban Growth Zone includes:

- To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.
- To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.
- To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

Under the provisions of the Urban Growth Zone, a proposed use must comply with the requirements of the applied zone. The applied zone for the subject site is the General Residential Zone, where the use of land for 'animal keeping' requires a permit for up to 5 animals. As this application is for the keeping, breeding and training of 35 animals, the application must be refused as the proposal is prohibited. Consistent with the purpose of the zone, the current planning permit for the land can continue to operate until urban development occurs.

Even if the proposal was not prohibited, the proposed use would still be inconsistent with the Planning Scheme due to the likely land use conflicts between the proposed use and land designated for future urban growth.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be inconsistent with the Risk Management framework. Approval of the proposal carries risk as the proposed use is prohibited and Council cannot legally approve the proposal.

**FINANCIAL RESOURCES IMPLICATIONS**

If Council's decision is appealed at the Victorian Civil and Administrative Tribunal (VCAT) there will be associated cost and staff time required. It is unclear if a hearing would proceed if an appeal was lodged with VCAT, as the proposal is prohibited.

**OPTIONS**

Council has one option in regard to this application:

1. Refuse to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**CONCLUSION**

The above discussion demonstrates that even if the proposal was not prohibited (as was the case when the land was zoned Rural Living Zone Schedule 3), the proposed use would still be inconsistent with the Planning Scheme. Specifically, the proposal carries high potential for land use conflicts between the proposed use and land designated for future urban growth.

It is recommended that Council issue a notice of refusal to grant Permit No. 2015/68 for the Use of Land for Greyhound Keeping, Training and Breeding (35 dogs) within the Urban Growth Zone Schedule 1 at 28 Thompsons Road Newborough (Lot 4 on LP 93886) on the ground that the proposal is prohibited under Clause 37.07-9 of the Urban Growth Zone.

**Attachments**

1. Permit 2008/2 Copy of VCAT Order
2. Aerial Image of Site
3. Greyhound Racing Victoria Response (Published Separately) (Confidential)
4. Objector's Submissions (Published Separately) (Confidential)

## **14.3**

### **Planning Permit Application 2015/68 for the Use of Land for Greyhound Keeping, Training and Breeding (35 dogs) within the Urban Growth Zone Schedule 1 at 28 Thompsons Road, Newborough.**

- 1 Permit 2008/2 Copy of VCAT Order ..... 315**
- 2 Aerial Image of Site ..... 319**

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL****ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P1659/2008  
PERMIT APPLICATION NO. 2008/2**CATCHWORDS**s.77 of the *Planning and Environment Act 1987*; Rural Living Zone 3; animal keeping; ten greyhounds; noise; environment management.

**APPLICANT** Joseph Sultana

**RESPONSIBLE AUTHORITY** Latrobe City Council

**RESPONDENT** Dragi Jankovic

**SUBJECT LAND** 28 Thompsons Road, Newborough

**WHERE HELD** Melbourne

**BEFORE** Richard Walter, Member

**HEARING TYPE** Hearing

**DATE OF HEARING** 23 September 2008

**DATE OF ORDER** 29 September 2008

**CITATION**

**ORDER**

The decision of the Responsible Authority is set aside. In permit application No. 2008/2 a permit is granted and directed to be issued for the land at 28 Thompsons Road, Newborough.

The permit will allow:

**The use and development of for animal keeping (Racing Dog Keeping) in accordance with the endorsed plans.**

The permit must contain the following conditions:

- 1 The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2 That not more than ten (10) dogs must be kept on the premises.
- 3 That the buildings and fences forming part of this permit, and designed to house the dogs, must be painted in a uniform colour to match one of the following colours from the Colorbond range or equal and equivalent manufacturer.

Pale eucalypt	Wilderness	Cottage green
Sandbank	Jasper	Classic cream
Paperbark	Bushland	

- 4 The use allowed by this permit must comply with the *Code of Practice for the Greyhound Industry*, Greyhound Racing Victoria, Revised March 2008, all to the satisfaction of the Responsible Authority.
- 5 The noise levels emanating from the land must comply with the requirements of the Environment Protection Authority Information Bulletin No. N3/89 *Interim Guidelines for the Control of Noise in Country Victoria*.
- 6 The animals and buildings forming part of this permit must be inspected by a steward or veterinary steward of the Greyhound Racing Victoria Board at least annually and a copy of the resultant report presented to the responsible authority.
- 7 This permit will expire if one of the following circumstances applies:
  - The development and use are not started within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Richard Walter  
Member

#### APPEARANCES:

For Applicant	Mr Joseph Sultana, Ms Josephine Sultana and Ms Joanne Sultana in person
For Responsible Authority	Mr Robert Dunlop, Town Planner, Latrobe City Council
For Respondents	Mr Dragi Jankovic and Ms Rhonda Jankovic

#### INFORMATION

Description of Proposal	Use and development of land for Animal Keeping (Racing Dog Keeping).
Nature of Application	Section 77 of the <i>Planning and Environment Act 1987</i> .
Zones & Overlays	Rural Living Zone 3
Permit Triggers	Clause 35.03-1 use for animal keeping (Racing Dog Keeping). Clause 35.03-4 buildings and works in RLZ3.
Land Description	2.8ha being Lot 4 of Plan of Subdivision 093886.



## REASONS

### INTRODUCTION

- 1 The applicant for permit Mr Sultana has sought a review of the Latrobe City Council decision to refuse a permit under the provisions of s.77 of the *Planning and Environment Act 1987* for animal keeping (Racing Dog Keeping) in the Rural Living Zone 3 of the planning scheme.
- 2 The subject site has an area of 2.8ha and is bounded by the Moe Golf Course on the west, farming land to the north, a similar sized RLZ 3 allotment on the east owned by Mr Prezioso, who lives and operates a trucking business on the site, and a main road to the south with land in the Public Park and Recreation Zone (PPRZ) opposite.
- 3 The Responsible Authority refused a permit for the keeping of 10 greyhounds on the following grounds:
  1. The proposed use and development of the land would have an adverse impact on the amenity and character of the area;
  2. The proposed use is incompatible with the existing rural residential character of the area;
  3. The proposed use and development would conflict with strategies included in the Latrobe Planning Scheme.

### RESPONDENT'S CONCERNS

- 4 Mr & Mrs Jankovic, who live at 34 Thompsons Road, some 300 metres east of the subject site, or 200 metres from the respective allotment boundaries, stated that they could hear the noise of dogs barking and expressed concerns regarding the handling and disposal of animal waste, stormwater run-off and the visual impact of the storage shed, kennels and fences constructed on the land.
- 5 They further questioned Council's ability to monitor and control land use observing that 6 greyhounds were being kept on the land and that they had recently observed sheep on the subject property.
- 6 Mr & Mrs Jankovic noted that Thompsons Road was acting as a main bypass road for trucks and had a 100kph speed restriction. They also confirmed that the chicken farm and piggery were pre-existing uses in the locality prior to the appearance of the dog facilities.

### APPLICANT'S RESPONSES

- 7 Mr Sultana stated that he owned 4 greyhounds before moving to the subject site. He tabled a number of documents including: a letter of support for the application from his neighbour, Mr Prezioso; a copy of the latest 'without notice' Kennel Inspection Report from Greyhound Racing Victoria, dated 13 February 2008; a building inspectors Final Inspection for the store shed, dated 26 October 2007; and, a copy of the *Code of Practice for the Greyhound Industry*.
- 8 Mr Sultana questioned whether it was his dogs barking that Mr & Mrs Jankovic claim they hear. He said if his dogs bark at all they are fitted with a muzzle, and that their shedding is also insulated to reduce the emission of noise. However, Mr Sultana could

account for the barking of another dog in the immediate neighbourhood who was aroused when the sheep on the Sultana property passed its yard, which was on the boundary between the properties.



- 9 I have found that Mr Sultana is endeavouring to keep his animals in a satisfactory manner by constructing new facilities to meet the space, security, drainage and ventilation requirements set down in the Code of Practice, and as evidenced by the complimentary inspection report by the representatives of Greyhound Racing Victoria.
- 10 There is no doubt that the materials being used to build the shed, kennels and fenced yards, which would otherwise not require a permit but for the keeping of dogs, are in a range of differing colours and are therefore unsightly. This matter can be address by a permit condition requiring that they are painted to a uniform colour from an established range of environmental tones.
- 11 Similarly, any permit will require compliance with the *Code of Practice for the Greyhound Industry* with respect to the management, control and disposal of wastes and stormwater and the relevant noise controls for Country Victoria.

#### **BASIS OF DECISION**

- 12 On the information before me the site context of this application must be regarded as appropriate for the proposed use. The kennels are situated on a 2.8ha allotment that is relatively isolated, being buffered variously by the water storages and utility area of the golf course to the west, general farming land to the north and other RLZ 3 residents, including the adjoining trucking operation to the east, and the highway and PPRZ to the south.
- 13 In these circumstances, a well conducted animal keeping hobby is unlikely to generate unreasonable on-site or off-site amenity impacts by way of noise, waste and stormwater management or visual intrusion significantly at odds with the neighbourhood..
- 14 Although the Latrobe Planning Scheme does not have any specific planning policies dealing with this use, I am satisfied that in this case the proposal will not offend those more general policies having some relevance to the issues. As indicated above, I have found the site is suitable for the use and compatible with adjoining and nearby land uses. Compliance with the Code of Practice has already been demonstrated by the applicant, in part, and I am of the view that the use will not adversely impact on the environment as required by Clause 21.01-5 Environment.
- 15 Similarly, I regard it as unlikely that the scale of the proposal will have an adverse impact on local water quality and the environs of watercourses in a way that would offend Clause 21.04-2 Environment, Element 3 – Hill Areas.
- 16 The Tribunal will therefore direct that the decision of the Responsible Authority is set aside and a permit issue.

Richard Walter  
**Member**



	<p>28 Thompsons Rd Newborough. Aerial Photograph of Current Site Conditions</p>	
<p><b>Note</b> The information shown on this map is derived from a variety of sources including, but not limited to, Vicmap Data, other State and Local Government Agencies data and Latrobe City Data.</p>	<p>18/02/2016</p>	
<p><b>Disclaimer:</b> The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the state of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Latrobe City does not guarantee the accuracy or the currency of the information presented on this map and therefore Latrobe City will not be held liable for any loss or damage arising as a result of using this information. The location of features shown on this map is indicative only. The underground infrastructure location shown is not to be used as a substitute for <b>Dial Before You Dig</b>. The compilation of this map is subject to copyright laws and regulations, no part of this map can be reproduced without prior written consent of Latrobe City Council.</p>	<p>1:2000</p>	

**14.4 SUBMISSION TO THE MANAGING RESIDENTIAL  
DEVELOPMENT ADVISORY COMMITTEE****General Manager****City Development****For Decision****PURPOSE**

The purpose of this report is to provide Council the opportunity to formally endorse a submission provided to the Managing Residential Development Advisory Committee (MRDAC).

**EXECUTIVE SUMMARY**

The MRDAC was appointed on 29 November 2015 by the Minister for Planning, to report on the application of new residential zones to guide development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe City.

The new residential zones were included within the Latrobe Planning Scheme through Amendment C84, which was approved by the Minister for Planning on 9 October 2014.

MRDAC released an Overarching Report, sub-regional and regional cities reports on the 29 January 2016 to assist the community and development industry in the preparation of submissions. Submissions are to be lodged with the MRDAC by the 14 March 2016.

Due to the tight timeframes in which the submission is required, a 'holding' submission (Attachment 1) was prepared and submitted to the respective Advisory Committee prior to the 14 March 2016.

The submission articulates that there may be an addendum to the initial submission if required, following Council's formal consideration and endorsement.

**RECOMMENDATION**

**That Council endorses the *Latrobe City Council Submission to the Managing Residential Development Advisory Committee (MRDAC)*.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

### Latrobe City Council Plan 2013 – 2017

#### Theme and Objectives

##### *Theme 5: Planning for the future*

To provide clear and concise policies and directions in all aspects of planning.

##### *Strategic Direction – Planning for the future*

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

In consultation with the community, review Council's Municipal Strategic Statement and the Latrobe City Planning Scheme.

#### *Legislation*

The discussions and recommendations of this report are consistent with the provisions of the Planning and Environment Act 1987 (the Act) and the Latrobe Planning Scheme.

### **BACKGROUND**

Victoria's new residential zones were developed as planning tools to help councils better manage growing residential areas and direct urban infill developments. In July 2013 new residential zones were introduced into the Victoria Planning Provisions through Amendment VC116.

The new residential zones comprise the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ). In combination, these zones enable councils and their communities to better guide the location and scale of residential change.

The new residential zones were included within the Latrobe Planning Scheme through Amendment C84, which was approved by the Minister for Planning 9 October 2014.

Amendment C84 applied the new residential zones to all land in the former residential zones. The amendment was underpinned by local and state policy documents, including Plan Melbourne and the Gippsland Regional Growth Plan 2013.

The zones are intended to enable communities to guide the scale of development in different residential areas, while the accompanying residential zone schedules provide the capacity to manage impacts on individual sites through site coverage, permeability and landscaping provisions.

MRDAC was appointed on 29 November 2015 by the Minister for Planning to report on the application of residential zones to guide development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe City.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

The Committee has been established to:

- Review the process by which the new residential zones were implemented
- Review the application of the zones in the context of managing residential growth and improving housing affordability
- Provide advice on the level of evidence and justification when preparing amendments proposing implementation of the zones
- Recommend improvement to the residential zones
- Provide parties, including Councils, industry and the community with an opportunity to be heard

### **KEY POINTS/ISSUES**

MRDAC have prepared an Overarching Report, sub-regional and regional cities reports which are intended to assist the community, development industry to provide submissions.

#### Key issues summary:

In response to the MRDAC reports, a summary of key issues raised by the Latrobe City Council draft submission is provided below:

- The submission requests that the committee review the list of Section 1 Uses (i.e. permit not required) included within the RGZ. Areas of concern include the ability of food and drink premises, places of worship, medical centres, shops and medical centres to be established in the absence of any planning permit or notice requirements. The potential negative impact of such uses within new or established residential neighbourhoods without proper planning consideration is not considered appropriate.

Similarly, the GRZ also includes Section 1 Uses (i.e. permit not required) for medical centres and places of worship. This is not considered appropriate given the potential negative impacts to established residential areas of the municipality.

- The definitions provided within the reports referring to density definitions are considered not applicable or responsive to regional community expectations (i.e. low density housing is described as providing a density of less than 25 dwellings per hectare). Latrobe City Council's low or standard density housing expectation is for 11 dwellings per hectare; whilst the State Planning Policy refers to 15 dwellings per hectare.
- The further development of larger lots within the NRZ may be unduly restricted by mandatory development restrictions (i.e. construction of a second dwelling where all other requirements can be achieved, height controls unnecessarily impacting on roof heights).
- The expansion of protective controls in areas already subject to the NRZ may be beneficial, supporting Council's assessment and consideration of the need to retain existing development patterns and

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

/ or alternatively supporting opportunities for development where appropriate.

- The standard height provisions of the RGZ may limit the ability of Local Government to effectively manage the interface between locations with higher density development potential with adjoining NRZ land (i.e. scaling of development height, separation and scaling of development intensity). It is acknowledged that the utilisation of schedules to the zones may support this.
- Prior to and following the application of the new zones, Latrobe City Council has continued to have a number of planning determinations challenged and subsequently overturned by the Victorian Civil and Administrative Tribunal (VCAT), in particular where Council has determined to not provide planning approval for the intensification of residential development within established neighbourhoods.

The MRDAC identified that those councils which had an existing residential framework/housing strategy to denote the scale of residential change supported in different parts of their municipality were considered best placed to implement the new zones.

The preparation of the Latrobe City Council Housing Strategy and Urban Design Guidelines are expected to respond to this need and result in future revisions to the application of the new residential zones.

- The draft submission welcomes the provision of additional guidelines regarding the policy support required to support the application of the new residential zones.
- The draft submission highlights the need to consider increased community services and public infrastructure which may be required where existing residential development patterns are intensified through infill or other redevelopment opportunities. This may result in additional investments being required by Council and or contributions being provided by developers toward community assets prior to approving permits for such intensification.
- Latrobe City has consistently promoted the rural lifestyle opportunities of the City. The use of land for rural living purposes is therefore considered to be a valued and valid land use within Latrobe City, responsible for sustaining many of the cities smaller rural settlement communities.

The submission is to be submitted to the Advisory Committee no later than the due date of 14 March 2016.

It is then proposed that Council provide its formal endorsement of the submission at the 21 March 2016 Ordinary Council Meeting.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no additional financial implications for lodging a submission to the Advisory Committee. Both require internal resources regarding staff time and travel. Resourcing allocation has been accommodated within the existing Future Planning budget.

**INTERNAL/EXTERNAL CONSULTATION**

No external consultation was undertaken as part of the preparation of the attached submission. A number of internal departments have provided input into the submission.

**OPTIONS**

Following Council's consideration of the draft submission (Attachment 1), options available to Council are as follows:

1. That Council having considered the submission, endorse the submissions; or,
2. Endorse the submission and provide additional comments or amendments to the Advisory Committee; or,
3. Decide to not endorse the submission and withdraw the submission that has been forwarded to the Advisory Committee.

**CONCLUSION**

Victoria's new residential zones are intended to support local government to better direct residential change to meet local and state priorities. In so doing, state planning policy encouraged local government to apply the new zones to ensure current and future housing needs are met by balancing the protection of areas with support for residential growth in other locations.

The committee's final report and recommendations are anticipated to be of particular relevance to Latrobe City Council's completion of its housing strategy, implementation of the urban design guidelines and subsequent revisions to the application of the residential zones across the municipality. Considering this, it is considered appropriate that Council consider and take the opportunity to provide its submission to the MRDAC.

**SUPPORTING DOCUMENTS**

1. Residential Zones State of Play Report (Overarching Report) 29 January 2016
2. Residential Zones State of Play Report - Regional Cities (Ballarat, Greater Bendigo, Greater Geelong and Latrobe) 29 January 2016

**Attachments**

1. Draft Submission to the Managing Residential Development Advisory Committee



## **14.4**

### **Submission to the Managing Residential Development Advisory Committee**

- 1 Draft Submission to the Managing Residential  
Development Advisory Committee ..... 327**

# Latrobe City Council

## Draft Submission to the Managing Residential Development Advisory Committee (MRDAC)



March 2016



## **Draft Submission to the Managing Residential Development Advisory Committee (MRDAC) regarding the application of zones that provide for residential development**

### **Introduction**

Latrobe City is the principal service centre for Gippsland, and is recognised as one of Victoria's four major regional cities. Land use planning considerations within Latrobe City are often unique, due to the urban and industrialised nature of the City, situated within a rural setting.

On behalf of Latrobe City Council, we welcome the opportunity to make this submission to the Residential State of Play Reports and the Managing Residential Development Advisory Committee (MRDAC).

This submission is set out in the following five sections:

- Introduction
- Background
- General Discussion
- Key Issues Summary
- List of Suggested Improvements to the Residential Zones

Latrobe City respectfully requests that it be involved in any relevant ongoing discussions and requests a copy of the Advisory Committee report to the Minister for Planning when it becomes available.

It is noted that due to the tight timeframes in which submissions were required, this submission has been prepared by Council Officers and has not been formally endorsed by Council resolution.

Council may therefore require the opportunity to provide an addendum to this submission, following the Ordinary Council meeting to be held 21 March 2016.

Should the Committee have any questions regarding this submission, please contact myself Jason Pullman, Coordinator Strategic Planning via phone 5128 6151 or email [Jason.Pullman@latrobe.vic.gov.au](mailto:Jason.Pullman@latrobe.vic.gov.au). Alternatively, you may contact Gail Gatt, Manager Future Planning via phone 5128 5446 or email: [Gail.Gatt@latrobe.vic.gov.au](mailto:Gail.Gatt@latrobe.vic.gov.au).



## Background

The new residential zones were introduced into the Victorian Planning Provisions in July 2013 and came into effect in most municipalities in July 2014.

An independent review of the new residential zones by the State Government began in late 2015, where the Minister for Planning sought comments from council's on the new residential zones. The Minister was particularly interested in what elements of the zones were working well and what improvements could be made. A request from the State Government for council's views on the new residential zones was received 17 September 2015, Latrobe City responded to this request on the 4 November 2015 (see attachment 1).

The Minister for Planning then appointed the Advisory Committee, known as the Managing Residential Development Advisory Committee (MRDAC) on 29 November 2015.

It is the understanding of Latrobe City Council that the purpose of the MRDAC is to:

- Consider the process by which the new residential zones were implemented
- Review the current application of zones that allow for residential development in the context of managing Melbourne and Victoria's residential growth in a sustainable manner and improving housing affordability.
- Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.
- Recommend improvements to the residential zones.
- Provide councils, the community and the industry with an opportunity to be heard.

The MRDAC has prepared an Overarching Report, Residential Zones State of Play reports for each Plan Melbourne sub region and a combined report for the Regional Cities of Ballarat, Bendigo, Geelong and Latrobe, which are intended to assist the community, development industry to provide submissions.

Following the appointment of the MRDAC a further request from the State Government for council's views regarding the process and subsequent impacts of the application of the new residential zones was received on 17 February 2016, to which this submission responds to.

Council's submission responds in particular to the Overarching Report and the Regional Cities Report.



## General Discussion

- The definitions provided within the reports referring to density definitions are considered not applicable or responsive to regional community expectations (i.e. low density housing is described as providing a density of less than 25 dwellings per hectare). Latrobe City Council's low or standard density housing expectation is for 11 dwellings per hectare; whilst the State Planning Policy refers to 15 dwellings per hectare.
- Prior to and following the application of the new zones, Latrobe City Council has continued to have a number of planning determinations challenged and subsequently overturned by the Victorian Civil and Administrative Tribunal (VCAT), in particular where Council has determined to not provide planning approval for the intensification of residential development within established neighbourhoods.

The MRDAC identified that those councils which had an existing residential framework/housing strategy to denote the scale of residential change supported in different parts of their municipality were considered best placed to implement the new zones.

The preparation of the Latrobe City Council Housing Strategy and Urban Design Guidelines are expected to respond to this need and result in future revisions to the application of the new residential zones.

- Latrobe City welcomes the provision of additional guidelines regarding the policy support required to support the application of the new residential zones.
- There is a need to consider increased community services and public infrastructure which may be required where existing residential development patterns are intensified through infill or other redevelopment opportunities. This may result in additional investments being required by Council and or contributions being provided by developers toward community assets prior to approving permits for such intensification.
- Rural living choice has provided a valued layer of housing opportunity, consistently encouraged by government policy and increasingly sought after by new arrivals to Latrobe City. The embracing of a rural lifestyle has often meant a revitalisation for small rural towns, their schools, associated clubs, hotels and local agricultural retailers and service providers. This is evidenced in many of the small townships in Latrobe City, where after years of decline, these towns have been sustained by rural living opportunities and the employment opportunities within the main townships.

Council request that the MRDAC consider the above when proposing changes or developing and new policy to support the application of the Rural Living Zone (RLZ).



## Key Issues Summary

In response to the MRDAC reports, a summary of key issues raised by the Latrobe City Council draft submission is provided below:

### Residential Growth Zone (RGZ)

- Changes to Section 1 Uses (i.e. permit not required). Areas of concern include the ability of food and drink premises, places of worship, medical centres, shops and medical centres to be established in the absence of any planning permit or notice requirements. The potential negative impact of such uses within new or established residential neighbourhoods without proper planning consideration is not considered appropriate.
- The standard height provisions may limit the ability of Local Government to effectively manage the interface between locations with higher density development potential with adjoining NRZ land (i.e. scaling of development height, separation and scaling of development intensity). It is acknowledged that the utilisation of schedules to the zones may support this.

### General Residential Zone (GRZ)

- Changes to Section 1 Uses (i.e. permit not required) for medical centres and places of worship. This is not considered appropriate given the potential negative impacts to established residential areas of the municipality.

### Neighbourhood Residential Zone (NRZ)

- The further development of larger lots may be unduly restricted by mandatory development restrictions (i.e. construction of a second dwelling where all other requirements can be achieved, height controls unnecessarily impacting on roof heights).
- The expansion of protective controls in areas already subject to the NRZ may be beneficial, supporting Council's assessment and consideration of the need to retain existing development patterns and / or alternatively supporting opportunities for development where appropriate.
- The NRZ could allow for greater flexibility on where it can be applied. Where the preferred neighbourhood character is at a status quo density, the NRZ should be able to be applied on this basis as this is the preferred neighbourhood character. Additionally, where there is a preferred density in greenfield developments, the neighbourhood character should be able to be applied where an approved development plan showing the lot layout is supplied.



## List of Suggested Improvements

The MRDAC has prepared a List of Suggested Improvements to the Residential Zones (based on suggestions from a number of sources including Council, Industry Bodies and the submissions and the recommendations of the Residential Zones Standing Advisory Committee).

Council has responded briefly to each of the suggested changes (see attachment 2). Council was unable to respond in further detail to these suggested improvements for the following reasons:

- The committee states that it has not yet formed an opinion on the list of suggested improvements;
- Council officers found that many of the suggestions were underdeveloped, unclear and inconsistent;
- No explanatory notes were provided explaining the issue or their intended application.

Council requests that once the committee has completed its own recommendations, that Council be provided the opportunity to comment on these prior to being progressed to implementation.



Our Ref: Response to DOC15/27232

4 November 2015

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Dear Minister

**DESCRIPTION: REVIEW OF THE RESIDENTIAL ZONES:  
COUNCILS VIEW ON THE NEW RESIDENTIAL  
ZONES**

As per your letter dated 27 August 2015, Council provides the following response:

**Residential Zones Review**

The purpose of the General Residential Zone (GRZ) is very similar to that of the old Residential 1 Zone with the exception of a few uses in section 1. This zone covers the majority of the residential land in the municipality. No significant issues have been raised with this zone and overall it appears to be working well.

The Latrobe Planning Scheme did not include Residential 2 or 3 zones.

The new Neighbourhood Residential Zone (NRZ) restricts housing growth in areas identified for urban preservation. This zone has been applied in the municipality in areas where there are heritage values or environmental constraints. These areas, for the most part, tend to be located outside of the town centres and are usually (but not exclusively) abutted by the GRZ.

The NRZ could allow for greater flexibility on where it can be applied. Where the preferred neighbourhood character is at a status quo density, the NRZ should be able to be applied on this basis as this is the preferred neighbourhood character. Additionally, where there is a preferred density in greenfield developments, the neighbourhood character should be able to be applied where an approved development plan showing the lot layout is supplied.

The schedule to the NRZ could be better applied as the issues raised in the schedule (Heritage Precincts and Areas affected by Environmental Constraints) can be covered through other planning controls such as overlays.



There is only one schedule to this zone currently in the Latrobe Planning Scheme. Currently Latrobe City Council has no neighbourhood character overlays in the Planning Scheme. Additional schedules could, over time, be developed to provide specific desired design outcomes or be more specific with Rescode requirements in appropriate areas.

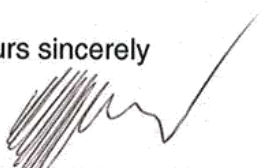
The purpose of the Residential Growth Zone (RGZ) is to encourage higher densities and diversity of housing types. Buildings can be up to four storeys in height. A transitional scale of development is to be encouraged between more intensively used areas and those of restricted housing growth. In Latrobe, there are areas of RGZ which directly abut the neighbourhood Residential Zone. One example of this is to the south of the railway line in Traralgon. NRZ1 is adjacent to both RGZ1 (Transit City Areas – no restrictions) and RGZ2 (Railway, Queens Parade and Shakespeare Street Heritage Precinct – only restriction is to the height of a building - 9m max). The purpose of the NRZ is to limit opportunities for increased residential development and to recognise areas of predominantly single and double storey residential development. Dealing with the interface issues when these two zones meet is problematic as the zone purposes currently conflict with one another. How this interface is dealt with is crucial i.e. should there be a physical barrier, for example, like a road or reserve rather than directly abutting property boundaries.

There are currently two schedules in the Planning Scheme for the RGZ. Consideration could be given to introducing additional schedules to deal with the RGZ/NRZ interfaces – these are localised so an overlay would not be appropriate in this instance. These could include limiting the height of buildings on lots immediately adjacent to the NRZ, or introducing design requirements. The strategic resources required to deliver these projects is something that at this point in time, Council is currently not resourced appropriately for to investigate or implement over the short term.

In summary, the General Residential Zone appears to be a reasonable translation of the Residential 1 Zone and is working well. Additional schedules could be added to both the Neighbourhood Residential and Residential Growth Zones to deal with the interfaces between these two zones, as well as achieve appropriate design outcomes and, in the case of the NRZ especially, defining neighbourhood character.

If you require any further information in relation to this matter, please call Jody Riordan on 03 5128 5556.

Yours sincerely



**GARY VAN DRIEL**  
**Chief Executive Officer**

## List of Suggested Improvements to the Residential Zones

Table One: List of suggested improvements to the residential zones

The following has been prepared by the Managing Residential Development Taskforce (the Taskforce) in accordance with Clause 11.b Terms of Reference for the Managing Residential Development Advisory Committee (MRDAC).

The Taskforce has compiled this list based suggestions from a number of sources including Council, Industry Bodies, and the submissions and the recommendations of the Residential Zones Standing Advisory Committee.

The following list is provided for comment only and the Taskforce (or the MRDAC) has not formed an opinion on the validity or rationale for the suggestions.

No.	Zone(s)*	Proposed amendment	Latrobe City Preliminary Comments
1	NRZ	Increase the NRZ maximum building height limit to 9 metres.	This would be consistent with height restrictions within Rescode
2	NRZ	Provide for the maximum number of dwellings in the NRZ to not be less than 2 dwellings.	Is this within the schedule - LCC schedule not activated
3	NRZ	Remove mandatory height requirements (performance based).	What is this in reference to?
4	NRZ	Reduce maximum building footprint allowable for a single dwelling.	What is this in reference to?
5	NRZ	Prohibit subdivision permit without a concurrent dwelling planning permit.	All NRZ land affected by HO or BMO and trigger a permit for a dwelling. This would ensure all development is assessed under Rescode
6	NRZ	Review zoning across Melbourne for a more equal distribution of NRZ land.	
7	NRZ	Discourage unoccupied dwellings (Clause 52.11 <i>Home Occupation</i> ).	Clause 52.11 states as a requirement must be principal place of residence. What does this mean?
8	NRZ	Create maximum lot size.	Should this not be assessed against Council's own policies in relation to densities
9	NRZ	Include Council's neighbourhood objective in schedule to the NRZ.	Is this in relation to neighbourhood character?
10	NRZ	Clarify "appropriate development" (built form, intense development across multiple smaller lots etc.)	Should this not be in relation to neighbourhood character existing context or preferred context of the area. Site Spe
11	NRZ	Amend subdivision loophole allowing for multiple lot subdivision.	Given NRZ affected by BMO and HO appropriate to reduce intensification of these areas
12	NRZ	Include a 'no net dwelling loss' clause for existing multi-units to be redeveloped	This may be hard to achieve as older developments may not meet today's standards in relation to POS and therefore result in overdevelopment of the site and a bad planning outcome. Assessment should be on a case by case

## List of Suggested Improvements to the Residential Zones

No.	Zone(s)*	Proposed amendment
13	NRZ	Remove principle under Practice Note 78: <i>'Areas where more than 80 percent of lots currently accommodate detached dwellings'.</i>
14	NRZ	Apply maximum building height requirement to all buildings. <b>This would address interface issues with Heritage Buildings/Precincts</b>
15	GRZ	Introduce a <i>Building Design Guideline</i> criteria for multi-level developments. <b>Is this for non-residential uses - maybe more controls regarding interfaces. How are Section 1 non-residential uses enforced?</b>
16	GRZ	Require section 1 uses to submit design response. <b>No permit trigger. What mechanisms would be put in place to do this?</b>
17	GRZ	Amend NRZ and GRZ purpose of zone for clearer distinction: <i>To encourage the implementation of neighbourhood character policy and adopted neighbourhood character guidelines</i>
18	GRZ	Remove the permit trigger for lots under 500 sqm. <b>This statement needs to be clarified. Would lots under 300 sqm still trigger a permit?</b>
19	GRZ	Define " <i>moderate housing growth</i> " to provide clearer direction for Council of expected growth.
20	RGZ	Delete reference to four storey development from the purpose of zone.
21	RGZ	Amend Rescode to trigger the need for assessment for low rise apartments where the provisions within RGZ contradict that of Rescode. <b>What does this statement mean - Is this for development of 5 or more storeys?</b>
22	RGZ	Include provisions for 'as of right' mixed use applications.
23	RGZ	Apply mandatory boundary of RGZ to be commercial zone or to be within 100m of commercial zone or Activity Centre Zone. <b>LCC would lose RGZ land both in Morwell and Traralgon identified in Transit City Project.</b>
24	RGZ	Remove the requirement for locational conditions of section 2: <i>The land must have the same street frontage as the land in the commercial zone.</i> <b>This assists in out of centre commercial development</b>
25	RGZ	Amend the purpose of the zone to provide clarity for underdevelopment of land.
26	RGZ	Include front setbacks, open space and wall boundaries requirements. <b>Is this for non-residential development? Should this not be based on context?</b>
27	RGZ	Remove 'as of right' uses under 250 square metres. <b>Would assist out of centre commercial development and interface issues</b>
28	RGZ	Review of non-residential land uses in residential area which reduce commercial uses beyond activity centres. <b>As above</b>

## List of Suggested Improvements to the Residential Zones

No.	Zone(s)*	Proposed amendment
29	RGZ	Review of <i>peripheral</i> area for RGZ to avoid conflict of inappropriate commercial development. <b>As previous comments</b>
30	RGZ	Apply Clause 55 to multi dwellings greater than four storeys. <b>Some of these Clause are not applicable to these type of developments. Should be in conjunction with Clause 52.35</b>
31	RGZ	Provide mechanisms for social/affordable housing. <b>How?</b>
32	RGZ	Review the need for notification/advertisement for certain applications within zone. <b>This could become a big issue if interface issues and density are not appropriately controlled.</b>
33	RGZ	Establish urban area infrastructure development contribution scheme for residential areas.
34	RGZ	Include classification for lot sizes and developments expected to achieve higher density. <b>This should reflect Council policy</b>
35	RGZ	Restrict type of residential development to prevent underdevelopment areas. <b>This should reflect Council policy</b>
36	RGZ	Prohibit section 2 commercial uses allowed within 100 metres if residential areas in regional locations. <b>As previous comments</b>
37	RGZ	Clearer application of RGZ to direct Council's on areas of growth.
38	RGZ	Provide definition for height requirements (Clause 32.09-8). <b>Clarify? Clause 32.09-8 is in reference to NRZ</b>
39	RGZ	The transitions between RGZ and other residential zones should be more comprehensively addressed in Clause 32.07-8. <b>Big Issue with RGZ and NRZ</b>
40	RGZ	Include references of relevant policy documents (structure plans and urban design frameworks etc.)
41	RGZ	Under Clause 32.07-9 <i>Application requirements</i> , delete: <b>As previous, should these not be done in conjunction with Rescode</b> <ul style="list-style-type: none"> <li>▪ <i>For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.</i></li> </ul>
42	RGZ	Under Clause 32.07-11 <i>Dwelling and residential building</i> , delete: <ul style="list-style-type: none"> <li>▪ <i>Fore a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development</i> <b>As above</b></li> </ul>
43	RGZ	Prohibit supermarkets in Table of Uses. <b>Condition - In out of centre locations or not identified in structure plan</b>
44	RGZ	Prohibit walls on boundaries at Council's discretion. <b>For non-residential uses?</b>

## List of Suggested Improvements to the Residential Zones

No.	Zone(s)*	Proposed amendment
45	RGZ	Review schedules to zone to vary daylight to: <ul style="list-style-type: none"> <li>▪ existing windows;</li> <li>▪ north facing windows;</li> <li>▪ new windows; and</li> <li>▪ solar access to open space objectives</li> </ul>
46	GRZ	Amend reference to building heights in the purpose of the zone with the provision of the zone and Practice Note 78: <i>Applying the Residential Zones (2013)</i>
47	NRZ and GRZ	Amend wording for permit requirements for front fence to: <i>A permit is required to construct or extend a front fence within 3 metres of a street if: The fence is associated with 2 or more dwellings on a lot or a residential building, and the fence exceeds the maximum height specified in Clause 55.06-2.</i>
48	NRZ and GRZ	Include level of appropriateness for extent of exemptions (depending on the location, neighbourhood character and schedule etc.)
49	NRZ and RGZ	Require physical barrier (e.g. road) between to RGZ and NRZ to ensure the objective of the zones are met. <b>This is a big issue, but result in alot of RGZ being removed.</b>
50	NRZ and RGZ	Clarification of definition for differing <i>natural ground</i> scenarios.
51	GRZ and RGZ	Rename the RGZ and GRZ to avoid confusion between the two acronyms.
52	GRZ and RGZ	Review conditions associated with Section 1 and 2 uses: <ul style="list-style-type: none"> <li>• Food and Drink Premises is a conditioned Section 1 use under Residential Growth Zone. <b>Needs to be addressed not consistent</b></li> <li>• Food and Drink Premises under a General Residential Zone is not a conditioned use under a Section 2 use.</li> </ul>
53	GRZ and RGZ	Amend colour differentiation on the zoning map for clarity.

## List of Suggested Improvements to the Residential Zones

No.	Zone(s)*	Proposed amendment
54	GRZ and RGZ	Vary building heights through zone schedules.
55	GRZ and RGZ	Prohibit establishment of shops, offices and food and drink premises (subject to floor area limits), within 100 metres of commercial zone with the same road frontage without planning permit. <b>As previous comments</b>
56	GRZ and RGZ	Apply mandatory height limits. <b>Depending on interface - Case by case basis</b>
57	NRZ, GRZ and RGZ	Rename the zones to a neutral naming convention such as A, B, C or 1, 2, 3.
58	NRZ, GRZ and RGZ	Update and merge into a consolidated practice note, PN43: <i>Understanding Neighbourhood Character (2001)</i> and PN28: <i>Using the Neighbourhood Character Provision in Planning Schemes (2004)</i> to address neighbourhood character and principles for addressing it in planning schemes in conjunction with PN78: <i>Applying the Residential Zones (2013)</i>
59	NRZ, GRZ and RGZ	Review the operation of the schedules and consider consolidation for better clarity for planners and broader community.
60	NRZ, GRZ and RGZ	Review process and authorization for Councils to apply multiple schedules to address the role and character of different areas.
61	NRZ, GRZ and RGZ	Review zoning maps so they form relationship to 'on ground circumstances'. Zones should not change mid street. <b>This occurs alot - Would need to review application of zones.</b>
62	NRZ, GRZ and RGZ	Apply schedules to all Council's across Melbourne.
63	NRZ, GRZ and RGZ	Amend the use of land for a <i>Store</i> (section 2 use) to exempt the storage of one motor vehicle. <b>How would we enforce this?</b>
64	NRZ, GRZ and RGZ	Allow variation of Rescode requirements through zone schedules.

## List of Suggested Improvements to the Residential Zones

No.	Zone(s)*	Proposed amendment
65	NRZ, GRZ and RGZ	Amend to include Council's vision within schedule.
66	NRZ, GRZ and RGZ	Consideration for additional clause for describing: <i>Desired Future Character or Vision for the Area.</i>
67	NRZ, GRZ and RGZ	Provide articulation of the role of each municipality for the provision of housing with greater parameters for application of zones to guide Council's at local level with any expectations clear and transparent.
68	NRZ, GRZ and RGZ	Amend section 1 uses to be subject to building and works controls.
69	NRZ, GRZ and RGZ	Specify maintenance of on-street parking spaces in zone with provisions with any reduction (cross-over) assessed.
70	NRZ, GRZ and RGZ	Review Practice Notes relating to residential zones for consistency.
71	NRZ, GRZ and RGZ	Amend each zone to include level of change expected (minimal/natural/substantial).
72	NRZ	Include minimum setbacks from the side or rear boundary (as per A11 and B18/ Building regulation 414).
73	NRZ	Detail side setback requirements (as per A11 and B18/ Building regulation 414).
74	NRZ	Review setback requirements which do not guide irregular lot sizes.

\* Key to zone notations: NRZ – Neighbourhood Residential Zone, GRZ – General Residential Zone, RGZ – Residential Growth Zone, TZ – Township Zone and MUZ – Mixed Use Zone.

## Table Two: Improvements that will form part of a VC Amendment

In addition to the suggestions outlined in Table One, the Minister for Planning has agreed to prepare a VC Amendment to improve the operation of the residential zones.

Submissions are **not being sought** on these changes and they are provided for information purposes only.

No.	Zone(s)*	Proposed amendment
1	NRZ	Allow for flood levels to be exempted from the maximum building height in the Neighbourhood Residential Zone.
2	TZ and NRZ	Clarify permit requirements for the construction or extension of one dwelling on a lot in the residential zones. <b>Clarify what?</b>
3	NRZ	Introduce the ability for flexible requirements to the maximum number of dwellings on a lot through a density scale.
4	MUZ, TZ, RGZ, GRZ and NRZ	Allow local exemptions for building heights to be specified in the zone schedule and allow an existing building to be demolished and constructed to the pre-demolition height. <b>If it triggers a permit?</b>
5	MUZ, TZ, RGZ, GRZ and NRZ	Clarify and provide consistent building height exemptions in all residential zones. <b>If it triggers a permit?</b>
6	MUZ, TZ, RGZ, GRZ and NRZ	Clarify and provide consistent transitional provisions in all residential zones.
7	NRZ	Clarify the exemption provisions relating to subdivision in the NRZ.
8	RGZ	Provide for Plan Melbourne and Regional Growth Plan terminology updates relating to activity centres and town centres.

\* Key to zone notations: NRZ – Neighbourhood Residential Zone, GRZ – General Residential Zone, RGZ – Residential Growth Zone, TZ – Township Zone and MUZ – Mixed Use Zone.



# INFRASTRUCTURE AND RECREATION

**15. INFRASTRUCTURE AND RECREATION**

Nil reports

# COMMUNITY SERVICES

**16. COMMUNITY SERVICES****16.1 MOE COMMUNITY GROUP HUB****General Manager****Community Services****For Decision****PURPOSE**

The purpose of this report is to seek Councils endorsement for the Moe Customer Service Centre and Library to be utilised as a Community Group Hub for a three year trial period, confirm the recommended governance model and the commencement of an Expression of Interest (EOI) process to secure building occupants.

**EXECUTIVE SUMMARY**

It is proposed that Council utilise the Moe Customer Service Centre and Library buildings as a Community Group Hub for a three year period before determining their longer term status.

If Council chooses to progress with the proposal, an Expression of Interest process will be undertaken seeking applications from community groups and not-for-profit organisations interested in participating in the three year trial. It is anticipated that the EOI will be undertaken between April and May 2016. Additionally, it is proposed that the governance model includes the appointment of a lead tenant to take on responsibilities for the Hub and that the building be self-managed by tenant groups after the first year of operation.

Council Officers have received enquiries from three community groups and not-for-profit organisations in relation to occupying the building if used for community group purposes. No direct community engagement has taken place about the use of the Moe Customer Service Centre and Library once vacated.

**RECOMMENDATION****That Council:**

- 1. Endorses a three year trial for the current Moe Customer Service Centre and Library to be utilised as a Community Group Hub once vacated.**
- 2. Endorses the proposed governance model.**
- 3. Endorses commencement of an Expression of Interest process for a lead tenant and building occupants.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Our Community*

*In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 2: appropriate, affordable and sustainable facilities, services and recreation*

*Strategic Direction – Develop and maintain community infrastructure that meets the needs of our community.*

**BACKGROUND**

At its meeting on Monday 15 December 2014, Council resolved the following:

*That Council:*

*Place the net sale proceeds of the MELC into a Reserve Fund for the future development of the Moe Library/Customer Service Centre.*

*Undertake the development of a Community Infrastructure Plan for Moe in 2015 to identify, develop and secure community infrastructure which meets the needs of the Moe community now and into the future.*

In response to Council's resolution, the Sub-Committee for the Community Infrastructure Plan for Moe, comprising of the two West Ward Councillors and General Manager Community Services, considered options for the ongoing community use of the Moe Customer Service Centre and Library once it is vacated. The Sub-Committee identified community group support for the establishment of a Community Group Hub, demonstrated through engagement previously undertaken regarding the potential usage of the former Moe Early Learning Centre (MELC) site. It was therefore suggested that the Moe Customer Service Centre and Library may be a more appropriate facility for a Community Group Hub, a concept to be trialled prior to Council determining the longer term status of the buildings.

At its meeting on Monday, 30 November 2015, Council was provided with a briefing report on research completed by Council officers into a number of governance models utilised at Latrobe City and Wellington Shire facilities as well as the Ross House Association. A recommended governance model was provided for the Moe Community Group Hub,

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proposing that a lead tenant is appointed to take on responsibilities for the Hub and that the building be self-managed by tenant groups after the first year of operation. Additionally, it was proposed that this model be finalised after the EOI process is completed to ensure that the model is feasible for the different groups interested in occupying and being part of the Community Group Hub trial. A draft process was also presented, recommending that an EOI be sought in early 2016 from community groups and not-for-profit organisations attracted to the idea of sharing space, working collaboratively and supporting other groups.

Following the discussion regarding a proposed governance model, Councillors sought a further briefing regarding the condition of the buildings and their structural suitability for use as a Community Group Hub. This information was presented to Council at its briefing meeting on Monday, 15 February 2016 with a timeline and draft EOI advertisement, proposing that an EOI be sought from community groups and not-for-profit organisations between March and May 2016 if Council chooses to progress with this concept. Council advised to proceed with a report regarding the governance model and EOI process for the Moe Community Group Hub. Further financial assessments on the condition and necessary repairs for both buildings will be completed and presented separately to Council for its consideration.

### **KEY POINTS/ISSUES**

The key points/issues for consideration in this report are:

- The recommended governance model for building occupants involves the appointment of a lead tenant to take on responsibilities for the Hub and self-management of the building by tenant groups after the first year of operation.
- Should Council progress with this concept, an EOI will be sought from community groups and not-for-profit organisations between April and May 2016, with the three year trial commencing in July-August 2016.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

If the three year trial is considered unsuccessful by Council, the community may still expect that the Moe Service Centre and Library be utilised for community groups on a long-term basis, impacting on Council's reputation and longer term budget. Council will need to undertake an impartial and robust assessment of the three year trial which includes recommendations for the future.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

If the process and period of commencement is endorsed by Council, staff will be required to develop and carry out a community engagement process for potential building occupants. The financial costs involved in this process will be absorbed into departmental operational budgets. The

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EOI process and selection criteria will additionally be managed by a Council officer from the Community Development department.

A separate report will be presented to Council outlining further detailed assessments of the condition and necessary repairs for both buildings.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

No direct community engagement has taken place about the use of the Moe Customer Service Centre and Library once vacated. Community expectation could be met by an EOI process. Latrobe City officers have received enquiries and expressions of interest from three community groups/not-for-profits in relation to being a tenant in the building if used for community group purposes.

#### *Details of Community Consultation / Results of Engagement:*

### **OPTIONS**

**Option 1** – Proceed with the recommendation that the Moe Customer Service Centre and Library is to be utilised as a Community Group Hub once vacated for a three year trial period, confirm the recommended governance model and commencement of an Expression of Interest (EOI) process for building occupants (as below).

#### **Expression of Interest Process**

It is proposed that an EOI process be undertaken to formalise community interest in the trial. Officers recommend that an EOI process be undertaken between April and May 2016, primarily through an advertisement in the Latrobe Valley Express. The proposed EOI process is featured below.

The EOI process will incorporate the following weighted selection criteria concepts. Applicants will be required to demonstrate the following:

<b>Selection Criteria</b>	<b>Weighting</b>
Benefit and value to the community.	20%
Connection to Latrobe City's Municipal Public Health and Wellbeing Plan i.e. will their activities support the community in being active, eating well, protecting health, staying connected and feeling safe.	20%
Recognised community group or not-for-profit organisation	15%
Support for the idea of sharing space, working collaboratively and supporting other groups.	15%
Historical use of the space.	15%
Support and inclusion of people from disadvantaged and underrepresented groups.	15%

Additionally, applicants will be required to answer the following gateway criteria.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

<b>Gateway Criteria</b>	
Financial capability.	Yes/No
Hold or be willing to purchase appropriate public liability insurance.	Yes/No
Agree to terms and conditions of occupying a space in the building.	Yes/No

Lease costs will be determined on the basis of floor space allocated to each tenant and will be clearly stated in the lease agreement. Minor adjustment in lease costs will only be considered for applicants who can demonstrate a genuine lack of affordability.

The EOI process will also request information from applicants, relating to:

- Purpose of group or organisation
- Space required
- Overview of anticipated use for the space
- Interest in being a lead tenant
- Ability to operate across a broad range of hours that allows for public space to be open and available
- Number of volunteers involved in operations and activities
- Outline of operating days and hours
- Outline of current equipment

A draft EOI advertisement is attached for consideration.

It is proposed that EOI's are assessed by a panel comprised of the General Manager Community Services, West Ward Councillors and an independent community member, perhaps a former citizen of the year. Recommendations will then be presented to Council for consideration.

### **Governance Model**

The following information outlines the proposed governance model for the Community Group Hub if a three year trial is endorsed.

- It is proposed that a Lead Tenant, acquiring a larger proportion of space within the building be identified to take on important responsibilities for the hub (similar to staff at the Ross House Association), including:
  - Receiving and responding to community enquiries
  - Taking room bookings
  - Coordinating services in shared spaces
  - Convening Committee of Management meetings
  - Liaising with Council staff on behalf of other tenants and users
  - Fostering relationships and partnerships between tenants and users
- Identifying a lead tenant will enable a more functional and coordinated environment in the hub as some smaller tenants may not have the capacity to complete this themselves.



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- Other tenants, comprising of small groups and not-for profit organisations will have reduced responsibilities. It is recommended that additional tenants are of a smaller size due to available space in the buildings.
- It will be encouraged that the building is self-managed by its tenants with minimal Council officer involvement, after the first year of operation, providing the ability for groups to be self-reliant.
- A Committee of Management will be established to make decisions about how the building is run on a daily basis, comprising of a representative from each tenant group, identified user groups and a designated Council officer. It is proposed that this Committee of Management will meet bi-monthly.
- A binding document or memorandum of understanding will be created to set clear rules, responsibilities and guidelines for tenants.
- A Council officer is identified for tenants to liaise with about any issues, concerns or queries between Committee of Management meetings.

Please note that the number of tenants is subject to available space in the building and works completed to divide space in the Moe Library.

### Scope of Co-Occupiers/Users

- The proposed structure of co-occupiers and users will include:
  - One lead tenant
  - Multiple smaller tenants acquiring singular or double offices
  - Other groups who hire rooms as required
- Expressions of Interest will be sought from groups and not-for profit organisations who are attracted to the idea of sharing space, working collaboratively and supporting other groups.

### Lease Agreement and Duration

- It is proposed that each tenant will have an individual lease arrangement, subject to size of office space and affordability of group/not-for-profit organisation.
- The lease agreement will be for a duration of three years (subject to Council adoption).
- Each lease arrangement will be indexed by CPI on an annual basis.
- Groups who hire meeting rooms will be charged a hire fee according to size of meeting room and whether they are a commercial or non-commercial group.

### Lease Fees and Charges

Tenants will be expected to cover the following costs:

- Lease fee (indexed by CPI on an annual basis)
- Public liability and contents insurance

**ORDINARY COUNCIL MEETING AGENDA  
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- Telephone and internet access (lines provided)
- Utility consumption costs (excluding supply costs)
- Cleaning of the building
- All furnishings
- All consumables (e.g. toilet paper, hand soap, tea and coffee)
- Any minor works upgrades required

**Timeline**

If Council endorses a three year trial for a Community Group Hub, a timeline has been created and attached, highlighting estimated timeframes for tasks to be completed. It is proposed that an EOI is prepared and advertised for a total of six weeks within the months of April and May 2016. Advertisements will be placed in the Latrobe Valley Express, Moe News Pages and on the Latrobe City Facebook Page as well as emailed out to Moe and District groups. Once the Moe Customer Service Centre and Library is officially vacated in May 2016 it is anticipated that necessary repairs and replacements within the buildings as directed by Council can commence. EOI assessments and shortlist interviews will be completed in May, with a final decision provided before end of July 2016. It is proposed that the official three year trial period and lease arrangements commence as of July 2016.

**Option 2** – Not proceed with the recommendation/s and explore another purpose for the buildings.

**CONCLUSION**

The Moe Customer Service Centre and Library is currently being considered as a facility for a Community Group Hub, once vacated in 2016. Latrobe City officers have received enquiries from three community groups and not-for-profit organisations in relation to occupying the building if used for community group purposes. If Council choose to progress with this concept, including the proposed governance model, it is recommended that an EOI be sought from community groups and not-for-profit organisations between April and May 2016.

**SUPPORTING DOCUMENTS**

Moe Community Group Hub Governance Model Options

**Attachments**

1. Expression of Interest Advertisement
2. Moe Community Group Hub Timeline

# **16.1**

## **Moe Community Group Hub**

<b>1</b>	<b>Expression of Interest Advertisement .....</b>	<b>353</b>
<b>2</b>	<b>Moe Community Group Hub Timeline.....</b>	<b>355</b>

1  
9 March, 2016

**ADVERTISEMENT**

FOR INSERTION IN : NOTICEBOARD  
Latrobe Valley Express

<i>Communications ref only</i> Size formatted: Cost:
--

DATE(S) :  
*(Deadline for Monday issue is  
Thursday prior; for Thursday issue  
is Monday prior)*

Budget No (Ledger Code) :

Requesting Officer :

Communications reference only : AD: 4796  
:

---

**Expression of Interest for Moe Community Group Hub**

Following the opening of the new civic centre at the Moe Rail Precinct, the former Latrobe City Customer Service Centre and Library in Kirk and Albert Street, Moe will be established as a Community Group Hub.

Council is seeking Expressions of Interest from community groups and not-for-profit organisations who want to utilise the buildings, potentially as a lead tenant or occupant. Applicants who are attracted to the idea of sharing space, working collaboratively and supporting other groups are encouraged to apply.

Community groups and not-for-profits organisations must demonstrate:

- Benefit and value to the community
- Connection to Latrobe City's Municipal Health and Wellbeing Plan
- Support and inclusion of people from disadvantaged and underrepresented groups
- Purpose of the group/organisaiton
- Overview of anticipated use, space requirements, volunteers, operating days and equipment requirements

Applicants must also have or be willing to have public liability insurance and agree to the terms of use of the building.

For further information contact Coordinator Community Strengthening on 1300 367 700 or download the EOI documentation at [www.latrobe.vic.gov.au/](http://www.latrobe.vic.gov.au/)



## Moe Community Group Hub Timeline

	Mar-16			Apr-16			May-16			Jun-16			Jul-16		
Prepare Expression of Interest Documentation															
Call for Expressions of Interest (Total 6 Weeks)															
Vacation of Moe Customer Service Centre & Library Buildings															
Completion of Necessary Repairs and Replacements as directed by Council															
Assess Expressions of Interest															
Interview Shortlisted Groups															
Shortlist Prepared and Presented to Council for Consideration															
Lease/Trial Period Commences															

**16.2 MOE AND DISTRICT SOCIAL INFRASTRUCTURE PLAN**

**General Manager**

**Community Services**

**For Information**

**PURPOSE**

The purpose of this report is to seek Council's endorsement of the scope of works and project deliverables in order to proceed with the Invitation to Quote process to develop a Social Infrastructure Plan for Moe and District.

**EXECUTIVE SUMMARY**

In response to Council's resolution of 15 December 2014 a draft Invitation to Quote document has been produced for the Development of a Social Infrastructure Plan for Moe and District.

The document seeks quotations from suitably qualified and experienced consultants in developing social infrastructure/social plans utilising a place based approach.

The project will be managed by the Manager Community Development and overseen by the General Manager Community Services.

It is anticipated that the project will take approximately twelve months to complete once a consultant is engaged to undertake the work.

Funding to develop the Plan has been allocated in the 2015/2016 budget and it is anticipated that unexpended funds at the end of the current financial year will be carried forward to the 2016/2017 financial year, as the project is to be completed by mid 2017.

**RECOMMENDATION**

**That Council endorses the scope of works and project deliverables in order to proceed with the Invitation to Quote process to develop a Social Infrastructure Plan for Moe and District.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Our Community*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

*Theme 2: Affordable and sustainable facilities, services and recreation*

*Strategic Direction – Develop and maintain community infrastructure that meets the needs of our community.*

### **BACKGROUND**

At its meeting on Monday 15 December 2014, Council resolved the following:

*That Council:*

*Undertake the development of a Community Infrastructure Plan for Moe in 2015 to identify, develop and secure community infrastructure which meets the needs of the Moe community now and into the future.*

An internal Sub Committee comprising the West Ward Councillors, General Manager Community Services and the CEO or his delegate was established to oversee the development of the Plan. The draft Project Outline discussed by the Sub Committee identified that there is currently no internal expertise or capacity to develop such a plan, making it necessary to engage an external consultant to undertake the work.

A draft Invitation to Quote document has been developed in order that Council can seek quotations from suitably qualified and experienced consultants to carry out the work.

### **DISCUSSION**

The development of the Social Infrastructure Plan for Moe and District will provide a means for assessing existing social infrastructure in a large community and identify key contexts and standards required for future social infrastructure provision.

Consultation and engagement with a wide range of stakeholders will be required to deliver each phase of the project and will be integral to its success.

The findings report will demonstrate how it is reflective of stakeholder aspirations and supported by the Project Steering Committee. It will have a clear rationale, include data and be able to be easily used as a benchmark for future decision making in other Latrobe City townships. The report will be made available in a variety of formats to meet Council's accessibility and readability requirements.

Activities to be undertaken revolve around community engagement which will support the project in drawing on local knowledge and reflecting local values. The community engagement approach will be consistent with Latrobe City's Community Engagement Strategy. The Community Engagement Strategy requires the maximum possible participation in the development of Council strategies and plans.

A Project Steering Committee will be established to oversee the project and provide advice and guidance to the consultant throughout the delivery of the project.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

The Steering Committee will include members from the Moe and District community, two west ward Councillors, other identified key stakeholders, Latrobe City staff and government agencies. The Steering committee will oversee the community engagement process, consider and analyse information gathered and lead the production of the Plan. Members will help lead and contribute to open and effective conversations in the community to ensure coverage and completeness for the entire Moe and District.

The opportunity to participate should be directed but not limited to the following groups and areas:

- Chairperson – Latrobe City Councillor
- Latrobe City Council – various officers as required
- Business /Trader groups
- Advocacy Groups & Community Associations
- Sporting Clubs
- Community Members - covering a range of ages & population demographics
- Government – State & Federal
- Service and community groups and networks

An expression of interest process will be undertaken to recruit Steering Committee members.

An internal Project Assurance Group (PAG) will be established in accordance with the Latrobe City Project Governance Policy. The PAG will monitor progress of the project on behalf of the project Steering Committee. The PAG may provide specialist knowledge on particular aspects of the project. The PAG may be comprised of Council officers and/or external technical advisors if appropriate. The Project Manager will attend meetings.

Outdoor recreation and open space needs are exclusions from the Plan as they are addressed as part of Latrobe City's open space and recreation planning.

It is anticipated that the Plan will provide a blueprint for the delivery of infrastructure to support population changes and growth in the Moe and District area up to 2035.

### **KEY POINTS/ISSUES**

In response to Council's resolution of 15 December 2014 a draft Invitation to Quote document has been produced for the Development of a Social Infrastructure Plan for Moe and District. The document seeks quotations from suitably qualified and experienced consultants in developing social infrastructure/social plans utilising a place based approach.

The development of the Social Infrastructure Plan for Moe and District will provide a means for assessing existing social infrastructure in a large community and identify key contexts and standards required for future social infrastructure provision.



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

Consultation and engagement with a wide range of stakeholders will be required to deliver each phase of the project and will be integral to its success.

A Project Steering Committee will be established to oversee the project and provide advice and guidance to the consultant throughout the delivery of the project.

An internal Project Assurance Group (PAG) will be established in accordance with the Latrobe City Project Governance Policy.

The project will be managed by the Manager Community Development and overseen by the General Manager Community Services.

It is anticipated that the project will take approximately twelve months to complete once a consultant is engaged to undertake the work.

The cost to develop the Plan has been allocated in the 2015/2016 budget and it is anticipated that unexpended funds at the end of the current financial year will be carried forward to the 2016/2017 financial year, as the project is to be completed by mid-2017.

Councillors will be informed and consulted on the development of the Plan through Councillor Briefings.

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

There is a risk of raising community expectation in relation to gaps in existing social infrastructure, although the Community engagement process should mitigate any implications that may arise.

Council's reputation may be called into question, in the event that the findings/recommendations from the Plan cannot be actioned and funded accordingly.

Residents from the other major towns in the municipality may expect that Council will also develop social infrastructure plans for those communities. In this instance Council will need to decide if this is a priority and if so budget allocations will need to be made accordingly.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Sufficient funding has been allocated in the 2015/2016 budget to develop the Plan and it is anticipated that any unexpended funds at the end of the current financial year will be carried forward to the 2016/2017 financial year, as the project is to be completed by mid 2017.

Findings/recommendations from the Plan that require financial investment will need to be prioritised in Council budgets.

**INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

Consultation and engagement with a wide range of stakeholders will be required to deliver each phase of the project and will be integral to its success.

A detailed Community Engagement Plan which follows IAP2 community engagement principles to support the development of the Plan will be developed by the consultant during Phase 1 of the project.

*Details of Community Consultation / Results of Engagement:*

A Project Steering Committee will be established to oversee the project and provide advice and guidance to the consultant throughout the delivery of the project.

The Steering Committee will include members from the Moe and District community, two west ward Councillors, other identified key stakeholders, Latrobe City staff and government agencies. The Steering committee will oversee the community engagement process, consider and analyse information gathered and lead the production of the Plan. Members will help lead and contribute to open and effective conversations in the community to ensure coverage and completeness for the entire Moe and District.

An expression of interest process will be undertaken to recruit Steering Committee members.

An internal Project Assurance Group (PAG) will be established in accordance with the Latrobe City Project Governance Policy. The PAG will monitor progress of the project on behalf of the project Steering Committee. The PAG may provide specialist knowledge on particular aspects of the project. The PAG may be comprised of Council officers and/or external technical advisors if appropriate. The Project Manager will attend meetings.

**OPTIONS**

1. Endorse the scope of works and project deliverables in order to proceed with the Invitation to Quote process to develop a Social Infrastructure Plan for Moe and District.
2. Amend the scope of works and project deliverables in order to proceed with the Invitation to Quote process to develop a Social Infrastructure Plan for Moe and District.

**CONCLUSION**

The Social Infrastructure Plan for Moe and District will act as a mechanism to ensure that community infrastructure planning is integrated with and has a meaningful influence over growth and development. The Plan will support Council, community, State and Federal Government growth plans for the region.

A draft Invitation to Quote document has been developed to seek suitably qualified and experienced consultants to undertake the work.

**ORDINARY COUNCIL MEETING AGENDA  
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The project will take approximately twelve months to complete once the consultant is engaged, the project will be managed by the Manager Community Development and overseen by the General Manager Community Services. The development of the Plan is a business plan action for the Community Development Department.

Councillors will be informed and consulted on the development of the Plan through Councillor Briefings.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Moe and District Social Infrastructure Plan Scope of Works and Project Deliverables

## **16.2**

### **Moe and District Social Infrastructure Plan**

- 1 Moe and District Social Infrastructure Plan Scope of Works and Project Deliverables ..... 363**

**Moe and District Social Infrastructure Plan**

## Scope of works:

## Phase 1

- Development of a detailed Community Engagement Plan including a comprehensive stakeholder list and analysis.
- An assessment of non-Council assets including those provided by the State, community organisations, industry and service sectors.
- A policy and document review including relevant local plans and policies as well as analysis of social infrastructure plans from other places.
- Existing community profile analysis.
- An audit and assessment of existing and future planned social infrastructure assets in Moe and District.

## Phase 2

- Population projection analysis to understand the nature of population growth and change in Moe and District over the next 30-40 years.
- An assessment of what social infrastructure is needed, taking into account our diverse population, accessibility and legislative requirements.
- Consideration of appropriate levels of service.
- Review of Council's asset maintenance and renewal for Moe and District.
- Delivery of appropriate levels of infrastructure through integrated social infrastructure planning process.

## Phase 3

- An analysis of leading practice case studies to determine an approach and guiding principles for future provision of social infrastructure.
- Consideration of existing social infrastructure planning standards and adapting them to Latrobe City.

## Phase 4

- Drafting and finalisation of a report and production of the accompanying maps.
- Development of recommendations and identifying priorities for future social infrastructure provision.

## Project deliverables:

- Develop and deliver a Social Infrastructure Plan for Moe and District to the year 2035.
- Develop and deliver a detailed community engagement plan which follows IAP2 community engagement principles to support the development of the Plan.
- Present project progress reports, as required, including to Latrobe City Councillors via Council's public presentation sessions.
- Produce a consolidated finding report and recommendations for the Plan.

# CORPORATE SERVICES

**17. CORPORATE SERVICES**

**17.1 CONFIDENTIAL ITEMS**

**General Manager**

**Corporate Services**

**For Decision**

**RECOMMENDATION**

**That Council confirms that:**

- 1. All matters contained and discussed (including presentations, excerpts, reports and discussions) at the Councillor Briefing held 07 March 2016 are considered confidential until so determined otherwise by resolution of Council for the reason that:
 
  - a. The items were discussed at a meeting closed to the public;**
  - b. The Council has not passed a resolution that the information is not confidential; and**
  - c. The items are confidential pursuant to section 89(2)(h) (any other matter which the Council or special committee considers would prejudice the Council or any person) of the *Local Government Act 1989*; and****
- 2. All matters marked 'Not Confidential' contained and discussed (including presentations, excerpts, reports and discussions) at the Councillor Briefing held 07 March 2016 be considered items that are not confidential to the public until so determined otherwise by resolution of Council; and**
- 3. All information, documents, reports, memorandums, correspondence, emails, and like provided to Councillors between the dates 29 February 2016 and 20 March 2016 (inclusive) and designated by the Chief Executive Officer as confidential, remain confidential pursuant to section 77(2)(b) of the *Local Government Act 1989*.**

**DECLARATION OF INTEREST**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Attachments  
Nil**

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

**17.2 ASSEMBLIES OF COUNCILLORS**

**General Manager**

**Corporate Services**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council the Assembly of Councillor forms submitted since the Ordinary Council Meeting held on 29 February 2016.

**EXECUTIVE SUMMARY**

The following Assemblies of Councillors took place:

<b>Date</b>	<b>Assembly Details</b>	<b>In Attendance</b>	<b>Confidential</b>	<b>Conflicts of Interest Declared</b>
10 February 2016	Latrobe City Cultural Diversity Advisory Committee Meeting	<b>Councillors:</b> Cr Gibbons, Cr Kam <b>Officers:</b> Steve Tong, Teresa Pugliese	No	Nil
15 February 2016	Improved Governance Briefing	<b>Councillors:</b> Cr Sindt, Cr Harriman, Cr White, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Gibbons, Cr Kam, Cr Gibson <b>Officers:</b> Gary Van Driel, Sarah Cumming, Peter Mangan, Amy Phillips, Steven Piasente, Phil Stone	No	Nil



**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

<b>Date</b>	<b>Assembly Details</b>	<b>In Attendance</b>	<b>Confidential</b>	<b>Conflicts of Interest Declared</b>
15 February 2016	Councillor Briefing	<p><b>Councillors:</b> Cr Sindt, Cr Harriman, Cr White, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Gibbons, Cr Kam, Cr Gibson</p> <p><b>Officers:</b> Gary Van Driel, Sarah Cumming, Sara Rhodes-Ward, Steven Piasente, Phil Stone, Peter Mangan, Amy Phillips</p>	Confidential under section 89(2)(h) any other matter which the Council or Special Committee considers would prejudice the Council or any person	Cr Kam
18 February 2016	Traralgon CBD Safety Committee Meeting	<p><b>Councillors:</b> Cr Harriman, Cr Kam</p> <p><b>Officers:</b> Andrew Legge, Sara Rhodes-Ward</p>	No	Nil
22 February 2016	Councillor Briefing	<p><b>Councillors:</b> Cr Harriman, Cr White, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Gibbons, Cr Kam, Cr Gibson</p> <p><b>Officers:</b> Gary Van Driel, Peter Mangan, Phil Stone, Amy Phillips, Steve Piasente, Sara Rhodes-Ward, Matthew Rogers, Angelo Saridis, Gail Gatt, Nathan Misiurka, Jodie Pitkin</p>	Confidential under section 89(2)(h) any other matter which the Council or Special Committee considers would prejudice the Council or any person and section(e) proposed developments	Cr Middlemiss Cr Rossiter Cr Harriman Cr Kam

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

**RECOMMENDATION**

**That Council receives and notes the Assemblies of Councillors records submitted which have been held within the period 10 February 2016 to 22 February 2016.**

**DECLARATION OF INTEREST**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Attachments**

1. Latrobe City Cultural Diversity Advisory Committee 10 February 2016
2. Improved Governance 15 February 2016
3. Councillor Briefing 15 February 2016
4. Traralgon CDB Safety Committee Meeting 18 February 2016
5. Councillor Briefing 22 February 2016

## **17.2**

### **Assemblies of Councillors**

<b>1</b>	<b>Latrobe City Cultural Diversity Advisory Committee 10 February 2016 .....</b>	<b>371</b>
<b>2</b>	<b>Improved Governance 15 February 2016.....</b>	<b>375</b>
<b>3</b>	<b>Councillor Briefing 15 February 2016 .....</b>	<b>377</b>
<b>4</b>	<b>Traralgon CDB Safety Committee Meeting 18 February 2016.....</b>	<b>379</b>
<b>5</b>	<b>Councillor Briefing 22 February 2016 .....</b>	<b>383</b>



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for *Explanation/Guide Notes*}.

<b>Assembly details:</b>	Latrobe City Cultural Diversity Advisory Committee Meeting
<b>Date:</b>	<b>Wednesday, 10 February 2016</b>
<b>Time:</b>	<b>5.00 pm to 7.20 pm</b>
<b>Assembly Location:</b>	Latrobe City Council Offices, Nambur Wariga Room.

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	<b>Steve Tong Teresa Pugliese</b>		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	<p><b>Guest – Debbie Skinner – Coordinator Libraries Latrobe City Council and Grace Edgar, Manager Mental Health Triage LV Community Mental Health Services.</b></p> <p><b>Committee members to consider Sergeant McWilliams presentation and determine if he will be invited to join the Committee as a co-opted member.</b></p> <p><b>Guests at future meetings.</b></p> <p><b>Issue an invitation to the Gippsland South Sudanese Association to participate on the Committee.</b></p> <p><b>Upcoming Latrobe City Citizenship Ceremonies.</b></p> <p><b>Latrobe Settlement Network Update.</b></p> <p><b>Latrobe City Committees review.</b></p> <p><b>Cultural Diversity Action Plan discussion.</b></p> <p><b>Members Reports.</b></p> <p><b>Committee meeting dates for 2016.</b></p>		
<b>Confidential/ Not confidential</b>	<i>Are the matters considered confidential under the Local Government Act?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>			



<b>Times that Officers / Councillors left/returned to the room:</b>	
---	--

**Completed by:** Teresa Pugliese, Community Development Officer, 24 February 2016.

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as



soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Council Operations Team for processing as soon as possible.

<b>Assembly details:</b>	Improved Governance Briefing
<b>Date:</b>	15 February 2016
<b>Time:</b>	4.10 pm - 5:35 pm
<b>Assembly Location:</b>	Nambur Wariga Meeting Room, Council Headquarters, Morwell

### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman (from 5.25 pm)	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan (on phone)	<input checked="" type="checkbox"/> Cr Sandy Kam (from 4.25 pm)
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Gary Van Driel, Sarah Cumming, Peter Mangan, Amy Phillips, Steven Piasente (from 4.15pm), Phil Stone (from 5.25pm)		
<b>Matters discussed:</b>	Local Government Amendment (Improved Governance) Act 2015, Conflict of Interest, Local Government Act Review		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
N/a	

**Record Completed by:** Amy Phillips, Coordinator Governance



## Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Council Operations Team for processing as soon as possible.

<b>Assembly details:</b>	Councillor Briefing
<b>Date:</b>	15 February 2016
<b>Time:</b>	6.02 pm – 8.14 pm
<b>Assembly Location:</b>	Nambur Wariga Meeting Room, Council Headquarters, Morwell

### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan (on phone)	<input checked="" type="checkbox"/> Cr Sandy Kam (from 6.26 pm)
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Gary Van Driel, Sarah Cumming, Sara Rhodes-Ward, Steven Piasente, Phil Stone, Peter Mangan, Amy Phillips		
<b>Matters discussed:</b>	<ul style="list-style-type: none"> <li>• Tonight's Presentations</li> <li>• Future Presentations</li> <li>• Matters Arising from Presentations</li> <li>• Upcoming significant items</li> <li>• Update from Mayor</li> <li>• Amendment C97 Planning Scheme Review Post Exhibition</li> <li>• Ukrainian Hall Newborough</li> <li>• Moe Community Group Hub (Confidential under Section 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person)</li> <li>• Community Recovery Committee Doorknock Report - Morwell East</li> <li>• Quarterly Performance Report</li> <li>• Councillor issues for general discussion</li> <li>• Outstanding Issues</li> <li>• New Issues</li> </ul>		

**Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?**

**Yes**                       **No**

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

### Conflict Of Interest Disclosures:

<b>Councillor / Officer making disclosure</b>	<b>Left Meeting: Yes / No</b>
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Cr Kam	Yes

**Record Completed by:** Amy Phillips, Coordinator Governance



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for *Explanation/Guide Notes*}.

<b>Assembly details:</b>	Traralgon CBD Safety Committee Meeting
<b>Date:</b>	<b>Thursday 18 February 2016</b>
<b>Time:</b>	<b>9.03 am to 10.38 am</b>
<b>Assembly Location:</b>	<b>Traralgon Police Station, Kay Street Traralgon</b>

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	<b>Andrew Legge Sara Rhodes-Ward</b>		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	<ul style="list-style-type: none"> <li>• <b>Review the Terms of Reference</b></li> <li>• <b>Review the 12 month Action Plan</b></li> <li>• <b>Traralgon Taxi Services Report</b></li> <li>• <b>LV Buslines Report</b></li> <li>• <b>Victoria Police Report</b></li> <li>• <b>Traralgon Liquor Accord Report</b></li> <li>• <b>Late Night Venus Report</b></li> <li>• <b>Stockland Plaza Report</b></li> </ul>		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>			



<b>Times that Officers / Councillors left/returned to the room:</b>	
---	--

**Completed by:** Teresa Pugliese, Community Development Officer, Thursday 17 September 2015

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as



soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Council Operations Team for processing as soon as possible.

<b>Assembly details:</b>	Councillor Briefing
<b>Date:</b>	22 February 2016
<b>Time:</b>	5:30pm -11:02pm
<b>Assembly Location:</b>	Nambur Wariga Meeting Room, Morwell

### In Attendance

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan (via phone 6:05pm-10:45pm)	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson (via phone until 8:55pm)
<b>Officer/s:</b>	Gary Van Driel, Peter Mangan, Phil Stone, Amy Phillips, Steve Piasente, Sara Rhodes-Ward, Matthew Rogers (5.30-6.05pm), Angelo Saridis (5:30pm - 6:05pm and 7:45pm – 9:08pm), Gail Gatt (6:05pm-6:48pm), Nathan Misiurka (6:05pm-6:48pm), Jodie Pitkin (7:25pm-7:45pm)		
<b>Matters discussed:</b>	<ul style="list-style-type: none"> <li>• Budget Discussion (confidential under Section 89(2) (h) Prejudicial)</li> <li>• Live Work Latrobe Project</li> <li>• Proposed Development (confidential under Section 89(2) (e) Proposed developments</li> <li>• Municipal Early Years Plan Project</li> <li>• Future Presentations</li> <li>• Matters arising from presentations</li> <li>• Review of the next Council meeting agenda</li> <li>• Planning Scheme Amendment C89 - 145 Traralgon Maffra Road, Traralgon - Panel Report</li> <li>• Submissions to State Government Advisory Committees</li> <li>• Complementary Measures Parking Study</li> <li>• Draft Plaques and Memorials on Public Infrastructure and Open Space Policy</li> <li>• Moe and District Social Infrastructure Plan</li> <li>• Yinnar Community Centre Community Engagement Project</li> </ul>		



	<ul style="list-style-type: none"> <li>• 2015/2016 Mid Year Budget Review</li> <li>• Council Committees Project - Update</li> <li>• Proposed Council Policy Development Policy</li> <li>• Proposed Election Period Policy</li> <li>• Improvements in Council Governance - Items Closed to the Public</li> <li>• New Issues</li> </ul>
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</b></p> <p><input checked="" type="checkbox"/> <b>Yes</b>                      <input type="checkbox"/> <b>No</b></p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>	

**Conflict Of Interest Disclosures:**

<b>Councillor / Officer making disclosure</b>	<b>Left Meeting: Yes / No</b>
Cr Middlemiss	Yes
Cr Rossiter	Yes
Cr Harriman	Yes
Cr Kam	Yes

**Record Completed by:** Amy Phillips, Coordinator Governance

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

**17.3 REQUEST TO ENTER INTO A CONTRACT WITH PROCUREMENT AUSTRALIA FOR THE SUPPLY OF RETAIL ELECTRICITY, GAS AND ASSOCIATED SERVICES.**

**General Manager**

**Corporate Services**

**For Decision**

**PURPOSE**

The purpose of this report is to seek Council's acceptance to enter into a Procurement Australia contract for;

- Contract 1906/0625 – Retail Electricity, Natural Gas & Associated Services

**EXECUTIVE SUMMARY**

Latrobe City Council currently engages AGL to provide retail electricity and gas supplies through the following Procurement Australia contracts;

<b>Contract No.</b>	<b>Contract Title</b>	<b>Expiry Date</b>
1212/1017	Natural Gas & Associated Services	31/03/2016
1606/0607	Retail Supply of Electricity and Associated Services	30/06/2016

As a result of the tender process conducted by Procurement Australia in 2015, AGL was awarded Contract 1906/0625 – Retail Electricity, Natural Gas & Associated Services.

As Procurement Australia acted as the tendering agent on behalf of multiple Victorian Council's, State Government and not for profit organisations, Council officers are satisfied that a complying procurement process has been undertaken.

## RECOMMENDATION

That Council:

1. Approves the exemption to not enter into a public tender process for Retail Electricity, Natural Gas & Associated Services in accordance with section 2.5 of Latrobe City Council's Procurement Policy.
2. Enters into a contract with Procurement Australia: Contract No. 1906/0625 – Retail Electricity, Natural Gas & Associated Services.
3. Delegates the authority to the Chief Executive Officer to sign and seal contracts with Procurement Australia and AGL for contract number. 1906/0625 – Retail Electricity, Natural Gas & Associated Services.

## DECLARATION OF INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

## STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

### *Latrobe 2026: The Community Vision for Latrobe Valley*

#### *Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

### *Latrobe City Council Plan 2013 - 2017*

#### *Theme, Objectives and Strategic Directions*

*Theme 2: Appropriate, affordable and sustainable facilities, services and recreation.*

*Objective: To provide facilities and services that are accessible and meet the needs of our diverse community.*

*Strategic Direction: Develop and maintain community infrastructure that meets the needs of our community.*



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

### *Legislation*

Section 186 of the *Local Government Act 1989*.

### *Policy – Procurement Policy 14 POL-7*

The purpose of this Procurement Policy is to provide a framework to assist and ensure the efficient, effective, socially and ecologically responsible procurement of goods, services and works for Latrobe City Council.

### **BACKGROUND**

Latrobe City Council currently engages AGL to provide retail electricity and gas supplies through the following Procurement Australia contracts;

Contract No.	Contract Title	Expiry Date
1212/1017	Natural Gas & Associated Services	31/03/2016
1606/0607	Retail Supply of Electricity and Associated Services	30/06/2016

As a result of the tender process conducted by Procurement Australia in 2015, AGL was awarded Contract 1906/0625 – Retail Electricity, Natural Gas & Associated Services. The dates for these contracts are;

Service	Commencement Date	Expiry Date
Gas	1 April 2016	30 June 2018
Electricity	1 July 2016	30 June 2018

Due to the complexity and benefits gained by group tendering in relation to utility purchases, Council agreed to enter a group procurement process undertaken by Procurement Australia as our agent in accordance with item 5B of section 186 of the *Local Government Act 1989*.

Procurement Australia is a third party agency who tenders on behalf of multiple Local Government and State Government agencies to receive the best value outcome for the community.

In accordance with Section 2.5 of Latrobe City Council's Procurement Policy 15 POL-08 and Section 4.7.1 of Latrobe City Council's Procurement Operational Framework, Council officers can request a change to the mandatory quotation and public tender requirements by seeking an exemption. In this instance an exemption is applicable in accordance with the Procurement Operational Framework where:

*“The contract is entered into following the appointment of a third party to act as LCC's agent for the purpose of conducting a tender process.”*

As the value to deliver this service exceeds the Council's delegated levels to the organisation, Council is required to resolve to enter in to the contract.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)****KEY POINTS/ISSUES**

The engagement of Procurement Australia to act as a third party agency to tender on behalf of multiple Council's, State Government and not for profit organisations provides an opportunity to gain more favourable rates than could be gained by undertaking our own individual process.

The benefits of this tender are;

- A major cost savings achieved in large market electricity in Victoria.
- Improvement in discount percentages applicable to small market electricity generally.
- Significant price increase avoidance in gas markets in year one of the contract.
- Unrestricted "site roll in" for small market electricity and gas sites.
- 30 day payment terms.

The attachment provided by Procurement Australia illustrates the difference between the existing contract rates and the new contract, these figures are for consumption only at Latrobe City Council sites.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

As directed by Procurement Australia, agreements must be signed and returned to AGL by no later than 31 March 2016, otherwise the discounted rates will not be available.

Should approval not be granted to enter into contracts with Procurement Australia for these goods and services, a public tender process will need to be undertaken which could result in higher electricity and gas rates.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Based on Council's electricity and gas consumption data in the 2014/15 financial year, Latrobe City Council is predicted to save 8.5% on gas and electricity services under the new contract.

**INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act 1989*.

*Details of Community Consultation / Results of Engagement:*

Not Applicable.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)***Evaluation Panel*

The evaluation panel consisted of representatives from Procurement Australia, other Victorian Council's

**OPTIONS**

Council has the following options:

1. To provide an exemption from undertaking an individual public tender process and enter into a contract with Procurement Australia, Contract 1906/0625 – Retail Electricity, Natural Gas & Associated Services
2. Not to enter a contract with Procurement Australia and undertake a separate tendering process.

**CONCLUSION**

As a result of the tender process conducted by Procurement Australia in 2015, AGL was awarded Contract 1906/0625 – Retail Electricity, Natural Gas & Associated Services.

As Procurement Australia acted as the tendering agent for multiple Victorian Councils and State Government organisations, extremely competitive rates were obtained which will potentially provide significant savings to Council.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Tender Financial Summary (Published Separately) (Confidential)

**17.4 PRESENTATION OF THE PROPOSED ELECTION PERIOD  
POLICY FOR ADOPTION**

**General Manager**

**Corporate Services**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council for adoption, the proposed Election Period Policy.

**EXECUTIVE SUMMARY**

As part of the *Local Government Amendment (Improved Governance) Act 2015* (Amendment Act) changes, councils are now required to adopt an Election Period Policy by 31 March 2016.

The proposed Policy is attached for adoption. It has been based on better practice documents published by the Local Government Investigations and Compliance Inspectorate (Inspectorate), and the requirements under the Amendment Act.

**RECOMMENDATION**

**That Council:**

- 1. Adopts the Election Period Policy with an effective date of 22 March 2016;**
- 2. Notes that with the adoption of this Policy, that any previous versions are now rescinded; and**
- 3. Makes this Policy available to the public on Council's website.**

**DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objective - Governance*

*Latrobe City Council Plan 2013 - 2017*

*Theme*

*Theme 3: Efficient, effective and accountable governance*

**BACKGROUND**

Councils are required under the *Local Government Act 1989 (Act)* during an election period to refrain from making 'major policy decisions'.

The Inspectorate identified prior to the 2012 elections that it was better practice for councils to adopt clear policies and procedures around the election period.

Latrobe City Council adopted the *Electoral Caretaker Provisions Policy* on 23 May 2011. With the adoption of the proposed Election Period Policy (Policy), the *Electoral Caretaker Provisions Policy* will be rescinded.

A review was conducted by the Inspectorate on the various policies and procedures put in place by councils to manage the election period. The Inspectorate identified three better practice councils and published their documents for other councils to utilise for future elections.

As part of the *Local Government Amendment (Improved Governance) Act 2015 (Amendment Act)* changes, councils are now also required to have an election period policy. The new legislation also requires for councils to adopt the policy by 31 March 2016.

Based on the Inspectorate review undertaken and the legislative changes being proclaimed, the *Electoral Caretaker Provisions Policy* has been reviewed and a proposed Election Period Policy drafted.

**KEY POINTS/ISSUES**

The election period commences at 12:00am, 21 September 2016, and ends at 6:00pm on the Council election day.

The proposed Policy has been drafted based on the better practice documents identified by the Inspectorate and adjusted according to Latrobe City data.

The proposed Policy has had internal consultation with key stakeholders.

Under the Amendment Act, the election period policy must contain as a minimum, procedures to:

- prevent inappropriate decisions and misuse of resources
- limit public consultation and council events
- ensure equitable access to council information.

The proposed Policy addresses these requirements, and has provided for the following key elements:

- Decision making by Council, Committees and delegates of Council
- Publishing material by Council, including on Facebook and other social media
- Public consultation provisions
- Function and event management
- The use of Council resources by Councillors

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

- Access to Council information by Councillors and candidates
- Media services

### **RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Under the Act, Council is required to adopt an Election Period Policy by no later than 31 March 2016. If Council does not adopt this policy at this meeting, then compliance with this date is at risk.

There is not considered to be any other significant risks associated with this report.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

If the proposed Policy is adopted, officers will be able to implement appropriate procedures for the good governance of the Council election.

There are no other significant financial or resource implications.

### **INTERNAL/EXTERNAL CONSULTATION**

Internal consultation as well as engagement with Councillors has been undertaken. Benchmarking has also occurred against the better practice policy documents published by the Inspectorate.

Once the policy has been adopted, a copy of the Policy must be provided to every Councillor, made available on the Council website and be available in hardcopy for public inspection.

Internal communications will occur with staff to ensure compliance by the organisation during the election period.

### **OPTIONS**

Council may:

1. Adopt the proposed Election Period Policy; or
2. Adopt the proposed Election Period Policy with amendments.

### **CONCLUSION**

The proposed Election Period Policy is required to be adopted by Council no later than 31 March 2016 in order to comply with new provisions in the Act. The proposed Policy complies with the requirements specified within the Act, and with better practice documents.

### **SUPPORTING DOCUMENTS**

- Local Government Investigations and Compliance Inspectorate Information Bulletin 4, August 2012.
- Reforms arising from the Local Government Amendment (Improved Governance) Act 2015, A guide for councils

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

- Current *Electoral Caretaker Provisions Policy* (adopted 23 May 2011).

**Attachments**

1. Proposed Election Period Policy

# **17.4**

## **Presentation of the Proposed Election Period Policy for Adoption**

<b>1</b>	<b>Proposed Election Period Policy.....</b>	<b>395</b>
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## Election Period Policy

Version 1

Approval Date: DRAFT  
Review Date: March 2016



## Election Period Policy

### DOCUMENT CONTROL

Responsible GM	Sarah Cumming	
Division	Corporate Services	
Last Updated (who & when)	Coordinator Governance, Amy Phillips	2016
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	March 2016	Compliance to <i>Local Government Act 1989</i> Section 93B.
References	Refer to Section 8 and 9 of this policy	
Next Review Date	March 2020	
Published on website	Yes	
Document Reference No		

**WARNING - uncontrolled when printed.**

Page 2 of 44

Responsible Division	Corporate Services	Approved Date	DRAFT	Review Date	March 2016
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## Election Period Policy

### 1. Background

- 1.1. Council staff and councillors must observe specific legislative and governance requirements during the period leading up to an election.
- 1.2. The *Local Government Act 1989* (Act) provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council. It is during this time that Council enters caretaker mode.
- 1.3. The 'election period' is defined by the Act as starting at midnight at the end of the last day of nominations and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day.
- 1.4. This policy replaces and overrides any previous policy or document that refers to the caretaker or election period.

### 2. Objectives

- 2.1. The Election Period Policy (Policy) is a requirement under section 93B of the *Local Government Act 1989*.
- 2.2. The Policy aims to facilitate the continuation of the ordinary business of local government in Latrobe City throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established caretaker conventions.
- 2.3. This Policy commits Council during the election period to:
  - 2.3.1. Avoid making inappropriate decisions that could unreasonably bind a future Council; and
  - 2.3.2. Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

### 3. Scope

- 3.1. This Policy applies during the 'Election Period' (see below for definition) and covers:
  - 3.1.1. Decisions that are made by Council, a special committee of the Council, or a delegate of the Council;
  - 3.1.2. Any material that is published by the Council;
  - 3.1.3. Public consultation by the Council during the Election Period;

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- 3.1.4. Attendance and participation in functions and events;
- 3.1.5. The use of Council resources;
- 3.1.6. Access to Council information; and
- 3.1.7. Media services.
- 3.2. This Policy takes precedence over any other Council Policy, Framework or Procedure during the Election Period in relation to compliance requirements.
- 3.3. This policy must be complied with during an Election Period if ANY of the following apply to you:
  - 3.3.1. You are involved in making a major policy decision
  - 3.3.2. You are involved in making a significant decision that will bind the incoming Council
  - 3.3.3. You are about to publish material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election
  - 3.3.4. You are involved in the creation of any Council publication
  - 3.3.5. You are involved in any public consultation process
  - 3.3.6. You are a Councillor who is planning to attend a function or event
  - 3.3.7. You supply resource support to Councillors
  - 3.3.8. You are a Councillor requesting access to Council information
  - 3.3.9. You are a Councillor requesting media advice or services
- 3.4. This Policy has been written to provide a guide only for Council staff, Councillors and candidates and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act 1989* and associated regulations in relation to the election period.

### 4. Principles of Management

- 4.1. Council Decision Making
  - 4.1.1. Council decision making includes decisions that are made by Council, a special committee of the Council, or a delegate of the Council.
  - 4.1.2. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period.

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- 4.1.3. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately or unreasonably bind the incoming Council. This includes a commitment to comply with the requirements relating to major or significant policy decisions as defined.
- 4.1.4. If Council considers that there are extraordinary circumstances where the Latrobe City community would be significantly disadvantaged by the Council not making a decision that is considered a major policy decision, the Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2). Any other major policy decision made during the election period is deemed to be invalid under the Act.
- 4.1.5. A Caretaker statement will be included in every report submitted to the Council, or to a special committee of the Council, or to a delegate of the Council.
- 4.1.6. Refer to Appendix Two: Council Decision Making Guidelines and Procedures for detailed requirements.
- 4.2. Material Published by Council
  - 4.2.1. Section 55D of the Act prohibits Council from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer.
  - 4.2.2. The Chief Executive Officer must not intentionally or recklessly certify a publication that contains electoral matter, unless that material is only about the election process.
  - 4.2.3. Publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer.
  - 4.2.4. Refer to Appendix Three: Material published by Council Guidelines and Procedures for detailed requirements.
- 4.3. Public Consultation
  - 4.3.1. It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.
  - 4.3.2. Due to this prohibition, it is prudent for the Council not to commission or

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approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.

4.3.3. Where public consultation is approved to occur during the Election Period, the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

4.3.4. Refer to Appendix Four: Public Consultation for detailed requirements.

### 4.4. Functions and Events

4.4.1. Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.

4.4.2. It may take the form of conferences, workshops, forums, launches, promotional activities, or social occasions, such as dinners, receptions and balls.

4.4.3. Where there is a public event staged by external bodies, Councillors may continue to attend these functions during the Election Period in accordance with the adopted *Provisions of Resources and Support to Councillors Policy*.

4.4.4. Refer to Appendix Five: Functions and Events Guidelines and Procedures for detailed requirements.

### 4.5. Use of Council Resources

4.5.1. The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.

4.5.2. Council resources, including documents (not available publicly), officers, support staff, hospitality services, equipment (including phones and internet connections) and stationery shall be used exclusively for normal Council business during the Election Period, and shall not be used in connection with an election.

4.5.3. No Council logo, letterhead or other Latrobe City branding will be used for, or linked in any way to a candidate's election campaign.

4.5.4. Support staff for the Mayor and Councillors must not be asked to

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undertake any tasks connected directly or indirectly with an election campaign.

4.5.5. Refer to Appendix Six: Use of Council Resources Guidelines and Procedures for detailed requirements.

### 4.6. Access to Council information

4.6.1. All election candidates have equal rights to information relevant to their election campaigns from the Council administration.

4.6.2. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the Election Period.

4.6.3. Information and briefing material prepared or secured by staff for a Councillor during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

4.6.4. The Governance team will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

4.6.5. Refer to Appendix Seven: Access to Information Guidelines and Procedures for detailed requirements.

### 4.7. Media services

4.7.1. Council's Media and Marketing team undertake the promotion of Council activities and initiatives. During the election period, this team's services must not be used in any way that might promote a Councillor or an election candidate.

4.7.2. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

4.7.3. Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be the default

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spokesperson.

4.7.4. Refer to Appendix Eight: Media Services Guidelines and Procedures for detailed requirements.

### 5. Accountability and Responsibility

5.1. In addition to any roles outlined in the appendix or above in section 5, the following accountabilities and responsibilities for this policy is outlined below.

5.2. Council

5.2.1. Responsibility to ensure this Policy is consistent with Council's strategic direction and Council policies

5.2.2. Responsibility for the decision to approve this Policy by Council Resolution

5.3. Councillor

5.3.1. Responsibility to comply with this policy

5.4. Chief Executive Officer

5.4.1. Overall responsibility for compliance with this policy

5.4.2. Overall responsibility for enforcing accountability

5.4.3. Overall responsibility for providing resources

5.4.4. Overall responsibility for performance monitoring

5.4.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.

5.5. General Manager

5.5.1. Responsibility for compliance with this policy

5.5.2. Responsibility for enforcing accountability

5.5.3. Responsibility for providing resources

5.5.4. Responsibility for performance monitoring

5.5.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.

5.6. Manager

5.6.1. Comply with this policy

5.6.2. Develop internal frameworks and procedures in compliance with this

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policy (if applicable)

- 5.6.3. Enforce responsibilities to achieve compliance with frameworks and procedures
- 5.6.4. Provide appropriate resources for the execution of the frameworks and procedures
- 5.6.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.
- 5.7. Employees, Contractors, Volunteers and Council Committees
  - 5.7.1. Participate where required in the development of frameworks and procedures in compliance with this policy.
  - 5.7.2. Comply with this policy, frameworks and procedures that are developed to achieve compliance with this policy.

### 6. Evaluation and Review

- 6.1. This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

### 7. Definitions

<b>Act</b>	In the context of this policy, means the <i>Local Government Act 1989</i> .
<b>Council</b>	Means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
<b>Council officer</b>	Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Councillor(s)</b>	Means the individuals holding the office of a member of Latrobe City Council.
<b>Election Period</b>	Has the same meaning as 'election period' in section 3(1) of the Act, and means the period that starts on the entitlement date and ends at 6pm on Election Day.

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**Electoral advertisement, handbill, pamphlet or notice**

Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting in accordance with the definition contained within the Act (s.3(1)).

**Electoral Matter**

Means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

Without limiting the generality of the definition of 'electoral matter', a matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- the election; or
- a candidate in the election; or
- an issue submitted to, or otherwise before, the voters in connection with the election.

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**Major Policy Decision** Major Policy decisions are defined at s.93A(6) of the Act to be decisions:

- relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- to terminate the appointment of a Chief Executive Officer under section 94;
- to enter into a contract the total value of which exceeds whichever is the greater of:
  - \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or
  - 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year (\*\$719,000 in 2015/2016 financial year);
- to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

**Public Consultation** Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

**Publication** Includes any means of publication including letters and information on Councils website, Facebook and Twitter.

**Publish** Means publish by any means including by publication on the Internet.

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- Significant Decision** Means irrevocable decisions that:
- Commits the Council to substantial expenditure or significant actions; and
  - Will have a significant impact on the municipality or the community.

### 8. Related Documents

- 8.1. Meeting Procedure Local Law.
- 8.2. Councillor Code of Conduct
- 8.3. Staff Code of Conduct
- 8.4. Provisions of Resources and Support to Councillors Policy

### 9. Reference Resources

- 9.1. *Local Government Investigations and Compliance Inspectorate Information Bulletin 4*, August 2012.
- 9.2. *Reforms arising from the Local Government Amendment (Improved Governance) Act 2015, A guide for councils.*

### 10. Appendices

- 10.1. *Local Government Act 1989* relevant sections
- 10.2. Council Decision Making Guidelines and Procedures
- 10.3. Material published by Council Guidelines and Procedures
- 10.4. Functions and Events Guidelines and Procedures
- 10.5. Use of Council Resources Guidelines and Procedures
- 10.6. Media Services Guidelines and Procedures
- 10.7. Access to Information Guidelines and Procedures

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### Appendix One: *Local Government Act 1989* (Extract of relevant sections)

*(Also included are sections of the Local Government Amendment (Improved Governance) Act 2015 that will be proclaimed by 1 September 2016)*

#### Section 3(1) Definitions

**election period**, in relation to an election, means the period that-

- (a) starts on the last day on which nominations for that election can be received; and
- (b) ends at 6 p.m. on election day;

**electoral advertisement, handbill, pamphlet or notice** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;

**publish** means publish by any means including by publication on the Internet;

- (1A) In this Act, electoral matter means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.
- (1B) Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—
  - (a) the election; or
  - (b) a candidate in the election; or
  - (c) an issue submitted to, or otherwise before, the voters in connection with the election.

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## Election Period Policy

### **55D Prohibition on Council**

- (1) *A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.*
- (2) *The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.*

*Penalty: 60 penalty units.*

- (3) *Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.*
- (4) *A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.*

*Penalty: 60 penalty units.*

### **Amendment of section 55D Local Government Amendment (Improved Governance) Act 2015 —Prohibition on Council**

*After section 55D(1) of the Principal Act insert—*

*"(1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include—*

- (a) *publication of any document published before the commencement of the election period; and*
- (b) *publication of any document required to be published in accordance with, or under, any Act or regulation.*

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## Election Period Policy

### **56 Distribution of printed electoral material**

- (1) A person must not during the hours of voting within 400 metres of the entrance of, or within the building used as, a voting centre—
- (a) hand out, distribute or otherwise make available; or
  - (b) authorise the handing out, distribution or otherwise making available—
- to any person of any printed electoral material other than a registered how-to-vote card.

Penalty: 60 penalty units.

- (2) A person must not—
- (a) print, publish or distribute; or
  - (b) cause, permit or authorise to be printed, published or distributed—
- a how-to-vote card which is not a registered how-to-vote card and which contains a representation or purported representation of an endorsement in the prescribed manner.

Penalty: 60 penalty units.

- (3) In a prosecution of a person for an alleged offence against subsection (1) or (2), it is a defence if the person proves that the person did not know, and could not reasonably be expected to have known, that the card was not a registered how-to-vote card.

- (4) Subsection (1) does not apply to—
- (a) the handing out, distribution, sale or otherwise making available of a newspaper by or on behalf of a newsagent, newspaper seller or distributor if the handing out, distribution, sale or making available is in the course of the newsagent's, newspaper seller's or distributor's employment or business; or
  - (b) the handing out, distribution or otherwise making available of any printed electoral material in any room or building used as a campaign room or an office by a candidate in the election to which the material relates; or
  - (c) printed electoral material in the form of any poster or notice which is affixed or attached to any vehicle, building, hoarding or structure (whether moveable or fixed).
- (5) Subsection (1) does not apply to the distribution or otherwise making available of any printed electoral material during the hours of voting to any property within 400 metres of the entrance of a voting centre that is an early voting centre.

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## Election Period Policy

### Section 76B Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

### 76BA General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

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## Election Period Policy

### 76C Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
  - (a) must include the Councillor conduct principles;
  - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
  - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
  - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
  - (a) given to each Councillor;
  - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

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**Amendment of section 76C Local Government Amendment (Improved Governance) Act 2015—Councillor Code of Conduct**

(1) For section 76C(1) and (2) of the Principal Act substitute—

"(1) A Council must review, and make any necessary amendments to, its Councillor Code of Conduct within 4 months after the commencement of section 15 of the Local Government Amendment (Improved Governance) Act 2015—

(a) by calling a special meeting solely for the purpose of reviewing the Councillor Code of Conduct; and

(b) at that special meeting, approving any amendments to be made to the Councillor Code of Conduct determined by the Council to be necessary following the review of the Councillor Code of Conduct.

(2) A Council must, within the period of 4 months after a general election—

(a) call a special meeting solely for the purpose of reviewing the Councillor Code of Conduct; and

(b) at that special meeting, approve any amendments to be made to the Councillor Code of Conduct determined by the Council to be necessary following the review of the Councillor Code of Conduct."

(2) In section 76C(3) of the Principal Act—

(a) for paragraph (a) substitute—

"(a) must include the internal resolution procedure for dealing with an alleged contravention of the Councillor Code of Conduct by a Councillor;

**Note**

Section 81AA provides for matters to be addressed by the internal resolution procedure of a Council.";

(b) after paragraph (b) insert—

"(c) must include any provisions prescribed for the purpose of this section;"

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(c) in paragraph (d), for "in respect of any matter" substitute "addressing any matters".

(3) In section 76C(6) of the Principal Act—

(a) in paragraph (b), for "offices." Substitute "offices;"

(b) after paragraph (b) insert—

"(c) published on the Council's Internet website maintained under section 82A."

(4) Section 76C(7) of the Principal Act is repealed.

### **76D Misuse of position**

(1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—

(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or

(b) to cause, or attempt to cause, detriment to the Council or another person.

600 penalty units or imprisonment for 5 years or both.

(2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—

(a) making improper use of information acquired as a result of the position he or she held or holds; or

(b) disclosing information that is confidential information within the meaning of section 77(2); or

(c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or

(d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or

(e) using public funds or resources in a manner that is improper or unauthorised; or

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- (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
  - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

- 76E Improper direction and improper influence**
- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
  - (2) A Councillor must not direct, or seek to direct, a member of Council staff—
    - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
    - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
    - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
    - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
  - (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

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## Election Period Policy

**Amendment of section 76E Local Government Amendment (Improved Governance) Act 2015—Improper direction and improper influence**

(1) Section 76E(1) of the Local Government Act 1989 is repealed.

(2) At the foot of section 76E(2) of the Principal Act insert—

"Penalty: 120 penalty units."

(3) After section 76E(2) of the Principal Act insert—

"(2A) If an application for a Councillor Conduct Panel to make a finding of serious misconduct by a Councillor has been made in respect of conduct in contravention of subsection (2), the Councillor must not be charged with an offence against that subsection in respect of the same conduct unless—

(a) the Councillor Conduct Panel application is withdrawn; or

(b) the Chief Municipal Inspector requires the Councillor Conduct Panel to suspend or stop consideration of the matter under section 81P; or

(c) before the Councillor Conduct Panel makes a determination, the Councillor ceases to be a Councillor; or

(d) the matter or behaviour that is the subject of an application for a finding of serious misconduct has been referred to another law enforcement agency.

(2B) If a Councillor is charged with an offence against subsection (2), an application for a Councillor Conduct Panel to make a finding of serious misconduct by the Councillor must not be made for the same conduct in respect of which the Councillor has been charged."

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## Election Period Policy

### 93A Conduct of Council during election period

- (1) *Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.*
- (2) *If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.*
- (3) *If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.*
- (4) *A major policy decision made in contravention of this section is invalid.*
- (5) *Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.*
- (6) *In this section, a **major policy decision** means any decision—*
  - (a) *relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;*
  - (b) *to terminate the appointment of a Chief Executive Officer under section 94;*
  - (c) *to enter into a contract the total value of which exceeds whichever is the greater of—*
    - (i) *\$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or*
    - (ii) *1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;*
  - (d) *to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.*

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## Election Period Policy

### **93B Council to adopt an election period policy**

- (1) A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.
- (2) A Council must prepare and adopt an election period policy as required by subsection (1)—
  - (a) by 31 March 2016; and
  - (b) following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.
- (3) An election period policy must include the following—
  - (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
  - (b) limits on public consultation and the scheduling of Council events;
  - (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.
- (4) A copy of the election period policy must—
  - (a) be given to each Councillor as soon as practicable after it is adopted; and
  - (b) be available for inspection by the public at the Council office and any district offices; and
  - (c) be published on the Council's Internet website maintained under section 82A.
- (5) In this section—
 

**inappropriate decisions** made by a Council during an election period includes any of the following—

  - (a) decisions that would affect voting in an election;
  - (b) decisions that could reasonably be made after the election.

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## Election Period Policy

### 95 Conduct principles

- (1) Council staff must in the course of their employment—
  - (a) act impartially;
  - (b) act with integrity including avoiding conflicts of interest;
  - (c) accept accountability for results;
  - (d) provide responsive service.
- (2) Nothing in subsection (1)(c) affects the granting of an indemnity to a member of Council staff in respect of any liability or limits the effect of—
  - (a) any such indemnity, whether granted before or after the commencement of section 67 of the Local Government (Democratic Reform) Act 2003; or
  - (b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement.

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## Election Period Policy

### Appendix Two: Council Decision Making Guidelines and Procedures

#### 1. Major Policy and Significant Decisions

- In the context of this policy, major policy decisions include:
  - The appointment or dismissal of a Chief Executive officer, or the remuneration of a Chief Executive Officer;
  - Approval of contracts with a total value exceeding \$719,000 (this is 1% of Council's total revenue from rates and charges under s.158 in the proceeding financial year);
  - The exercise of any entrepreneurial power under s.193.
- In the context of this policy, significant decisions include major policy decisions AND:
  - Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
  - Decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
  - Decisions of a politically sensitive nature;
  - Policy or strategy decisions.

#### 2. Scheduling consideration of significant decisions

- As a general principle, the Chief Executive Officer should, as far as practicable, avoid scheduling decisions for the Election Period and instead, ensure that significant decisions are either considered by Council prior to the Election Period, or scheduled for determination by the incoming Council.

#### 3. Significant decisions during Election Period

- If a significant decision cannot be scheduled prior to or after the Election Period, then you need to refer to the list below to determine whether it is effected by this Policy. If you are unsure of whether a decision does or does not fall within the list below, speak with the Chief Executive Officer or his appointed delegate.

Proposed Decision	Is it allowed?	Source
The appointment or dismissal of a Chief	No	Prohibited by section 93A

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Proposed Decision	Is it allowed?	Source
Executive officer, or the remuneration of a Chief Executive Officer		of the <i>Local Government Act 1989</i>
Entering into a contract with a total value exceeding \$719,000	No	Prohibited by section 93A of the <i>Local Government Act 1989</i>
Exercising a power to make entrepreneurial arrangements with the total value of the proposal exceeding \$719,000	No	Prohibited by section 93A of the <i>Local Government Act 1989</i>
Allocating community grants or other forms of direct funding for community organisations	No	This is an internal Council requirement.
Major planning scheme amendments	No	This is an internal Council requirement.
Changes to strategic objectives or strategies in the Council Plan	No	This is an internal Council requirement.
Entering into a contract that require significant funding in future financial years or is regarded as politically sensitive	No	This is an internal Council requirement.
Decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters	No	This is an internal Council requirement.
Decisions of a politically sensitive nature	No	This is an internal Council requirement.
Policy or strategy decisions	No	This is an internal Council requirement.

#### 4. Considerations for the Chief Executive Officer in giving approval

- In the case of a significant decision referred to the Chief Executive Officer which is not expressly prohibited under section 93A of the Act, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:

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- Whether the decision is 'significant'
- The urgency of the issue (can it wait until after the election?)
- The possibility of financial repercussions if it is deferred, if any
- Whether the decision is likely to be controversial
- Whether the decision is in the best interests of the Council

### 5. Agendas and Reports

- During the election period, the Chief Executive Officer will ensure that a 'Caretaker Statement' is included in every report submitted to the Council or a Special Committee or to a delegate for a decision.
- The Caretaker Statement will specify one of the following:
  - *The recommended decision is not a major policy decision, as defined in section 93A of the Local Government Act 1989 or a significant decision within the meaning of the Election Period Policy.*
  - *The recommended decision is not a major policy decision, as defined in section 93A of the Local Government Act 1989. The recommended decision is a significant decision within the meaning of the Election Period Policy, but an exception should be made for the following reasons [insert reasons for making an exception].*
  - *The matter contained within this report is considered a major policy decision and therefore this report recommends seeking an exemption from the Minister for Local Government as required in section 93A of the Local Government Act 1989.*
  - *The recommended decision is a major policy decision, as defined in section 93A of the Local Government Act 1989, an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].*
- During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

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## Election Period Policy

### Appendix Three: Material published by Council Guidelines and Procedures

#### 1. Prohibited Material

- It is prohibited under the Act for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the Election Period.
- The Act also requires that all Council publications during the election period must be certified in writing by the Chief Executive Officer, in accordance with the Election Period Certification Procedure which is included as part of this Policy (see page 10).
- Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council's website, Facebook account and Twitter page.
- The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.
- Electoral matter is any matter that is "intended or likely to affect voting in an election" and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.
- A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:
  - The election; or
  - A candidate in the election; or
  - An issue submitted to, or otherwise before, the voters in connection with the election.
- Material is definitely electoral matter if it:
  - publicises the strengths or weaknesses of a candidate;
  - advocates the policies of the Council or of a candidate;
  - responds to claims made by a candidate; or

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- publicises the achievements of the elected Council.
  - Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Latrobe City Council i.e. by use of Council logos.
- 2. Certification of Publications**
- Publications to be printed, published or distributed during the caretaker period must first be certified by the Chief Executive Officer.
  - The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the publication and be in the following form:  
*'Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989'.*
  - Copies of all certified documents will be retained on Council records.
- 3. Election Period Certification Procedure**
- Any Council publication which is potentially affected by this policy will be reviewed by the Council's communications and governance departments, and then certified in writing by the Chief Executive Officer in accordance with this procedure, prior to publication.
  - This is to ensure that any circulated, displayed or otherwise publicly available material during the Election Period does not contain material that may be construed as 'electoral matter'.
- 4. Publications that require certification**
- The recommended practice (in line with State and Federal Governments), is where possible to avoid all publication activity during the caretaker period except where it is essential for the conduct of Council operations.
  - Publications which require certification include:
    - Brochures, pamphlets, handbills, flyers, magazines and books;
    - Reports (other than agenda papers and minutes);
    - Advertisements and notices, except newspaper notices of meetings;
    - New website material;
    - New social media content (which includes Facebook and Twitter posts);

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- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

### 5. Documents on Display at all Council facilities

- A number of Council publications with references to either current Councillors or candidates, both on website and public display will be withdrawn from display during an election period.

### 6. Councillor Information

- Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an election period must not include promotional text.

### 7. Annual Report

- If the publication date of the Annual Report occurs during the Election Period, it is affected by the legislative restrictions on publications and therefore may not include information about Councillors beyond what is required by the Local Government Regulations.
- The Annual Report does not require certification by the Chief Executive Officer; however any publication of an extract or summary of the Annual Report will require certification.

### 8. Council and Committee Agendas and Minutes (Refer to Appendix Two: Council Decision Making Guidelines and Procedures for more information)

- Agenda papers and minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

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## Election Period Policy

### 9. Latrobe City Council Websites

- This provision applies to all Council websites, which includes the Council main website and microsites (e.g. Latrobe City Libraries, Latrobe Leisure, Visit Latrobe and the Latrobe Regional Gallery, but not limited to these microsites).
- During the election period the Council website will not contain material precluded by this policy. Any references to the election will only relate to the election process.
- Material published on Council's website in advance of the caretaker period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.
- Information about Councillors will be restricted to names and contact details.
- Any new material published on Council's web site during the election period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process. Council agendas, minutes and the annual report are considered exempt from certification.
- Where information is removed for the election period, a statement will be published that states:

*'As the Latrobe City Council election will be held on [Day,Date], the Latrobe City Council has assumed a caretaker role from [Date].*

*During the caretaker period, content will only be added to this website in accordance with the Election Period Policy.'*

### 10. Social Media

- Any publication on social media sites such as Facebook or twitter that are under the auspices of Council will also require certification by the Chief Executive Officer. Similar requirements apply to Council blog sites.
- Latrobe City Council's Communications team monitors the Latrobe City Council corporate Facebook and twitter feeds between the hours of 9.00am and 5.00pm on weekdays (excluding public holidays), and any negative or inappropriate posts are deleted. Occasionally when it is deemed necessary by Council's Communications team, the monitoring is extended to include weekends, major festivals/events, and emergencies.

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- The ability for members of the public to post comments on Council’s social media sites will be removed for the duration of the Election Period.
- Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be certified by the Chief Executive Officer.
- Social media posts are to be kept to minimum, and are to only cover normal day-to-day activities only.
- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted. No matter is permitted that may be construed as electoral matter – sites should be reviewed to ensure there is none.
- No photos will be published on Council’s social media sites – only text posts will be able to be certified.
- No launches or announcements of any new projects, policy initiatives, or programs are to be made on social media during the election period.
- Any YouTube videos currently on sites are to be removed and suspended during the election period.
- No hosting or responding to political content at all is permitted.

### 11. Council Photographs

- Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.

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## Election Period Policy

### Appendix Four: Public Consultation

#### 1. Prohibition

- It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.
- For the purposes of this policy, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

#### 2. Right to Postpone

- It is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.
- Some public consultation activities may be necessary during the caretaker period to facilitate the day to day business of Council and ensure matters continue to be proactively managed.
- Any such public consultations will avoid express or implicit links to the election.
- In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.
- Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

#### 3. Statutory Consultation processes

- Consultations under the *Planning and Environment Act 1987* or Section 223 of the *Local Government Act 1989* statutory provisions shall only proceed after express agreement by the relevant General Manager and then only if it:
  - relates solely to the normal day-to-day business of Council; and
  - does not relate to a matter that is considered a major or significant decision.

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### 4. Approval for public consultations

- Any request for public consultation to occur during the election period, must be referred to the Chief Executive Officer.
- Where the matter is not already expressly prohibited, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:
  - whether the decision is 'significant';
  - the urgency of the issue (that is, can it wait until after the election?);
  - the possibility of financial repercussions if it is deferred;
  - whether the decision is likely to be controversial; and
  - whether the decision is in the best interests of the Council.
- Where public consultation is approved to occur during the Election Period the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

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## Election Period Policy

### Appendix Five: Functions and Events Guidelines and Procedures

#### 1. Functions and event definition

- Reference to events and functions means gatherings of internal and/or external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

#### 2. Public Events Staged by External Bodies

- Councillors may continue to attend events and functions during the Election Period.
- As a general rule, any such attendance will not be represented as acting in an official capacity on behalf of the organisation.

#### 3. Council Events and Functions

- Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council.
- This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.
- Councillor attendance at Council events (if any during the election period) should not be used to gain attention in support of an election campaign.
- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.

#### 4. Speeches/Keynote addresses

- Councillors should not act in an official capacity, including giving public speeches or addresses at Council organised or sponsored events and functions, during the election period.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation (such as citizenship ceremonies) of the Council and such speeches will not be circulated or available for publication.

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### 5. Recording of Attendance at External Meetings and Functions

- The presence of Councillors at external meetings and functions may be recorded in attendance records, except where this record of attendance is in conjunction with information/promotional material (ie text or images) that may be considered as electoral material.

### 6. Publication of promotional material

- Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- In preparing any material concerning a Council organised or sponsored function or event that will be published or distributed during the Election Period, such preparation must be consistent with the controls under Appendix Three: Material published by Council Guidelines and Procedures to this Policy.

### 7. Council Employees

- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
- Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

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## Election Period Policy

### Appendix Six: Use of Council Resources Guidelines and Procedures

#### 1. Council Resources

- The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.
- Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.
- Council resources, including offices, vehicles, support staff, hospitality services, property, equipment and stationery must be used exclusively for normal Council business during the election period, and must not be used in connection with an election campaign.

#### 2. Use of Council Equipment by Councillors

- Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use.
- Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.
- Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.
- Councillors may wish to consider the specific ways to administer this procedure. For instance Councillors may decide to use a private mobile phone for all election enquiries and publicise such number on election literature.

#### 3. Correspondence

- General correspondence addressed to councillors will be answered as usual.
- However, Councillors will sign only the necessary minimum of correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be signed by the Chief Executive Officer.

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- Replies will be prepared so as to protect Council staff from perceptions of political bias.
- 4. Expenses Incurred by Councillors**
- Payment or reimbursement of costs relating to Councillors out-of-pocket expenses incurred during the election period must only apply to necessary costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
  - In the case of Councillor claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.
- 5. Council Branding and Stationery**
- No Council logos, letterheads, or other Latrobe City Council branding will be used for, or linked in any way to, a candidate's election campaign.
- 6. Support Staff to the Mayor and Councillors**
- Support staff for the Mayor and Councillors, Governance staff, or any other staff member, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 7. Community or Advisory Committee Meetings**
- Community Meetings or Advisory Committee meetings will not be held during the Election Period.
- 8. Community or Advisory Committee Meetings**
- The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 9. Council Photographs**
- Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign.
  - This applies equally to images on Council websites that may be able to be copied.

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## Election Period Policy

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### 10. Use of Council Buildings

- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.

### 11. Process

- Any Council staff member that feels they are being placed in a compromising situation by a request from a Councillor should politely refer the Councillor to their General Manager for clarification before authorising, using or allocating the resource.
- The General Manager will decide if the use of Council resources is appropriate or not and notify the Councillor, as well as the Chief Executive Officer and the Governance team accordingly.

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## Election Period Policy

### Appendix Seven: Access to Information Guidelines and Procedures

#### 1. Candidates' Access to Information

- All election candidates have equal rights to information relevant to their election campaigns from the Council administration.
- While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes internal publications such as the Councillor Bulletin).
- There will be transparency in the provision of all information and advice during the election period.

#### 2. Information and Briefing Material

- Information and briefing material prepared or secured by staff for Councillors during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
- The information must only relate to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

#### 3. Information Request Register

- The Governance team will maintain an Information Request register during the Election Period.
- This Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates (which includes sitting Councillors) and the response given to those requests.
- The Council affirms that all candidates for the Council election will be treated equally.

#### 4. Process for responding to an Information Request

- Responses to candidate's requests will be provided by Managers, General Managers or the Chief Executive Officer only.
- Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

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- Only information that can be reasonably accessed will be released.
  - Staff will be required to provide details of requests and responses to the Governance Team for inclusion in the Register.
- 5. Freedom of Information applications during the Election Period**
- Any Freedom of Information (Fol) applications lodged during the election period on matters such as expenses costs etc regarding current Councillors will be dealt with where possible outside of the election period (the Fol Act specifies a 42 day period in providing a response to a Fol application).
- 6. Candidate Assistance and Advice**
- Any assistance and advice to be provided to candidates as part of the conduct of the Council Election will be provided equally to all candidates.
- 7. Role of Returning Officer**
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his or her delegate.
- 8. Candidate Information**
- Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.
  - Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee.
  - Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 60 days after the election day.
- 9. Election Process Enquiries**
- All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his nominee.

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### 10. Improper Use of Position

- Sections 76D and 76E of the Act prohibit Councillors from misusing or inappropriately making use of their position.
- A breach of section 76D attracts serious penalties, including possible imprisonment.

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## Election Period Policy

### Appendix Eight: Media Services Guidelines and Procedures

#### 1. Restriction on Services

- Council’s communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.
- During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.
- Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.
- Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

#### 2. Media Advice

- Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the General Manager, Community Services.
- No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

#### 3. Media Releases/Spokespersons

- Media releases will not be provided for Councillors during the election period.
- Media releases will not refer to specific Councillors.
- Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer or his delegate will determine the appropriate person.
- Media releases will require certification by the Chief Executive Officer.
- The certification by the Chief Executive Officer will be in writing on or affixed to a copy of the media release and be in the following form:

*‘Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989’.*

- Copies of all certified documents will be retained on Council records.

**WARNING - uncontrolled when printed.**

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Responsible Division	Corporate Services	Approved Date	DRAFT	Review Date	March 2016
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## Election Period Policy

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### 4. Publicity Campaigns

- During the Election Period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible.
- Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or his delegate must approve it.
- In any event, Council publicity during the Election Period will be restricted to communicating normal Council activities and initiatives.
- No publicity will be provided that involves specific Councillors.

### 5. Councillors

- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

### 6. Council Employees

- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
- Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

**WARNING - uncontrolled when printed.**

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Responsible Division	Corporate Services	Approved Date	DRAFT	Review Date	March 2016
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**17.5 IMPROVEMENTS IN COUNCIL GOVERNANCE - ITEMS CLOSED  
TO THE PUBLIC****General Manager****Corporate Services****For Information****PURPOSE**

The purpose of this report is to provide Council with information in relation to better practice for the management of items that are closed to the public at a Council meeting.

**EXECUTIVE SUMMARY**

With the publication of a number of comparative performance measures on the 'Know Your Council' website, Latrobe City Council has been identified as the most conservative in relation to Council decisions made at meetings closed to the public.

The Local Government Performance Reporting Framework (LGPRF) measure stated that 47.10% of Latrobe City council meeting decisions were made at meetings closed to the public in the last financial year. The average for similar councils in accordance with the *Know Your Council* website is 13.91% and the overall average is 12.20%.

An analysis of the data for Latrobe City for the last financial year provided that 50% of those decisions related to contractual matters, and 40% related to matters considered 'prejudicial' to council or any person.

Thirty six of those 'prejudicial' matters related to the following standard items:

- Adoption of Minutes
- Confidential items
- Assembly of Councillors

It is noted that the Confidential Items Held Over reports are tabled but are not decided upon in each meeting, so therefore do not affect the LGPRF statistics reported.

In order to understand how other councils make decisions, particularly those that are considered the least conservative in the LGPRF measure, benchmarking has been undertaken. Some of those that have been identified as 0%, means that they still do table reports at a confidential meeting, but it is less than 1% of their total number of reports for their council meetings.

A number of alternative methods for decision making have been identified in the benchmarking, which have been considered and are being implemented where it is considered that they do improve transparency to the community.

Some of the alternative methods cited were put in place from the 29 February 2016 council meeting.

## **RECOMMENDATION**

**That Council:**

- 1. Receives and notes this report into the Improvements into Council Governance; and**
- 2. Requests a report to be provided in the second half of 2016 updating Council on the progress of implementing improvements.**

## **DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

## **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 3: Efficient, effective and accountable governance*

*Strategic Direction – To provide open, transparent and accountable governance*

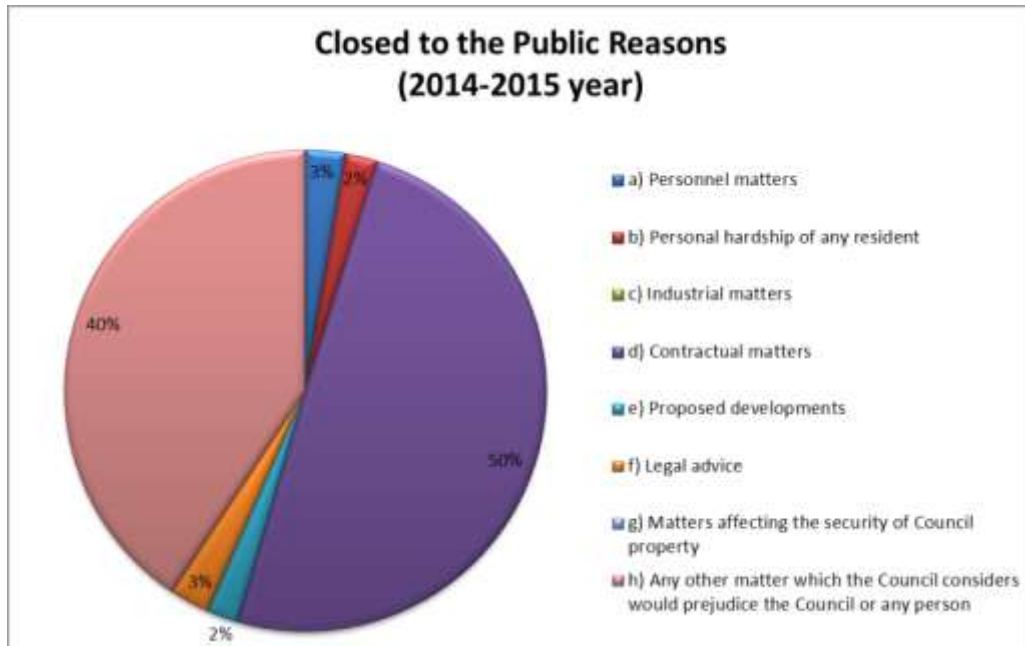
## **BACKGROUND**

Councils are under a higher level of scrutiny with the publication of a number of comparative performance measures. The Local Government Performance Reporting Framework (LGPRF) measures are published annually on the '*Know Your Council*' website, and community members are able to identify how their council is performing against these standard measures.

Latrobe City Council was significantly higher than the council average of 12.20% for the LGPRF measure '*Council decisions made at meetings closed to the public*' at a total of 47.10%. For similar councils, the average was 13.91%.

## **KEY POINTS/ISSUES**

The pie graphs below provide a snapshot as to the reasons selected for why a decision is considered confidential and is then decided upon behind closed doors for Latrobe City Council.



A further analysis of the decisions made indicates that there are four standard reports tabled at every meeting. These are:

- Confidential Items Held Over (\*these are tabled, but are not decided upon, therefore do not affect the LGPRF statistics reported)
- Adoption of Minutes
- Confidential items
- Assembly of Councillors

In addition, other common reports tabled in the closed to the public section of the council meeting are:

- Procurement contract reports
- Grant management
- Property matters, such as leases and sale of land
- Bad debt reporting
- Audit and Risk Committee minutes
- CEO Performance Review/Employment matters

Benchmarking has been conducted with councils that have lower LGPRF statistics. The benchmarking identifies that there are still some reports that are put in the closed to the public section, but they have found alternative ways to ensure that the majority of the decisions are made in the open meeting if they are required to go to Council in the first place.

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

The table below illustrates alternative options, and our proposed action.

Item Currently in our confidential meeting papers	Alternative options advised	Proposed Action
Confidential items	<ol style="list-style-type: none"> <li>1. Listed as an open item in the agenda</li> <li>2. Not undertaken (which means that anything that the CEO certified as confidential does expire after the 50 days as per the <i>Local Government Act 1989</i>)</li> </ol>	<p>Item listed as an open item in the Council meeting agenda, which has been implemented.</p> <p>Changes to Section 77 of the <i>Local Government Act 1989</i> has changed the requirement around CEO certification, therefore this will cease from the April meeting. Under the current provision, where the CEO certifies a document as confidential, there is no longer an expiry after 50 days – the document will remain confidential until the Council passes a resolution stating that it is not confidential.</p>
Adoption of Minutes	The adoption of minutes undertaken at the beginning of the Council meeting recommendation does include the confidential minutes. This is because the meeting is one meeting – it is not a separate meeting of the Council.	This has been implemented.



## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

Item Currently in our confidential meeting papers	Alternative options advised	Proposed Action
Assembly of Councillors	<p>Listed as an open item in accordance with guidance notes provided by Local Government Victoria.</p> <p>If the title of a matter that is discussed is confidential the confidentiality reason is used in the record. For example, a sensitive development may be listed in the Assembly of Councillors record as 'proposed developments' in accordance with Section 89(2)(e).</p>	<p>Following the guidance notes provided by Local Government Victoria, the Assembly of Councillors records are now tabled as one item in the open agenda.</p> <p>The template form currently used will be changed and staff advised accordingly.</p>
Confidential Items Held Over	<p>Not provided in a Council meeting. Alternative options include:</p> <ol style="list-style-type: none"> <li>1. as part of quarterly reporting</li> <li>2. part of information Councillor bulletins</li> <li>3. not at all</li> </ol>	To further review an appropriate method for this reporting.
Procurement contract reports	<ol style="list-style-type: none"> <li>1. Managed through delegations to the CEO and/or</li> </ol>	Currently investigating option three listed. Council has recently increased the

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

Item Currently in our confidential meeting papers	Alternative options advised	Proposed Action
	<p>officers.</p> <p>2. A report is tabled at the open Council meeting with only the recommended supplier being listed in the report. The analysis and matrix are provided to Councillors only as confidential attachments.</p> <p>3. A mixture of option 1 and 2.</p>	<p>delegation level which will see a drop in contractual matters being awarded at Council.</p> <p>In addition, we will investigate improving our contract decision reporting similar to that of what is described in the options.</p>
Grant management	<p>The Council, in the open agenda, approve the total dollar amount to be awarded in each category of grants, rather than at the individual grant level.</p> <p>The detail is then provided to Councillors as confidential attachments.</p>	<p>Being implemented with individual grant changes being put in an open meeting to Council.</p> <p>To also investigate reporting similar to that of other councils described for the annual grant program.</p>
Property matters, such as leases and sale of land	Statutory reports are handled in the open meeting of the Council.	Further investigation required into the various types of property matters and to ensure that they are open to the public where possible.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

Item Currently in our confidential meeting papers	Alternative options advised	Proposed Action
Bad debt reporting	Delegated to the Chief Executive Officer and General Managers.	To investigate the improved delegation of writing off bad debts to the Chief Executive Officer and General Managers with potential reporting of bad debt write offs via an annual report to Council.
Audit and Risk Committee minutes	<ol style="list-style-type: none"> <li>1. Not submitted to Council, but are circulated to Councillors.</li> <li>2. An annual report is tabled at an open Council meeting. Another alternative described for the annual reporting, is at a Councillor Briefing or a presentation that is open to the public.</li> </ol>	To investigate the alternatives described.
CEO Performance Review/Employment matters	Remains in confidential section, but decisions released to the public where appropriate.	To remain as is at the present time.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

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The change in governance practices reduces the reputational risks of Council decision making not being transparent. As more decisions are debated upon within the open Council meeting, more community members are able to observe the proceedings and hear the debate first hand.

Not all options identified through the benchmarking will improve transparency to the community at Latrobe City if implemented.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications with implementing the change in governance practices, however, processes are required to be updated to reflect the changes.

**INTERNAL/EXTERNAL CONSULTATION**

Benchmarking has been conducted with other Councils to identify options that are available.

**OPTIONS**

Council may:

1. Receive and note this report;
2. Receive and note this report, and request other changes to be implemented.

**CONCLUSION**

The benchmarking has identified a number of alternatives used by other Councils in their decision making. Work has commenced on implementing some of the changes, with changes already having been implemented from the 29 February 2016 Council meeting. Other matters are being investigated to ensure that over time and where appropriate, we are improving transparency to the community.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**  
Nil

**17.6 COUNCIL DELEGATIONS REVIEW****General Manager****Corporate Services****For Decision****PURPOSE**

The purpose of this report is to seek Council's adoption of the S6. *Instrument of Delegation to Members of Council Staff 16 [DEL-1]*.

**EXECUTIVE SUMMARY**

The instrument of delegation submitted with this report has been prepared in accordance with the recommendations received by Maddocks Lawyers (Maddocks). Maddocks provides Victorian Council's with a subscription service to a template system of delegations and authorisation instruments that is up to date and under constant review. This review is the second of two updates for the 2015 period. (Review updates are received in June and December each year).

With respect to these delegations, the Maddocks model takes a provision-by-provision listing of Council powers under statutes and regulations which are able to be delegated under the *Local Government Act 1989* and under other applicable legislation.

Each proposed power, function and/or duty proposed to be delegated by Council to officers, and the position title of each nominated officer, is prescribed in the schedule to the S6. *Instrument of Delegation from Council to Staff* (Instrument).

Council should note that there is also a S7. *Instrument of Sub-Delegation from Council's Chief Executive Officer to Staff*. This instrument is executed by the Chief Executive Officer should Council resolve to adopt the S6. Instrument of Delegation and once they have been signed and sealed.

### **RECOMMENDATION**

That Council, in exercising its powers of delegation conferred by section 98(1) of the *Local Government Act 1989* and other applicable legislation referred to in the attached S6. Instrument of Delegation to Members of Council Staff [16 DEL-1] (Instrument):

1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument, the powers duties and functions set out in the Instrument subject to the conditions and limitations specified in that instrument;
2. Requires that the duties, functions and powers set out in the Instrument to be carried out in accordance with any guidelines or policies of Council that it may from time to time adopt;
3. Delegates and authorises the Chief Executive Officer to affix the common seal of Council to this Instrument, which comes into force immediately upon the common seal being affixed to the Instrument; and
4. On the coming into force of the Instrument, the *S6. Instrument of Delegation – Members to Staff [15 DEL-3]* dated 18 November 2015 is revoked.

### **DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

#### *Latrobe 2026: The Community Vision for Latrobe Valley*

##### *Strategic Objectives – Our Community*

*In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.*

##### *Strategic Objectives – Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.*

#### *Latrobe City Council Plan 2013 - 2017*

##### *Theme and Objectives*

*Theme 3: Efficient, effective and accountable governance*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

*Strategic Direction – To provide open, transparent and accountable governance.*

### **BACKGROUND**

The *Local Government Act 1989* (Act) allows Council to delegate various powers and functions.

#### **Section 98: Delegations**

*A Council may by instrument of delegation to member of its staff any power, duty or function of a council under this Act.*

*The Council must keep a register of delegations to members of Council staff.*

#### **S6. Instrument of Delegation from Council to Staff (Instrument)**

The Instrument can be used by a Council to delegate powers directly to members of Council staff pursuant to section 98(1) of the Act.

#### **S7. Instrument of Sub-Delegation from Council's CEO to Staff.**

This instrument is intended to be executed by the Chief Executive Officer should Council resolve to adopt the above stated *S6. Instrument of Delegation from Council to Staff* (and following such *S6. Instrument* having been signed and sealed).

### **KEY POINTS/ISSUES**

The Council as a legal entity can only act through Council resolution or through letting others act on Council's behalf. Where Council acts through others, legal advice recommends that this be formalised through written 'instrument of delegation' where practicable. The decision of a delegate with delegated powers is legally binding on the Council as if the Council had made the decision itself.

The Instrument of delegation submitted with this report has been prepared in accordance with the recommendations received by Maddocks. Maddocks provide Victorian Council's with a subscription service to a template system of delegations and authorisation instruments that is up to date and under constant review.

In respect to these delegations, the Maddocks model takes a provision-by-provision listing of Council powers, functions and duties under statutes and regulations which are delegated under the *Local Government Act 1989* and under other applicable legislation.

Each proposed power, function and/or duty to be delegated by Council to officers and the position title of each nominated officer is prescribed in the schedule to the Instrument. The Instrument is presented for adoption.

### **RISK IMPLICATIONS**

Whilst it could be argued that Council could simply rely on the general delegation powers of the *Local Government Act 1989* to delegate matters under the Acts specified in the Instruments of Delegation, there is an

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

appreciable risk in doing so. This would be to ignore a rule of statutory interpretation which dictates that the specific delegation takes priority over the general.

Accordingly, there are several reasons why delegations are carefully made and reviewed regularly, including:

- Accountability and responsibility for decisions is possible only if decision makers are identified;
- In delegating responsibility, Council can set conditions, limitations and guidelines for decision makers, including reporting requirements; and
- Council decisions are often subject to legal scrutiny in courts and tribunals and this in turn requires precision about what decision has been made, who made it and when it was made.

These risks have been considered as part of this review of delegations and this report, and the proposed delegations are considered to be consistent with the Risk Management Framework.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The financial and resource implications are minimal. Council subscribes to a service provided by Maddocks Lawyers that reviews relevant legislation for updates affecting Local Government functions and powers. An internal review is conducted at least twice annually by officers to ensure that the said functions and powers have been appropriately assigned to officers before presenting this information to Council.

### **INTERNAL/EXTERNAL CONSULTATION**

Community consultation has not been undertaken as this is a statutory function required by the *Local Government Act 1989*.

### **OPTIONS**

Council has the option to delete the specified legislation provisions from the schedule of delegations, or amend the designated officer receiving the delegation. In the first instance, if a specific provision is deleted from the delegation prepared by Maddocks, it should be noted that Council will be the only body that can exercise those respective powers and provisions in the applicable legislation. To exercise those respective powers and provisions would require a resolution of the Council at either an Ordinary or Special Council Meeting.

### **CONCLUSION**

It is imperative from an accountability, transparency and risk management perspective, that Council delegations to staff are legislatively compliant, and accurately maintained. The proposed delegations before Council are mostly operational in nature and have been updated to reflect legislative changes as advised by Maddocks.

The following attachments are presented for Council's consideration:



**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

*S6. Instrument of Delegation from Council to Staff [16 DEL-1]*

**SUPPORTING DOCUMENTS**

*S7. Instrument of Sub-Delegation from Council's CEO to Staff.*

**Attachments**

1. S6. Instrument of Delegation to Members of Council Staff

## **17.6**

### **Council Delegations Review**

- 1 S6. Instrument of Delegation to Members of Council Staff..... 453**

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
ACT / REGULATION	PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	DIVISION
Cemeteries and Crematoria Act 2003 [## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 and also apply to Councils appointed to manage a public cemetery under section 8(1)a(ii) as though were a cemetery trust (see section 53)]			Not Delegated		General
Cemeteries and Crematoria Regulations 2005			Not Delegated		General
Domestic Animals Act 1994	s.41A(1)	power to declare a dog to be a menacing dog	Manager Statutory Planning & Municipal Services	Council may delegate this power to an authorised officer	City Development
Domestic Animals Act 1994	s.41A(1)	power to declare a dog to be a menacing dog	Coordinator Local Laws	Council may delegate this power to an authorised officer	City Development
Environment Protection Act 1970	s.53M(6)	power to refuse to issue septic tank permit	Environmental Health Officer	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(3)	power to require further information	Coordinator Health Services		City Development
Environment Protection Act 1970	s.53M(3)	power to require further information	Senior Environmental Health Officer		City Development
Environment Protection Act 1970	s.53M(3)	power to require further information	Environmental Health Officer		City Development
Environment Protection Act 1970	s.53M(3)	power to require further information	Manager Statutory Planning & Municipal Services		City Development
Environment Protection Act 1970	s.53M(4)	duty to advise applicant that application is not to be dealt with	Coordinator Health Services		City Development
Environment Protection Act 1970	s.53M(4)	duty to advise applicant that application is not to be dealt with	Senior Environmental Health Officer		City Development
Environment Protection Act 1970	s.53M(4)	duty to advise applicant that application is not to be dealt with	Environmental Health Officer		City Development
Environment Protection Act 1970	s.53M(4)	duty to advise applicant that application is not to be dealt with	Manager Statutory Planning & Municipal Services		City Development
Environment Protection Act 1970	s.53M(5)	duty to approve plans, issue permit or refuse permit	Coordinator Health Services	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(5)	duty to approve plans, issue permit or refuse permit	Senior Environmental Health Officer	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(5)	duty to approve plans, issue permit or refuse permit	Environmental Health Officer	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(5)	duty to approve plans, issue permit or refuse permit	Manager Statutory Planning & Municipal Services	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(6)	power to refuse to issue septic tank permit	Coordinator Health Services	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(6)	power to refuse to issue septic tank permit	Senior Environmental Health Officer	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(6)	power to refuse to issue septic tank permit	Senior Environmental Health Officer	refusal must be ratified by Council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	Coordinator Health Services	refusal must be ratified by council or it is of no effect	City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Environment Protection Act 1970	s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	Senior Environmental Health Officer	refusal must be ratified by council or it is of no effect	City Development
Environment Protection Act 1970	s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	Manager Statutory Planning & Municipal Services	refusal must be ratified by council or it is of no effect	City Development
Food Act 1984	s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Coordinator Health Services	If section 19(1) applies	City Development
Food Act 1984	s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Senior Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is	Coordinator Health Services	If section 19(1) applies	City Development
Food Act 1984	s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Senior Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is	Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the	Coordinator Health Services	If section 19(1) applies	City Development
Food Act 1984	s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the	Senior Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the	Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with	Coordinator Health Services	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with	Senior Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with	Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Coordinator Health Services	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Senior Environmental Health Officer	If section 19(1) applies	City Development
Food Act 1984	s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Environmental Health Officer	If section 19(1) applies	City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	s.19AA(2)	Power to direct by written order, that a person must take any of the actions described in (a)-(c).	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19AA(2)	Power to direct by written order, that a person must take any of the actions described in (a)-(c).	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19AA(2)	Power to direct by written order, that a person must take any of the actions described in (a)-(c).	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19AA(4)(c)	Power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises.	Coordinator Health Services	Note: the power to direct the matters under s19AA(4)(a) and (b) not capable of delegation and so such directions must be made by Council resolution	City Development
Food Act 1984	s.19AA(4)(c)	Power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises.	Senior Environmental Health Officer	Note: the power to direct the matters under s19AA(4)(a) and (b) not capable of delegation and so such directions must be made by Council resolution	City Development
Food Act 1984	s.19AA(4)(c)	Power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises.	Environmental Health Officer	Note: the power to direct the matters under s19AA(4)(a) and (b) not capable of delegation and so such directions must be made by Council resolution	City Development
Food Act 1984	s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that the order has been complied with.	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that the order has been complied with.	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that the order has been complied with.	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19CB(4)(b)	power to request copy of records	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19CB(4)(b)	power to request copy of records	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19CB(4)(b)	power to request copy of records	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19E(1)(d)	power to request a copy of the food safety program	Coordinator Health Services	where Council is the registration authority	City Development
Food Act 1984	s.19E(1)(d)	power to request a copy of the food safety program	Senior Environmental Health Officer	where Council is the registration authority	City Development
Food Act 1984	s.19E(1)(d)	power to request a copy of the food safety program	Environmental Health Officer	where Council is the registration authority	City Development
Food Act 1984	s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Environmental Health Officer	where council is the registration authority	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	Not Delegated	where council is the registration authority	City Development
Food Act 1984	s.19NA(1)	power to request food safety audit reports	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19NA(1)	power to request food safety audit reports	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19NA(1)	power to request food safety audit reports	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Coordinator Health Services		City Development
Food Act 1984	s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Senior Environmental Health Officer		City Development
Food Act 1984	s.19UA	power to charge fees for conducting a food safety assessment or inspection	Coordinator Health Services	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.	City Development
Food Act 1984	s.19UA	power to charge fees for conducting a food safety assessment or inspection	Senior Environmental Health Officer	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.	City Development
Food Act 1984	s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Environmental Health Officer	where council is the registration authority	City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	---	power to register, renew or transfer registration	Coordinator Health Services	where council is the registration authority;  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))	City Development
Food Act 1984	---	power to register, renew or transfer registration	Senior Environmental Health Officer	where council is the registration authority;  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))	City Development
Food Act 1984	---	power to register, renew or transfer registration	Environmental Health Officer	where council is the registration authority;  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))	City Development
Food Act 1984	s 38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s 38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s 38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38A(4)	power to request a copy of a completed food safety program template	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s 38A(4)	power to request a copy of a completed food safety program template	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38A(4)	power to request a copy of a completed food safety program template	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s 38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s 38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Environmental Health Officer	where council is the registration authority	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(3)	power to request copies of any audit reports	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38D(3)	power to request copies of any audit reports	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38D(3)	power to request copies of any audit reports	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38E(2)	power to register the food premises on a conditional basis	Coordinator Health Services	where council is the registration authority;  not exceeding the prescribed time limit defined under subsection (5).	City Development
Food Act 1984	s.38E(2)	power to register the food premises on a conditional basis	Senior Environmental Health Officer	where council is the registration authority;  not exceeding the prescribed time limit defined under subsection (5).	City Development
Food Act 1984	s.38E(2)	power to register the food premises on a conditional basis	Environmental Health Officer	where council is the registration authority;  not exceeding the prescribed time limit defined under subsection (5).	City Development
Food Act 1984	s.38E(4)	duty to register the food premises when conditions are satisfied	Coordinator Health Services	where council is the registration authority	City Development



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	s.38E(4)	duty to register the food premises when conditions are satisfied	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38E(4)	duty to register the food premises when conditions are satisfied	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.39A	power to register, renew or transfer food premises despite minor defects	Coordinator Health Services	where council is the registration authority;  only if satisfied of matters in subsections (2)(a)-(c)	City Development
Food Act 1984	s.39A	power to register, renew or transfer food premises despite minor defects	Senior Environmental Health Officer	where council is the registration authority;  only if satisfied of matters in subsections (2)(a)-(c)	City Development
Food Act 1984	s.39A	power to register, renew or transfer food premises despite minor defects	Environmental Health Officer	where council is the registration authority;  only if satisfied of matters in subsections (2)(a)-(c)	City Development
Food Act 1984	s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Coordinator Health Services		City Development
Food Act 1984	s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Senior Environmental Health Officer		City Development
Food Act 1984	s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Environmental Health Officer		City Development
Food Act 1984	s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Senior Environmental Health Officer	where council is the registration authority	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Food Act 1984	s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.40D(1)	power to suspend or revoke the registration of food premises	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.40D(1)	power to suspend or revoke the registration of food premises	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.40D(1)	power to suspend or revoke the registration of food premises	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Senior Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Environmental Health Officer	where council is the registration authority	City Development
Food Act 1984	s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Coordinator Health Services	where council is the registration authority	City Development
Food Act 1984	s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Senior Environmental Health Officer	where council is the registration authority	City Development
Heritage Act 1995	s.84(2)	power to sub-delegate Executive Directors's function	Environmental Health Officer	must obtain Executive Director's written consent first.	City Development
Planning and Environment Act 1987	s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Coordinator Strategic Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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 function of receiving notice of preparation of an amendment to a planning scheme	Coordinator Strategic Planning	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.	City Development
Planning and Environment Act 1987	s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.46GF	duty to comply with directions issued by the Minister	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GF	duty to comply with directions issued by the Minister	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GF	duty to comply with directions issued by the Minister	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GF	duty to comply with directions issued by the Minister	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GF	duty to comply with directions issued by the Minister	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	General Manager City Development	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	Manager Future Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	Coordinator Strategic Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	Senior Strategic Planner	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	Urban Growth Project Officer	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	General Manager City Development	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	Manager Future Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	Coordinator Strategic Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	Senior Strategic Planner	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	Urban Growth Project Officer	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	General Manager City Development	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	Manager Future Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	Coordinator Strategic Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	Senior Strategic Planner	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	Urban Growth Project Officer	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	General Manager City Development	must be done in accordance with <i>Local Government Act 1989</i> this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	Manager Future Planning	must be done in accordance with <i>Local Government Act 1989</i> this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	Coordinator Strategic Planning	must be done in accordance with <i>Local Government Act 1989</i> this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	Senior Strategic Planner	must be done in accordance with <i>Local Government Act 1989</i> this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	Urban Growth Project Officer	must be done in accordance with <i>Local Government Act 1989</i> this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	General Manager City Development	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	Manager Future Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	Coordinator Strategic Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	Senior Strategic Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	Urban Growth Project Officer	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	General Manager City Development	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	Manager Future Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	Coordinator Strategic Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	Senior Strategic Planner	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	Urban Growth Project Officer	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GM	duty to prepare report and give a report to the Minister	General Manager City Development	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GM	duty to prepare report and give a report to the Minister	Manager Future Planning	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GM	duty to prepare report and give a report to the Minister	Coordinator Strategic Planning	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GM	duty to prepare report and give a report to the Minister	Senior Strategic Planner	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development
Planning and Environment Act 1987	s.46GM	duty to prepare report and give a report to the Minister	Urban Growth Project Officer	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier	City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Statutory Planning Compliance Officer		City Development
Planning and Environment Act 1987	s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Coordinator Governance		Corporate Services
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Council Operations Administration Officer		Corporate Services
Planning and Environment Act 1987	s.84(2)	power to sub-delegate Executive Director's functions	Not Delegated	must obtain Executive Director's written consent first.	General
Planning and Environment Act 1987	s.4B	power to prepare an amendment to the Victoria Planning Provisions	General Manager City Development	if authorised by the Minister	City Development
Planning and Environment Act 1987	s.4B	power to prepare an amendment to the Victoria Planning Provisions	Manager Future Planning	if authorised by the Minister	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.4B	power to prepare an amendment to the Victoria Planning Provisions	Coordinator Strategic Planning	if authorised by the Minister	City Development
Planning and Environment Act 1987	s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	General Manager City Development		City Development
Planning and Environment Act 1987	s.4B	power to prepare an amendment to the Victoria Planning Provisions	Manager Statutory Planning & Municipal Services	if authorised by the Minister	City Development
Planning and Environment Act 1987	s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Manager Future Planning		City Development
Planning and Environment Act 1987	s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.4H	duty to make amendment to Victoria Planning Provisions available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.4H	duty to make amendment to Victoria Planning Provisions available	General Manager City Development		City Development
Planning and Environment Act 1987	s.4H	duty to make amendment to Victoria Planning Provisions available	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.4I	duty to keep Victoria Planning Provisions and other documents available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.4I	duty to keep Victoria Planning Provisions and other documents available	General Manager City Development		City Development
Planning and Environment Act 1987	s. 8A(2)	power to prepare amendments to the planning scheme where the Minister has given consent under s.8A			General
Planning and Environment Act 1987	s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	General Manager City Development		City Development
Planning and Environment Act 1987	s.8A(5)	function of receiving notice of the Minister's decision			General
Planning and Environment Act 1987	s. 8A(7)	power to prepare the amendments specified in the application without the Minister's authorisation if no response received after 10 business days.			General

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district.			General
Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	General Manager City Development		City Development
Planning and Environment Act 1987	s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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> )	Manager Future Planning		City Development
Planning and Environment Act 1987	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> )	General Manager City Development		City Development
Planning and Environment Act 1987	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> )	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.12B(1)	duty to review planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.12B(1)	duty to review planning scheme	General Manager City Development		City Development
Planning and Environment Act 1987	s.12B(1)	duty to review planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.12B(2)	duty to review planning scheme at direction of Minister	Manager Future Planning		City Development
Planning and Environment Act 1987	s.12B(2)	duty to review planning scheme at direction of Minister	General Manager City Development		City Development
Planning and Environment Act 1987	s.12B(2)	duty to review planning scheme at direction of Minister	Manager Future Planning		City Development
Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Manager Future Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	General Manager City Development		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Statutory Planner		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Trainee Planner		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Statutory Planning Compliance Officer		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Strategic Planner		City Development
Planning and Environment Act 1987	s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.17(1)	duty of giving copy amendment to the planning scheme	Strategic Planner		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Coordinator Strategic Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.17(3)	duty of giving copy amendment , explanatory report and relevant documents to the Minister within 10 business days.		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier.	City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	General Manager City Development		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Strategic Planner		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.17(2)	duty of giving copy s.173 agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.18	duty to make amendment etc. available	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning	where Council is not the planning authority and the amendment affects land within Council's	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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 function of receiving notice of preparation of an amendment to a planning scheme	General Manager City Development	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.	City Development
Planning and Environment Act 1987	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 function of receiving notice of preparation of an amendment to a planning scheme	Manager Statutory Planning & Municipal Services	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.	City Development
Planning and Environment Act 1987	s.20(1)	power to apply to Minister for exemption from the requirements of s.19	Manager Future Planning		City Development
Planning and Environment Act 1987	s.20(1)	power to apply to Minister for exemption from the requirements of s.20	General Manager City Development		City Development
Planning and Environment Act 1987	s.20(1)	power to apply to Minister for exemption from the requirements of s.19	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	General Manager City Development		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	Strategic Planner		City Development
Planning and Environment Act 1987	s.21(2)	duty to make submissions available	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	General Manager City Development		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Manager Future Planning		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Strategic Planner		City Development
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.22	duty to consider all submissions	Not Delegated		
Planning and Environment Act 1987	s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	Not Delegated		
Planning and Environment Act 1987	s.21A(4)	duty to publish notice in accordance with section	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Manager Future Planning		City Development
Planning and Environment Act 1987	s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	General Manager City Development		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Statutory Planner		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Strategic Planner		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	General Manager City Development		City Development
Planning and Environment Act 1987	s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s.96D)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Manager Future Planning		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.26(1)	power to make report available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Manager Future Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	General Manager City Development		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Statutory Planner		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.27(2)	power to apply for exemption if panel's report not	General Manager City Development		City Development
Planning and Environment Act 1987	s.28	duty to notify the Minister if abandoning an amendment	General Manager City Development	Note; the power to make a	City Development
Planning and Environment Act 1987	s.26(2)	duty to keep report of panel available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.28	duty to notify the Minister if abandoning an amendment	Manager Future Planning	Note; the power to make a decision to abandon an amendment cannot be delegated	City Development
Planning and Environment Act 1987	s.28	duty to notify the Minister if abandoning an amendment	Coordinator Strategic Planning	Note; the power to make a decision to abandon an amendment cannot be delegated	City Development
Planning and Environment Act 1987	s.30(4)(a)	duty to say if amendment has lapsed	Manager Future Planning		City Development
Planning and Environment Act 1987	s.30(4)(a)	duty to say if amendment has lapsed	General Manager City Development		City Development
Planning and Environment Act 1987	s.30(4)(a)	duty to say if amendment has lapsed	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.30(4)(a)	duty to say if amendment has lapsed	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Manager Future Planning		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	General Manager City Development		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Strategic Planner		City Development
Planning and Environment Act 1987	s.30(4)(b)	duty to provide information in writing upon request	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	General Manager City Development		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Coordinator Strategic Planning		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Strategic Planner		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.32(2)	duty to give more notice if required	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Manager Future Planning		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	General Manager City Development		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Strategic Planner		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.33(1)	duty to give more notice of changes to an amendment	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Manager Future Planning		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	General Manager City Development		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Strategic Planner		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.36(2)	duty to give notice of approval of amendment	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Manager Future Planning		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	General Manager City Development		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Strategic Planner		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.38(5)	duty to give notice of revocation of an amendment	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by	Manager Future Planning		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by	General Manager City Development		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by	Coordinator Strategic Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	Strategic Planner		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Manager Future Planning		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	General Manager City Development		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Strategic Planner		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.40(1)	function of lodging copy of approved amendment	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	General Manager City Development		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Strategic Planner		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	General Manager City Development		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Manager Future Planning		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Strategic Planner		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.42	duty to make copy of planning scheme available	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy			City Development
Planning and Environment Act 1987	s.41	duty to make approved amendment available	Manager Statutory Planning & Municipal Services		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an			City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	General Manager City Development		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Statutory Planner		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Trainee Planner		City Development
Planning and Environment Act 1987	s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	General Manager City Development		City Development
Planning and Environment Act 1987	s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	General Manager City Development		City Development
Planning and Environment Act 1987	s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Manager Future Planning		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Manager Future Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46Q(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	General Manager City Development		City Development
Planning and Environment Act 1987	s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	General Manager City Development		City Development
Planning and Environment Act 1987	s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46Q(1)	duty to keep proper accounts of levies paid	General Manager City Development		City Development
Planning and Environment Act 1987	s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46Q(1)	duty to keep proper accounts of levies paid	Manager Future Planning		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.46Q(1)	duty to keep proper accounts of levies paid	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	General Manager City Development	only applies when levy is paid to Council as a 'development agency'	City Development
Planning and Environment Act 1987	s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Manager Future Planning	only applies when levy is paid to Council as a 'development agency'	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.46Q(4)(c)	duty to pay amount to current owners of land in the area	General Manager City Development	· must be done within six months of the end of the period required by the development contributions	City Development
Planning and Environment Act 1987	s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Manager Statutory Planning & Municipal Services	only applies when levy is paid to Council as a 'development agency'	City Development
Planning and Environment Act 1987	s.46Q(4)(c)	duty to pay amount to current owners of land in the area	Manager Future Planning	· must be done within six months of the end of the period required by the development contributions	City Development
Planning and Environment Act 1987	s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	General Manager City Development	· must be done in accordance with Part 3	City Development
Planning and Environment Act 1987	s.46Q(4)(c)	duty to pay amount to current owners of land in the area	Manager Statutory Planning & Municipal Services	· 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	City Development
Planning and Environment Act 1987	s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Manager Future Planning	· must be done in accordance with Part 3	City Development
Planning and Environment Act 1987	s.46Q(4)(e)	duty to expend that amount on other works etc	General Manager City Development	· with the consent of, and in the manner approved by, the Minister	City Development
Planning and Environment Act 1987	s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Manager Statutory Planning & Municipal Services	· must be done in accordance with Part 3	City Development
Planning and Environment Act 1987	s.46Q(4)(e)	duty to expend that amount on other works etc	Manager Future Planning	· with the consent of, and in the manner approved by, the Minister	City Development
Planning and Environment Act 1987	s.46QC	power to recover any amount of levy payable under Part 3B	General Manager City Development		City Development
Planning and Environment Act 1987	s.46Q(4)(e)	duty to expend that amount on other works etc	Manager Statutory Planning & Municipal Services	· with the consent of, and in the manner approved by, the Minister	City Development
Planning and Environment Act 1987	s.46QC	power to recover any amount of levy payable under Part 3B	Manager Future Planning		City Development
Planning and Environment Act 1987	s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any	Not Delegated		General
Planning and Environment Act 1987	s.46Y	duty to carry out works in conformity with the approved strategy plan	Not Delegated		General
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46QC	power to recover any amount of levy payable under Part 3B	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.46QC	power to recover any amount of levy payable under Part 3B	Manager Future Planning		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	General Manager City Development		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Manager Future Planning		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Senior Statutory Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Statutory Planner		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Strategic Planner		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Trainee Planner		City Development
Planning and Environment Act 1987	s.47	power to decide that an application for a planning permit does not comply with that Act	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.46QC	power to recover any amount of levy payable under Part 3B	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Manager Future Planning		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	General Manager City Development		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Strategic Planner		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	General Manager City Development		City Development
Planning and Environment Act 1987	s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Manager Future Planning		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Statutory Planner		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.49(2)	duty to make register available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	General Manager City Development		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Statutory Planner		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Strategic Planner		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Trainee Planner		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50(4)	duty to amend application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	General Manager City Development		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Statutory Planner		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Strategic Planner		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Urban Growth Project Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Trainee Planner		City Development
Planning and Environment Act 1987	s.50(5)	power to refuse to amend application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Manager Future Planning		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	General Manager City Development		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Statutory Planner		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Strategic Planner		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Trainee Planner		City Development
Planning and Environment Act 1987	s.50(6)	duty to make note of amendment to application in register	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	General Manager City Development		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50A(1)	power to make amendment to application	Trainee Planner		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	General Manager City Development		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Coordinator Statutory Planning		City Development



S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Manger Future Planning		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Trainee Planner		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Manager Future Planning		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	General Manager City Development		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Statutory Planner		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Strategic Planner		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Trainee Planner		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	General Manager City Development		City Development
Planning and Environment Act 1987	s.50A(4)	duty to note amendment to application in register	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Manager Future Planning		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Statutory Planner		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Senior Strategic Planner		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Trainee Planner		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.51	duty to make copy of application available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Manager Future Planning		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Trainee Planner		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	General Manager City Development		City Development
Planning and Environment Act 1987	s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Urban Growth Project Officer		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Trainee Planner		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Manager Future Planning		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Trainee Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	General Manager City Development		City Development
Planning and Environment Act 1987	s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Manager Future Planning		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Statutory Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Trainee Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Strategic Planner		City Development
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Strategic Planning Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	General Manager City Development		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Manager Future Planning		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Statutory Planner		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Strategic Planner		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Trainee Planner		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	General Manager City Development		City Development
Planning and Environment Act 1987	s.52(3)	power to give any further notice of an application where appropriate	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Manager Future Planning		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Statutory Planner		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Strategic Planner		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	General Manager City Development		City Development
Planning and Environment Act 1987	s.53(1)	power to require the applicant to give notice under s.52(1) to persons specified by it	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Statutory Planner		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Strategic Planner		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Trainee Planner		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	General Manager City Development		City Development
Planning and Environment Act 1987	s.53(1A)	power to require the applicant to give the notice under s.52(1AA)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Manager Future Planning		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Trainee Planner		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	General Manager City Development		City Development
Planning and Environment Act 1987	s.54(1)	power to require the applicant to provide more information	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Trainee Planner		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	General Manager City Development		City Development
Planning and Environment Act 1987	s.54(1A)	duty to give notice in writing of information required under s.54(1)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Statutory Planner		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Strategic Planner		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Trainee Planner		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	General Manager City Development		City Development
Planning and Environment Act 1987	s.54(1B)	duty to specify the lapse date for an application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Manager Future Planning		City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Statutory Planner		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Strategic Planner		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Trainee Planner		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	General Manager City Development		City Development
Planning and Environment Act 1987	s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Statutory Planner		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Strategic Planner		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Trainee Planner		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	General Manager City Development		City Development
Planning and Environment Act 1987	s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Statutory Planner		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Strategic Planner		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Trainee Planner		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	General Manager City Development		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Senior Strategic Planner		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Strategic Planner		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	General Manager City Development		City Development
Planning and Environment Act 1987	s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Statutory Planner		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Strategic Planner		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Trainee Planner		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Administration Team Leader		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	General Manager City Development		City Development
Planning and Environment Act 1987	s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Senior Statutory Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Statutory Planner		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Strategic Planner		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Trainee Planner		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	General Manager City Development		City Development
Planning and Environment Act 1987	s.57(5)	duty to make available for inspection copy of all objections	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Statutory Planner		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Trainee Planner		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	General Manager City Development		City Development
Planning and Environment Act 1987	s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Senior Statutory Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Statutory Planner		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57A(5)	power to refuse to amend application	Trainee Planner		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	General Manager City Development		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Statutory Planner		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Strategic Planner		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Trainee Planner		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	General Manager City Development		City Development
Planning and Environment Act 1987	s.57A(6)	duty to note amendments to application in register	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Statutory Planner		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Strategic Planner		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	General Manager City Development		City Development
Planning and Environment Act 1987	s.57B(1)	duty to determine whether and to whom notice should be given	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Statutory Planner		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Strategic Planner		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Trainee Planner		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	General Manager City Development		City Development
Planning and Environment Act 1987	s.57B(2)	duty to consider certain matters in determining whether notice should be given	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Manager Future Planning		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Statutory Planner		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Strategic Planner		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.57C(1)	duty to give copy of amended application to referral authority	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Statutory Planner		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Trainee Planner		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.58A	power to request advice from the Planning Application Committee			City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	General Manager City Development		City Development
Planning and Environment Act 1987	s.58	duty to consider every application for a permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Manager Future Planning		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Statutory Planner		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Trainee Planner		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Strategic Planner		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.60	duty to consider certain matters	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	General Manager City Development		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.60	duty to consider certain matters	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Statutory Planner		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Senior Strategic Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Strategic Planner		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Trainee Planner		City Development
Planning and Environment Act 1987	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.	General Manager City Development	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.60(1A)	power to consider certain matters before deciding on application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect			City Development
Planning and Environment Act 1987	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.	Manager Statutory Planning & Municipal Services	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development
Planning and Environment Act 1987	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.	Coordinator Statutory Planning	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development
Planning and Environment Act 1987	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.	Senior Statutory Planner	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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.	Statutory Planning Enforcement Officer	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development
Planning and Environment Act 1987	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.	Statutory Planner	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development
Planning and Environment Act 1987	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.	Trainee Planner	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The permit must not be inconsistent with a Cultural heritage management plan under the Aboriginal Heritage Act 2006.	City Development
Planning and Environment Act 1987	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.	Manager Future Planning	If the permit has one to five objectors or recommended for refusal must be approved by	City Development
Planning and Environment Act 1987	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.	Coordinator Strategic Planning	If the permit has one to five objectors or recommended for refusal must be approved by	City Development
Planning and Environment Act 1987	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.	Senior Strategic Planner	If the permit has one to five objectors or recommended for refusal must be approved by	City Development
Planning and Environment Act 1987	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.	Strategic Planner	If the permit has one to five objectors or recommended for refusal must be approved by	City Development
Planning and Environment Act 1987	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.	Strategic Planning Officer	If the permit has one to five objectors or recommended for refusal must be approved by CEO. If permit has more than five objectors must be heard at ordinary Council Meeting. The	City Development
Planning and Environment Act 1987	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.	Urban Growth Project Officer	If the permit has one to five objectors or recommended for refusal must be approved by	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Manager Statutory Planning & Municipal Services	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Manager Future Planning	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Coordinator Statutory Planning	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Senior Planning Officer	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Statutory Planning Officer	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Trainee Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Manager Statutory Planning & Municipal Services	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Manager Future Planning	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Coordinator Statutory Planning	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Statutory Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Senior Statutory Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Senior Planning Officer	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Statutory Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Coordinator Strategic Planning	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Senior Strategic Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Strategic Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Strategic Planning Officer	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Urban Growth Project Officer	With approval from the Chief Executive Officer	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending authority objects to the grant of permit.	Trainee Planner	With approval from the Chief Executive Officer	City Development
Planning and Environment Act 1987	s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated		General
Planning and Environment Act 1987	s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not Delegated		General
Planning and Environment Act 1987	s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Not Delegated		General
Planning and Environment Act 1987	s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Not Delegated		General
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Statutory Planner		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Trainee Planner		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	General Manager City Development		City Development
Planning and Environment Act 1987	s.62(1)	duty to include certain conditions in deciding to grant a permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Manager Future Planning		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Statutory Planner		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Strategic Planner		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Trainee Planner		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	General Manager City Development		City Development
Planning and Environment Act 1987	s.62(2)	power to include other conditions	Manager Statutory Planning & Municipal Services		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Statutory Planner		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Strategic Planner		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Trainee Planner		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Manager Future Planning		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Strategic Planner		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	Manager Statutory Planning & Municipal Services		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Manager Future Planning		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Statutory Planner		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Strategic Planner		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Trainee Planner		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	General Manager City Development		City Development
Planning and Environment Act 1987	s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Statutory Planner		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Strategic Planner		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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 s.62(5) or s.46N	Trainee Planner		City Development
Planning and Environment Act 1987	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)	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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)	Statutory Planner		City Development
Planning and Environment Act 1987	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)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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)	Strategic Planner		City Development
Planning and Environment Act 1987	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)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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)	Trainee Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	General Manager City Development		City Development
Planning and Environment Act 1987	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)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Coordinator Statutory Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Statutory Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Trainee Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Strategic Planner		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	General Manager City Development	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Manager Future Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Coordinator Statutory Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Senior Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Statutory Planning Enforcement Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Trainee Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	General Manager City Development	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Manager Statutory Planning & Municipal Services	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Coordinator Strategic Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Senior Strategic Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Strategic Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Strategic Planning Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Urban Growth Project Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Manager Future Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Coordinator Statutory Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Senior Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Statutory Planning Enforcement Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Trainee Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Coordinator Strategic Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Senior Strategic Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Strategic Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Strategic Planning Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Urban Growth Project Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	General Manager City Development	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(3)	duty not to issue a permit until after the specified period	Manager Statutory Planning & Municipal Services	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Manager Future Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Coordinator Statutory Planning	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Senior Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Statutory Planning Enforcement Officer	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Statutory Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Trainee Planner	this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	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.		this provision applies to a decision to grant an amendment to a permit - see section 75A	City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	General Manager City Development		City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Manager Statutory Planning & Municipal Services		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Strategic Planner		City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.64(5)	duty to give each objector a copy of an exempt decision	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Manager Future Planning		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Statutory Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Trainee Planner		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	General Manager City Development		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Strategic Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Urban Growth Project Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Manager Future Planning		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Statutory Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Strategic Planner		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.65(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Trainee Planner		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	General Manager City Development	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Manager Statutory Planning & Municipal Services	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Manager Future Planning	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Coordinator Statutory Planning	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Senior Statutory Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Statutory Planner	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.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Coordinator Strategic Planning	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.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Senior Strategic Planner	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.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Strategic Planner	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.	City Development
Planning and Environment Act 1987	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Strategic Planning Officer	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.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1967	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Urban Growth Project Officer	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1967	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Trainee Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1967	s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Planning Administration Officer	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1967	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	General Manager City Development	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1967	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Manager Statutory Planning & Municipal Services	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1967	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Manager Future Planning	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Coordinator Statutory Planning	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Senior Statutory Planner	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Statutory Planner	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Trainee Planner	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Coordinator Strategic Planning	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Senior Strategic Planner	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Strategic Planner	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Strategic Planning Officer	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Urban Growth Project Officer	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.64 (4)	duty to give a recommending referral authority notice of its decision to refuse a permit.	Planning Administration Officer	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	General Manager City Development	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.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Manager Statutory Planning & Municipal Services	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.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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 section 64 or 65	Manager Future Planning	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit	City Development
Planning and Environment Act 1987	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 section 64 or 65	Coordinator Statutory Planning	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Senior Statutory Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Statutory Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Coordinator Strategic Planning	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Senior Strategic Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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 section 64 or 65	Strategic Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Strategic Planning Officer	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Urban Growth Project Officer	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Trainee Planner	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	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 section 64 or 65	Planning Administration Officer	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to included a condition on the permit recommended by the recommending referral authority.	City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	Manager Future Planning		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Manager Future Planning		City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Statutory Planner		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Trainee Planner		City Development
Planning and Environment Act 1987	s.69(1)	function of receiving application for extension of time of permit	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.69(1A)	function of receiving application for extension of time to complete development.	General Manager City Development		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	General Manager City Development		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Manager Future Planning		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Statutory Planner		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Strategic Planner		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Trainee Planner		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	General Manager City Development		City Development
Planning and Environment Act 1987	s.69(2)	power to extend time	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Manager Future Planning		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Statutory Planner		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Strategic Planning Officer		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Trainee Planner		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	General Manager City Development		City Development
Planning and Environment Act 1987	s.70	duty to make copy permit available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Manager Future Planning		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Statutory Planner		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Strategic Planner		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Trainee Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	General Manager City Development		City Development
Planning and Environment Act 1987	s.71(1)	power to correct certain mistakes	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Manager Future Planning		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Statutory Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Strategic Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Trainee Planner		City Development
Planning and Environment Act 1987	s.71(2)	duty to note corrections in register	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Manager Future Planning		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	General Manager City Development		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Statutory Planner		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Senior Strategic Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Strategic Planner		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Trainee Planner		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	General Manager City Development		City Development
Planning and Environment Act 1987	s.73	power to decide to grant amendment subject to conditions	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Manager Future Planning		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Statutory Planner		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Trainee Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Strategic Planner		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Urban Growth Project Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.74	duty to issue amended permit to applicant if no objectors	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	General Manager City Development		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Statutory Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Trainee Planner		City Development
Planning and Environment Act 1987	s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Manager Future Planning		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Coordinator Statutory Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Statutory Planner		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Strategic Planner		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	General Manager City Development	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	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Manager Statutory Planning & Municipal Services	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Coordinator Statutory Planning	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Senior Statutory Planner	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Statutory Planner	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Manager Future Planning	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Coordinator Strategic Planning	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Senior Strategic Planner	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 referral authority .	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Strategic Planner	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Strategic Planning Officer	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Urban Growth Project Officer	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Trainee Planner	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Planning Administration Officer	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 referral authority .	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	General Manager City Development	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Manager Statutory Planning & Municipal Services	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.	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Coordinator Statutory Planning	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.	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Senior Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Manager Future Planning	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Coordinator Strategic Planning	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Senior Strategic Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Strategic Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Strategic Planning Officer	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Urban Growth Project Officer	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Trainee Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Planning Administration Officer	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.	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	General Manager City Development	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Manager Statutory Planning & Municipal Services	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Coordinator Statutory Planning	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Senior Statutory Planner	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Statutory Planner	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Manager Future Planning	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a	Coordinator Strategic Planning	if the recommending referral authority did not object to the	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a	Senior Strategic Planner	if the recommending referral authority did not object to the	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Strategic Planner	if the recommending referral authority did not object to the amendment of the permit or the	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Strategic Planning Officer	if the recommending referral authority did not object to the amendment of the permit or the	City Development



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Urban Growth Project Officer	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Trainee Planner	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	City Development
Planning and Environment Act 1987	s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant a copy of any given under section 64 or 76	Planning Administration Officer	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	City Development
Planning and Environment Act 1987	s.76D	duty to comply with direction of Minister to issue amended permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Manager Future Planning		City Development
Planning and Environment Act 1987	s.76D	duty to comply with direction of Minister to issue amended permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.83	function of being respondent to an appeal	Not Delegated		City Development
Planning and Environment Act 1987	s.83B	duty to give or publish notice of application for review	Not Delegated		City Development
Planning and Environment Act 1987	s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.76D	duty to comply with direction of Minister to issue amended permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Not Delegated		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development

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**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Manager Future Planning		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Statutory Planner		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Strategic Planner		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Trainee Planner		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	General Manager City Development		City Development
Planning and Environment Act 1987	s.84(6)	duty to issue permit on receipt of advice within 3 working days	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Manager Future Planning		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Statutory Planner		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Coordinator Strategic Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Strategic Planner		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Trainee Planner		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.86	duty to issue a permit at order of Tribunal within 3 working days	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	General Manager City Development		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Manager Future Planning		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Statutory Planner		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Strategic Planner		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Trainee Planner		City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	General Manager City Development		City Development
Planning and Environment Act 1987	s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Manager Future Planning		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Statutory Planner		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Strategic Planner		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Trainee Planner		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	General Manager City Development		City Development
Planning and Environment Act 1987	s.91(2)	duty to comply with the directions of VCAT	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Manager Future Planning		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Statutory Planner		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Strategic Planner		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Trainee Planner		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	General Manager City Development		City Development
Planning and Environment Act 1987	s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Manager Future Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Statutory Planner		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Strategic Planner		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Trainee Planner		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	General Manager City Development		City Development
Planning and Environment Act 1987	s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Manager Future Planning		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Strategic Planner		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	General Manager City Development		City Development
Planning and Environment Act 1987	s.93(2)	duty to give notice of VCAT order to stop development	Manager Statutory Planning & Municipal Services		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Manager Future Planning		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Strategic Planner		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	General Manager City Development		City Development
Planning and Environment Act 1987	s.95(3)	function of referring certain applications to the Minister	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Manager Future Planning		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Statutory Planner		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Strategic Planner		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Trainee Planner		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	General Manager City Development		City Development
Planning and Environment Act 1987	s.95(4)	duty to comply with an order or direction	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Strategic Planner		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Strategic Planner		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	General Manager City Development		City Development
Planning and Environment Act 1987	s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Strategic Planner		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	General Manager City Development		City Development
Planning and Environment Act 1987	s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Manager Future Planning		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Strategic Planner		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	General Manager City Development		City Development
Planning and Environment Act 1987	s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Statutory Planner		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Strategic Planner		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Trainee Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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> )	Not Delegated		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	General Manager City Development		City Development
Planning and Environment Act 1987	s.96F	duty to consider the panel's report under section 96E	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Strategic Planner		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	General Manager City Development		City Development
Planning and Environment Act 1987	s.96H(3)	power to give notice in compliance with Minister's direction	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	General Manager City Development		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Strategic Planner		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96J	power to issue permit as directed by the Minister	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Manager Future Planning		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Senior Strategic Planner		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Strategic Planner		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.96K	duty to comply with direction of the Minister to give notice of refusal	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	General Manager City Development		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Strategic Planner		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Statutory Planner		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Trainee Planner		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	s.97C	power to request Minister to decide the application	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Statutory Planner		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Trainee Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	General Manager City Development		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Strategic Planner		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Statutory Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Coordinator Strategic Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Strategic Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Trainee Planner		City Development
Planning and Environment Act 1987	s.97L	duty to include Ministerial decisions in a register kept under s.49	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	General Manager City Development		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Statutory Planner		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Strategic Planner		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.97MH	duty to provide assistance to the development assessment committee	Trainee Planner		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	General Manager City Development		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Statutory Planner		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Coordinator Strategic Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Strategic Planner		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	General Manager City Development		City Development
Planning and Environment Act 1987	s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Statutory Planner		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Strategic Planner		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	General Manager City Development		City Development
Planning and Environment Act 1987	s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Coordinator Statutory Planning		City Development

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S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Statutory Planner		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Strategic Planner		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	General Manager City Development		City Development
Planning and Environment Act 1987	s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Statutory Planner		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Strategic Planner		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97Q(4)	duty to comply with directions of VCAT	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Manager Future Planning		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	General Manager City Development		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Statutory Planner		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Planning Administration Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Trainee Planner		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Strategic Planner		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	General Manager City Development		City Development
Planning and Environment Act 1987	s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Manager Future Planning		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	General Manager City Development		City Development
Planning and Environment Act 1987	s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Manager Future Planning		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Statutory Planner		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Trainee Planner		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Strategic Planner		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.101	function of receiving claim for expenses in conjunction with claim	General Manager City Development		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.101	function of receiving claim for expenses in conjunction with claim	Manager Future Planning		City Development
Planning and Environment Act 1987	s.103	power to reject a claim for compensation in certain circumstances	General Manager City Development		City Development
Planning and Environment Act 1987	s.101	function of receiving claim for expenses in conjunction with claim	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.103	power to reject a claim for compensation in certain circumstances	Manager Future Planning		City Development
Planning and Environment Act 1987	s.107(1)	function of receiving claim for compensation	General Manager City Development		City Development
Planning and Environment Act 1987	s.103	power to reject a claim for compensation in certain circumstances	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.107(1)	function of receiving claim for compensation	Manager Future Planning		City Development
Planning and Environment Act 1987	s.107(3)	power to agree to extend time for making claim	General Manager City Development		City Development
Planning and Environment Act 1987	s.107(1)	function of receiving claim for compensation	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.107(1)	function of receiving claim for compensation	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.114(1)	power to apply to the VCAT for an enforcement order	General Manager City Development		City Development
Planning and Environment Act 1987	s.107(1)	function of receiving claim for compensation	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.114(1)	power to apply to the VCAT for an enforcement order	Manager Future Planning		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	General Manager City Development		City Development
Planning and Environment Act 1987	s.114(1)	power to apply to the VCAT for an enforcement order	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.114(1)	power to apply to the VCAT for an enforcement order	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.114(1)	power to apply to the VCAT for an enforcement order	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Manager Future Planning		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Coordinator Statutory Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Strategic Planner		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Statutory Planner		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Trainee Planner		City Development
Planning and Environment Act 1987	s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	General Manager City Development		City Development
Planning and Environment Act 1987	s.117(1)(a)	function of making a submission to the VCAT where objections are received	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	Manager Future Planning		City Development
Planning and Environment Act 1987	s.123(1)	power to carry out work required by enforcement order and recover costs	General Manager City Development		City Development
Planning and Environment Act 1987	s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.123(1)	power to carry out work required by enforcement order and recover costs	Manager Future Planning		City Development
Planning and Environment Act 1987	s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	Not Delegated	except Crown Land	General
Planning and Environment Act 1987	s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	General Manager City Development		City Development
Planning and Environment Act 1987	s.129	function of recovering penalties	General Manager City Development		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.123(1)	power to carry out work required by enforcement order and recover costs	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.129	function of recovering penalties	Manager Future Planning		City Development
Planning and Environment Act 1987	s.130(5)	power to allow person served with an infringement notice further time	General Manager City Development	Note: we must authorise an officer from planning to firstly issue the notice	City Development
Planning and Environment Act 1987	s.129	function of recovering penalties	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.130(1)	An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person has committed an offence against section 126 in an area	General Manager City Development		City Development
Planning and Environment Act 1987	s.130(1)	An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person has committed an offence against section 126 in an area	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.130(1)	An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person has committed an offence against section 126 in an area for which the authority is responsible	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.130(1)	An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.130(1)	An authorised officer of a responsible authority may serve a planning infringement notice on any person, if the authorised officer has reason to believe that the person has committed an offence against section 126 in an area for which the authority is responsible	Manager Future Planning		City Development
Planning and Environment Act 1987	s.130(5)	power to allow person served with an infringement notice further time	Manager Future Planning	Note: we must authorise an officer from planning to firstly issue the notice	City Development
Planning and Environment Act 1987	s.149A(1)	power to refer a matter to the VCAT for determination	General Manager City Development		City Development
Planning and Environment Act 1987	s.130(5)	power to allow person served with an infringement notice further time	Manager Statutory Planning & Municipal Services	Note: we must authorise an officer from planning to firstly issue the notice	City Development
Planning and Environment Act 1987	s.149A(1)	power to refer a matter to the VCAT for determination	Manager Future Planning		City Development
Planning and Environment Act 1987	s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	General Manager City Development		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	General Manager City Development	where council is the relevant planning authority	City Development
Planning and Environment Act 1987	s.149A(1)	power to refer a matter to the VCAT for determination	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Manager Future Planning	where council is the relevant planning authority	City Development
Planning and Environment Act 1987	s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Coordinator Strategic Planning	where council is the relevant planning authority	City Development
Planning and Environment Act 1987	s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Coordinator Statutory Planning	where council is the relevant planning authority	City Development
Planning and Environment Act 1987	s.171(2)(f)	power to carry out studies and commission reports	General Manager City Development		City Development
Planning and Environment Act 1987	s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Manager Statutory Planning & Municipal Services	where council is the relevant planning authority	City Development
Planning and Environment Act 1987	s.171(2)(f)	power to carry out studies and commission reports	Manager Future Planning		City Development
Planning and Environment Act 1987	s.171(2)(g)	power to grant and reserve easements	Not Delegated		City Development
Planning and Environment Act 1987	s.173	power to enter into agreement covering matters set out in s.174	General Manager City Development	Must be signed by the CEO	City Development

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**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.171(2)(f)	power to carry out studies and commission reports	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.173	power to enter into agreement covering matters set out in s.174	Manager Future Planning	Must be signed by the CEO	City Development
Planning and Environment Act 1987	s.173	power to enter into agreement covering matters set out in s.174	Municipal Building Surveyor	Must be signed by the CEO	City Development
Planning and Environment Act 1987	---	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	General Manager City Development		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	---	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	---	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	---	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	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development
Planning and Environment Act 1987	---	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	---	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	Senior Strategic Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	---	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	Strategic Planner		City Development
Planning and Environment Act 1987	---	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	---	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	---	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	Trainee Planner		City Development
Planning and Environment Act 1987	---	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	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.173	power to enter into agreement covering matters set out in s.174	Manager Statutory Planning & Municipal Services	Must be signed by the CEO	City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development
Planning and Environment Act 1987	---	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	General Manager City Development		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.177(2)	power to end a section 173 agreement with the agreement all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	General Manager City Development		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.177(2)	power to end a section 173 agreement with the agreement all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Manager Future Planning		City Development
Planning and Environment Act 1987	s.177(2)	power to end a section 173 agreement with the agreement all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.177(2)	power to end a section 173 agreement with the agreement all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.177(2)	power to end a section 173 agreement with the agreement all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Planning Enforcement Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178A(1)	function of receiving application to amend or end an agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	General Manager City Development		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Trainee Planner		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	General Manager City Development		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Trainee Planner		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Senior Strategic Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178A(5)	power to propose to amend or end an agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Coordinator Statutory Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Strategic Planner		City Development

S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	General Manager City Development		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Statutory Planner		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Trainee Planner		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Strategic Planner		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178C(4)	function of determining how to give notice under s.178C(2)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	General Manager City Development		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Planning Enforcement Officer		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Statutory Planner		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Trainee Planner		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Strategic Planner		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178E(1)	duty not to make decision until after 14 days after notice has been given	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	General Manager City Development	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Manager Statutory Planning & Municipal Services	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Manager Future Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Coordinator Statutory Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Planning Enforcement Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Senior Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Trainee Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Coordinator Strategic Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Senior Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Strategic Planning Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Urban Growth Project Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	General Manager City Development	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Manager Statutory Planning & Municipal Services	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Manager Future Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Coordinator Statutory Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Planning Enforcement Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Senior Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Trainee Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Coordinator Strategic Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Senior Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Strategic Planning Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Urban Growth Project Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	General Manager City Development	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Manager Statutory Planning & Municipal Services	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Manager Future Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Coordinator Statutory Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Planning Enforcement Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Senior Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Statutory Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Trainee Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Coordinator Strategic Planning	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Senior Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Strategic Planner	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Strategic Planning Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(2)(c)	power to refuse to amend or end the agreement	Urban Growth Project Officer	If on objections are made under s.178D, Must consider matters in s.178B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	General Manager City Development	After considering objections, submissions and matters in s.148B	City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Manager Statutory Planning & Municipal Services	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Manager Future Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Coordinator Statutory Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Planning Enforcement Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Senior Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Trainee Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Coordinator Strategic Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Senior Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Strategic Planning Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Urban Growth Project Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	General Manager City Development	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Manager Statutory Planning & Municipal Services	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Manager Future Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Coordinator Statutory Planning	After considering objections, submissions and matters in s.148B	City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Planning Enforcement Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Senior Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Trainee Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Coordinator Strategic Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Senior Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Strategic Planning Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Urban Growth Project Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	General Manager City Development	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Manager Statutory Planning & Municipal Services	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Manager Future Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Coordinator Statutory Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Planning Enforcement Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Senior Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Statutory Planner	After considering objections, submissions and matters in s.148B	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Trainee Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Coordinator Strategic Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Senior Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Strategic Planning Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Urban Growth Project Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	General Manager City Development	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Manager Statutory Planning & Municipal Services	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Manager Future Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Coordinator Statutory Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Planning Enforcement Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Senior Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Statutory Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Trainee Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Coordinator Strategic Planning	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Senior Strategic Planner	After considering objections, submissions and matters in s.148B	City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Strategic Planner	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Strategic Planning Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178E(3)(d)	power to refuse to amend or end the agreement	Urban Growth Project Officer	After considering objections, submissions and matters in s.148B	City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	General Manager City Development		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Statutory Planner		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Trainee Planner		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Strategic Planner		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	General Manager City Development		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Manager Statutory Planning & Municipal Services		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Statutory Planner		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Trainee Planner		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Strategic Planner		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Urban Growth Project Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1967	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	General Manager City Development		City Development
Planning and Environment Act 1967	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1967	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	Manager Future Planning		City Development
Planning and Environment Act 1967	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1967	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	Planning Enforcement Officer		City Development
Planning and Environment Act 1967	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	Senior Statutory Planner		City Development
Planning and Environment Act 1967	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	Statutory Planner		City Development
Planning and Environment Act 1967	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	Trainee Planner		City Development
Planning and Environment Act 1967	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1967	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	Senior Strategic Planner		City Development
Planning and Environment Act 1967	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	Strategic Planner		City Development
Planning and Environment Act 1967	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	Strategic Planning Officer		City Development
Planning and Environment Act 1967	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1967	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	General Manager City Development		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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	General Manager City Development		City Development
Planning and Environment Act 1987	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	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	Manager Future Planning		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	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	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	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	Senior Statutory Planner		City Development
Planning and Environment Act 1987	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	Statutory Planner		City Development
Planning and Environment Act 1987	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	Trainee Planner		City Development
Planning and Environment Act 1987	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planner		City Development
Planning and Environment Act 1987	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	General Manager City Development		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Manager Future Planning		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Senior Statutory Planner		City Development



**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Statutory Planner		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Trainee Planner		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Strategic Planner		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Coordinator Property and Statutory Services		Corporate Services
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Property and Statute Officer		Corporate Services
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Legal Officer		Corporate Services
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Strategic Planning Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	General Manager City Development		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles for registration of to record the agreement and to deliver a memorial to Registrar-General	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.179(2)	duty to make available for inspection copy agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Manager Future Planning		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Coordinator Property and Statutory Services		Corporate Services
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Property and Statute Officer		Corporate Services
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Legal Officer		Corporate Services
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Statutory Planner		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Trainee Planner		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Strategic Planner		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Strategic Planning Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement			City Development
Planning and Environment Act 1987	s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement			City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Coordinator Property and Statutory Services		Corporate Services
Planning and Environment Act 1987	s.182	power to enforce an agreement	Property and Statute Officer		Corporate Services
Planning and Environment Act 1987	s.182	power to enforce an agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Municipal Building Surveyor		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	General Manager City Development		City Development
Planning and Environment Act 1987	s.182	power to enforce an agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Manager Future Planning		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Statutory Planner		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Trainee Planner		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Municipal Building Surveyor		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Strategic Planner		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	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			City Development
Planning and Environment Act 1987	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			City Development
Planning and Environment Act 1987	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			City Development
Planning and Environment Act 1987	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			City Development
Planning and Environment Act 1987	s.184G(2)	duty to comply with a direction of the Tribunal			City Development
Planning and Environment Act 1987	s.184G(3)	duty to give notice as directed by the Tribunal			City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	General Manager City Development		City Development
Planning and Environment Act 1987	s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Manager Future Planning		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Statutory Planning Enforcement Officer		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Statutory Planner		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Trainee Planner		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	General Manager City Development		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Strategic Planner		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.198(1)	function to receive application for planning certificate	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Manager Future Planning		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Statutory Planner		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Trainee Planner		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	General Manager City Development		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Strategic Planner		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.199(1)	duty to give planning certificate to applicant	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Manager Future Planning		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Statutory Planner		City Development

**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Planning Administration Officer		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Trainee Planner		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Strategic Planner		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	General Manager City Development		City Development
Planning and Environment Act 1987	s.201(1)	function of receiving application for declaration of underlying zoning	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Manager Future Planning		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Senior Statutory Planner		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Statutory Planning Enforcement Officer		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Statutory Planner		City Development
Planning and Environment Act 1987	---	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Strategic Planner		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.201(3)	duty to make declaration	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development
Planning and Environment Act 1987	---	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	---	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	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	---	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	Senior Strategic Planner		City Development
Planning and Environment Act 1987	---	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	Strategic Planner		City Development
Planning and Environment Act 1987	---	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	Strategic Planning Officer		City Development
Planning and Environment Act 1987	---	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	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	---	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	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	---	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	Manager Future Planning		City Development
Planning and Environment Act 1987	---	power to give written authorisation in accordance with a provision of a planning scheme	Coordinator Statutory Planning		City Development
Planning and Environment Act 1987	---	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	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	---	power to give written authorisation in accordance with a provision of a planning scheme	Manager Future Planning		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	General Manager City Development		City Development
Planning and Environment Act 1987	---	power to give written authorisation in accordance with a provision of a planning scheme	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Manager Future Planning		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	General Manager City Development		City Development

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**S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]**

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Senior Strategic Planner		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Strategic Planner		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Strategic Planning Officer		City Development
Planning and Environment Act 1987	s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Urban Growth Project Officer		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	General Manager City Development		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Manager Future Planning		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Manager Statutory Planning & Municipal Services		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	General Manager City Development		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Coordinator Strategic Planning		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Senior Strategic Planner		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Strategic Planner		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Strategic Planning Officer		City Development
Planning and Environment Act 1987	S.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Urban Growth Project Officer		City Development



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Planning and Environment Act 1987	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		Note: this provision is not yet in force and will commence on 1 July 2015	City Development
Planning and Environment Regulations 2015	r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme		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	City Development
Planning and Environment Regulations 2015	r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act			City Development
Planning and Environment Regulations 2015	r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge		where Council is the responsible authority	City Development
Planning and Environment Regulations 2015	r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge		where Council is not the responsible authority but the relevant land is within Council's municipal district	City Development
Planning and Environment Regulations 2015	r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application		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	City Development
Railway Safety (Local Operations) Act 2006	s.33	duty to comply with a direction of the Safety Director under this section	General Manager Infrastructure & Recreation	where council is a utility under section 3	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.33	duty to comply with a direction of the Safety Director under this section	Manager Infrastructure Operations and Waste	where council is a utility under section 3	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	General Manager Infrastructure & Recreation	duty of council as a road authority under the <i>Road Management Act 2004</i>	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	Manager Infrastructure Operations and Waste	duty of council as a road authority under the <i>Road Management Act 2004</i>	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1)	General Manager Infrastructure & Recreation	where council is a utility under section 3	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1)	Manager Infrastructure Operations and Waste	where council is a utility under section 3	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	Manager People Safety & Risk	where council is the relevant road authority	Corporate Services

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Railway Safety (Local Operations) Act 2006	s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Manager Infrastructure Development	where council is the relevant road authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34D(2)	function of receiving written notice of opinion	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34D(2)	function of receiving written notice of opinion	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34D(4)	function of entering into safety interface agreement with infrastructure manager	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34D(4)	function of entering into safety interface agreement with infrastructure manager	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34E(1)(a)	duty to identify and assess risks to safety	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34E(1)(a)	duty to identify and assess risks to safety	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	Manager Infrastructure Development	where council is the relevant road authority	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Railway Safety (Local Operations) Act 2006	s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	Manager Infrastructure Development	where council is the relevant road authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34I	function of entering into safety interface agreements	Manager People Safety & Risk	where council is the relevant road authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34I	function of entering into safety interface agreements	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34J(2)	function of receiving notice from Safety Director	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34J(2)	function of receiving notice from Safety Director	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Railway Safety (Local Operations) Act 2006	s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	Manager People Safety & Risk	where council is the relevant road-authority	Corporate Services
Railway Safety (Local Operations) Act 2006	s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	Manager Infrastructure Development	where council is the relevant road-authority	Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Manager Statutory Planning & Municipal Services		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Manager Statutory Planning & Municipal Services		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Manager Statutory Planning & Municipal Services		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.7	function of entering into a written agreement with a caravan park owner	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Manager Recreation		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r. 11	function of receiving applications for registration	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(1)	duty to grant registration, if satisfied that the caravan park complies with these regulations	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(1)	duty to grant registration, if satisfied that the caravan park complies with these regulations	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(1)	duty to grant registration, if satisfied that the caravan park complies with these regulations	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(1)	duty to grant registration, if satisfied that the caravan park complies with these regulations	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(1)	duty to grant registration, if satisfied that the caravan park complies with these regulations	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations			Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	duty to issue a certificate of registration on granting registration	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Coordinator Health Services		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(1)	function of receiving notice of transfer of ownership	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.15(3)	power to determine where notice of transfer is displayed	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(1)	duty to transfer registration to new caravan park owner	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(1)	duty to transfer registration to new caravan park owner	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(1)	duty to transfer registration to new caravan park owner	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(1)	duty to transfer registration to new caravan park owner	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(1)	duty to transfer registration to new caravan park owner	Coordinator Leisure Facilities		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	duty to issue certificate of transfer of registration	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	Reference to Council's Fees & Charges schedule 2013/2014. 17 Fees (1) The fee to accompany or an application for renewal of registration is the relevant fee determined by the Council in accordance with this regulation. The fee must not exceed - (a) if the period of registration is to be 3 years, for a caravan park with the number of sites specified in column 2 of schedule 2, the corresponding fee specified in column 3 of that schedule; or if the period of registration is to be less than 3 years, one thirty-sixth of the fee referred to in paragraph (a) for each whole month of the intended registration period.		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	duty to keep register of caravan parks	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	duty to keep register of caravan parks	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	duty to keep register of caravan parks	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	duty to keep register of caravan parks	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	duty to keep register of caravan parks	Coordinator Leisure Facilities		Infrastructure & Recreation



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	power to determine where the emergency contact person's details are displayed	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	power to determine where certain information is displayed	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	power to determine where certain information is displayed	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	power to determine where certain information is displayed	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	power to determine where certain information is displayed	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	power to determine where certain information is displayed	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(6)	duty to notify caravan park owners of emergency service agencies	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(7)	duty to consult with relevant emergency services agency	Coordinator Health Services		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(7)	duty to consult with relevant emergency services agency	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(7)	duty to consult with relevant emergency services agency	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(7)	duty to consult with relevant emergency services agency	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.22(7)	duty to consult with relevant emergency services agency	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Coordinator Leisure Facilities		Infrastructure & Recreation

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.25(3)	duty to consult with relevant floodplain management authority	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.26	duty to have regard to any report of the relevant fire authority	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Environmental Health Officer		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Coordinator Health Services		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Coordinator Health Services		City Development

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Senior Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Environmental Health Officer		City Development
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	function of receiving installation certificate	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	Manager Recreation		Infrastructure & Recreation
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies Act 1997	s.142D	function of receiving notice regarding an unregistered rooming house	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.142D	function of receiving notice regarding an unregistered rooming house	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.142D	function of receiving notice regarding an unregistered rooming house	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal.	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal.	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal.	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal.	Health Administration Officer		City Development
Residential Tenancies Act 1997	s.142G(2)	power to enter certain information in the Rooming House Register.	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.142G(2)	power to enter certain information in the Rooming House Register.	Senior Environmental Health Officer		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies Act 1997	s.142G(2)	power to enter certain information in the Rooming House Register.	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.142G(2)	power to enter certain information in the Rooming House Register.	Health Administration Officer		City Development
Residential Tenancies Act 1997	142(2)	power to amend or revoke an entry in the rooming House Register if necessary to maintain the accuracy of the entry	Coordinator Health Services		City Development
Residential Tenancies Act 1997	142(2)	power to amend or revoke an entry in the rooming House Register if necessary to maintain the accuracy of the entry	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	142(2)	power to amend or revoke an entry in the rooming House Register if necessary to maintain the accuracy of the entry	Environmental Health Officer		City Development
Residential Tenancies Act 1997	142(2)	power to amend or revoke an entry in the rooming House Register if necessary to maintain the accuracy of the entry	Health Administration Officer		City Development
Residential Tenancies Act 1997	s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Coordinator Health Services	where council is the landlord	City Development
Residential Tenancies Act 1997	s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Senior Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(1)	power to give tenant a notice to vacate rented premises	Coordinator Health Services	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(1)	power to give tenant a notice to vacate rented premises	Senior Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(1)	power to give tenant a notice to vacate rented premises	Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	Coordinator Health Services	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	Senior Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	Environmental Health Officer	where council is the landlord	City Development
Residential Tenancies Act 1997	s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Manager Recreation		Infrastructure & Recreation
Residential Tenancies Act 1997	s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Coordinator Leisure Facilities		Infrastructure & Recreation
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Planning Administration Officer		City Development
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Manager Governance		Corporate Services
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Coordinator Property and Statutory Services		Corporate Services

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Property and Statute Officer		Corporate Services
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Senior Environmental Health Officer		Corporate Services
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Manager Governance		Corporate Services
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Coordinator Property and Statutory Services		Corporate Services
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Planning Administration Officer		City Development
Residential Tenancies Act 1997	s.522(1)	power to give a compliance notice to a person	Trainee Planner		City Development
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Trainee Planner		City Development
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Property and Statute Officer		Corporate Services
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Manager Governance		Corporate Services
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Coordinator Governance		Corporate Services
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Coordinator Human Resources		Corporate Services
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Human Resources Advisor		Corporate Services
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Human Resources Officer		Corporate Services
Residential Tenancies Act 1997	s.525(4)	duty to issue identity card to authorised officers	Compliance Officer		City Development
Residential Tenancies Act 1997	s.526(5)	duty to keep record of entry by authorised officer under s.526	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.526(5)	duty to keep record of entry by authorised officer under s.526	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.526(5)	duty to keep record of entry by authorised officer under s.526	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.526A(3)	report of inspection	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.526A(3)	report of inspection	Coordinator Property and Statutory Services		City Development
Residential Tenancies Act 1997	s.526A(3)	report of inspection	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.526A(3)	report of inspection	Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Manager Governance		Corporate Services
Residential Tenancies Act 1997	s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Manager Statutory Planning & Municipal Services		City Development
Residential Tenancies Act 1997	s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Coordinator Health Services		City Development
Residential Tenancies Act 1997	s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Senior Environmental Health Officer		City Development
Residential Tenancies Act 1997	s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Environmental Health Officer		City Development

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	Manager Statutory Planning & Municipal Services		City Development
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.301(1)	duty to conduct reviews of road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.301(1)	duty to conduct reviews of road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.301(1)	duty to conduct reviews of road management plan	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(2)	duty to give notice of review of road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(2)	duty to give notice of review of road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(2)	duty to give notice of review of road management plan	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(5)	duty to produce written report of review of road management plan and make report available	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(5)	duty to produce written report of review of road management plan and make report available	Manager Infrastructure Development		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.302(5)	duty to produce written report of review of road management plan and make report available	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act	Manager Infrastructure Development		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act	Manager Infrastructure Operations and Waste		Infrastructure & Recreation



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.306(2)	duty to record on road management plan the substance and date of effect of amendment	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.306(2)	duty to record on road management plan the substance and date of effect of amendment	Manager Infrastructure Development		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.306(2)	duty to record on road management plan the substance and date of effect of amendment	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.501(1)	power to issue permit	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.501(1)	power to issue permit	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.501(4)	power to charge fee for issuing permit under r.501(1)	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.501(4)	power to charge fee for issuing permit under r.501(1)	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.508(3)	power to make submission to Tribunal	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.508(3)	power to make submission to Tribunal	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.508(3)	power to make submission to Tribunal	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Coordinator Infrastructure Maintenance	where council is the responsible road authority	Infrastructure & Recreation
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Manager Infrastructure Operations and Waste	where council is the responsible road authority	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Coordinator Local Laws	where council is the responsible road authority	City Development
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	Executive Team	where council is the responsible road authority	General
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	Manager Governance	where council is the responsible road authority	Corporate Services
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	Manager Statutory Planning & Municipal Services	where council is the responsible road authority	City Development
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	Coordinator Local Laws	where council is the responsible road authority	City Development
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	Executive Team		General
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	Manager Governance		Corporate Services
Road Management (General) Regulations 2005 Note: these regulations are due to expire on 21 March 2016.	r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	Coordinator Local Laws		City Development
Road Management Act 2004	s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Manager Infrastructure Development	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.11(1)	power to declare a road by publishing a notice in the Government Gazette	General Manager Infrastructure & Recreation	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Manager Infrastructure Operations and Waste	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Coordinator Property and Statutory Services		Corporate Services
Road Management Act 2004	s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Manager Governance		Corporate Services
Road Management Act 2004	s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.11(9)(b)	duty to advise Registrar	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.11(9)(b)	duty to advise Registrar	Manager Infrastructure Development		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.11(9)(b)	duty to advise Registrar	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.11(9)(b)	duty to advise Registrar	Manager Governance		Corporate Services
Road Management Act 2004	s.11(9)(b)	duty to advise Registrar	Coordinator Property and Statutory Services		Corporate Services
Road Management Act 2004	s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc	Manager Infrastructure Development	clause subject to s.11(10A)	Infrastructure & Recreation
Road Management Act 2004	s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc	General Manager Infrastructure & Recreation	clause subject to s.11(10A)	Infrastructure & Recreation
Road Management Act 2004	s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc	Manager Infrastructure Operations and Waste	clause subject to s.11(10A)	Infrastructure & Recreation
Road Management Act 2004	s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.12(2)	power to discontinue road or part of a road	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.12(2)	power to discontinue road or part of a road	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.12(2)	power to discontinue road or part of a road	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Manager Infrastructure Development	power of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	General Manager Infrastructure & Recreation	power of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Manager Infrastructure Operations and Waste	power of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(5)	duty to consider written submissions received within 28 days of notice	Manager Infrastructure Development	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(5)	duty to consider written submissions received within 28 days of notice	General Manager Infrastructure & Recreation	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.12(5)	duty to consider written submissions received within 28 days of notice	Manager Infrastructure Operations and Waste	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(6)	function of hearing a person in support of their written submission	Manager Infrastructure Development	function of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(6)	function of hearing a person in support of their written submission	General Manager Infrastructure & Recreation	function of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(6)	function of hearing a person in support of their written submission	Manager Infrastructure Operations and Waste	function of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Manager Infrastructure Development	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	General Manager Infrastructure & Recreation	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Manager Infrastructure Operations and Waste	duty of coordinating road authority where it is the discontinuing body - unless subsection (11) applies	Infrastructure & Recreation
Road Management Act 2004	s.12(10)	duty to notify of decision made	Manager Infrastructure Development	duty of coordinating road authority where it is the discontinuing body - does not apply where an exemption is specified by the regulations or given by the Minister	Infrastructure & Recreation
Road Management Act 2004	s.12(10)	duty to notify of decision made	General Manager Infrastructure & Recreation	duty of coordinating road authority where it is the discontinuing body - does not apply where an exemption is specified by the regulations or given by the Minister	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.12(10)	duty to notify of decision made	Manager Infrastructure Operations and Waste	duty of coordinating road authority where it is the discontinuing body - does not apply where an exemption is specified by the regulations or given by the Minister	Infrastructure & Recreation
Road Management Act 2004	s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Manager Infrastructure Development	power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate	Infrastructure & Recreation
Road Management Act 2004	s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Manager Infrastructure Development	power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate	Infrastructure & Recreation
Road Management Act 2004	s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Manager Infrastructure Development	power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate	Infrastructure & Recreation
Road Management Act 2004	s.14(4)	function of receiving notice from VicRoads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.14(4)	function of receiving notice from VicRoads	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.14(7)	power to appeal against decision of VicRoads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.14(7)	power to appeal against decision of VicRoads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.14(7)	power to appeal against decision of VicRoads	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.15(1A)	power to enter into an agreement with a utility to transfer a road management function of the utility to the road authority	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.15(1A)	power to enter into an agreement with a utility to transfer a road management function of the utility to the road authority	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.15(1A)	power to enter into an agreement with a utility to transfer a road management function of the utility to the road authority	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.15(2)	duty to include details of arrangement in public roads register	Coordinator Infrastructure Design		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.16(7)	power to enter into an arrangement under s.15	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.16(7)	power to enter into an arrangement under s.15	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.16(7)	power to enter into an arrangement under s.15	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.16(8)	duty to enter details of determination in public roads register	Coordinator Infrastructure Design		Infrastructure & Recreation
Road Management Act 2004	s.17(2)	duty to register public road in public roads register	Coordinator Infrastructure Design	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(3)	power to decide that a road is reasonably required for general public use	Coordinator Infrastructure Design	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(3)	duty to register a road reasonably required for general public use in public roads register	Coordinator Infrastructure Design	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(4)	power to decide that a road is no longer reasonably required for general public use	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(4)	power to decide that a road is no longer reasonably required for general public use	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(4)	power to decide that a road is no longer reasonably required for general public use	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	Coordinator Infrastructure Design	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.18(1)	power to designate ancillary area	Coordinator Infrastructure Design	where council is the coordinating road authority, and obtain consent in circumstances specified in s.18(2)	Infrastructure & Recreation
Road Management Act 2004	s.18(3)	duty to record designation in public roads register	Coordinator Infrastructure Design	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	Coordinator Infrastructure Design		Infrastructure & Recreation
Road Management Act 2004	s.19(4)	duty to specify details of discontinuance in public roads register	Coordinator Infrastructure Design		Infrastructure & Recreation
Road Management Act 2004	s.19(5)	duty to ensure public roads register is available for public inspection	Coordinator Infrastructure Design		Infrastructure & Recreation
Road Management Act 2004	s.21	function of replying to request for information or advice	Manager Infrastructure Development	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.21	function of replying to request for information or advice	General Manager Infrastructure & Recreation	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.21	function of replying to request for information or advice	Manager Infrastructure Operations and Waste	obtain consent in circumstances specified in s.11(2)	Infrastructure & Recreation
Road Management Act 2004	s.22(2)	function of commenting on proposed direction	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.22(2)	function of commenting on proposed direction	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.22(2)	function of commenting on proposed direction	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	Manager Infrastructure Development		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.22(5)	duty to give effect to a direction under this section.	General Manager City Development		City Development
Road Management Act 2004	s.22(5)	duty to give effect to a direction under this section.	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.40(1)	duty to inspect, maintain and repair a public road	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.40(1)	duty to inspect, maintain and repair a public road	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.40(1)	duty to inspect, maintain and repair a public road	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.40(5)	power to inspect, maintain and repair a road which is not a public road	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.40(5)	power to inspect, maintain and repair a road which is not a public road	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.42(1)	power to declare a public road as a controlled access road	Manager Infrastructure Development	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42(1)	power to declare a public road as a controlled access road	General Manager Infrastructure & Recreation	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42(1)	power to declare a public road as a controlled access road	Manager Infrastructure Operations and Waste	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	Manager Infrastructure Development	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	General Manager Infrastructure & Recreation	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	Manager Infrastructure Operations and Waste	power of coordinating road authority and Schedule 2 also applies	Infrastructure & Recreation
Road Management Act 2004	s.42A(3)	duty to consult with VicRoads before road is specified	Manager Infrastructure Development	where council is the coordinating road authority; - if road is a municipal road or part thereof	Infrastructure & Recreation
Road Management Act 2004	s.42A(3)	duty to consult with VicRoads before road is specified	General Manager Infrastructure & Recreation	where council is the coordinating road authority; - if road is a municipal road or part thereof	Infrastructure & Recreation
Road Management Act 2004	s.42A(3)	duty to consult with VicRoads before road is specified	Manager Infrastructure Operations and Waste	where council is the coordinating road authority; - if road is a municipal road or part thereof	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	Manager Infrastructure Development	where council is the coordinating road authority; - if road is a municipal road or part thereof and where road is to be specified a freight road	Infrastructure & Recreation
Road Management Act 2004	s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	General Manager Infrastructure & Recreation	where council is the coordinating road authority; - if road is a municipal road or part thereof and where road is to be specified a freight road	Infrastructure & Recreation
Road Management Act 2004	s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	Manager Infrastructure Operations and Waste	where council is the coordinating road authority; - if road is a municipal road or part thereof and where road is to be specified a freight road	Infrastructure & Recreation
Road Management Act 2004	s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	General Manager Infrastructure & Recreation	where council is the responsible road authority, infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Manager Infrastructure Development	where council is the responsible road authority, infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	General Manager Infrastructure & Recreation	where council is the responsible road authority, infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Manager Infrastructure Operations and Waste	where council is the responsible road authority, infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.49	power to develop and publish a road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.49	power to develop and publish a road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.51	power to determine standards by incorporating the standards in a road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.51	power to determine standards by incorporating the standards in a road management plan	Manager Infrastructure Development		Infrastructure & Recreation



## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.54(2)	duty to give notice of proposal to make a road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.54(5)	duty to conduct a review of road management plan at prescribed intervals	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.54(5)	duty to conduct a review of road management plan at prescribed intervals	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.54(6)	power to amend road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.54(6)	power to amend road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.54(7)	duty to incorporate the amendments into the road management plan	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.54(7)	duty to incorporate the amendments into the road management plan	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.63(1)	power to consent to conduct of works on roads	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.63(1)	power to consent to conduct of works on roads	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Manager Infrastructure Development	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	General Manager Infrastructure & Recreation	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Manager Infrastructure Operations and Waste	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	s.64(1)	duty to comply with Clause 13 Schedule 7	Manager Infrastructure Development	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.64(1)	duty to comply with Clause 13 Schedule 7	General Manager Infrastructure & Recreation	where council is the infrastructure manager or works manager	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.64(1)	duty to comply with Clause 13 Schedule 7	Manager Infrastructure Operations and Waste	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	s.66(1)	power to consent to structure etc	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.66(1)	power to consent to structure etc	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.66(1)	power to consent to structure etc	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.67(3)	power to request information	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.67(3)	power to request information	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.67(3)	power to request information	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.68(2)	power to request information	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.68(2)	power to request information	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.68(2)	power to request information	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	s.71(3)	power to appoint an authorised officer	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.71(3)	power to appoint an authorised officer	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.71(3)	power to appoint an authorised officer	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.72	duty to issue an identity card to each authorised officer	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.72	duty to issue an identity card to each authorised officer	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.85	function of receiving report from authorised officer	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.85	function of receiving report from authorised officer	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.86	duty to keep register re s.85 matters	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.86	duty to keep register re s.85 matters	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.86	duty to keep register re s.85 matters	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.87(1)	function of receiving complaints	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.87(1)	function of receiving complaints	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.87(2)	duty to investigate complaint and provide report	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.87(2)	duty to investigate complaint and provide report	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.87(2)	power to investigate complaint and provide report	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.112(2)	power to recover damages in court	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.112(2)	power to recover damages in court	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.116	power to cause or carry out inspection	Manager Infrastructure Development		Infrastructure & Recreation

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## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	s.116	power to cause or carry out inspection	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.116	power to cause or carry out inspection	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.119(2)	function of consulting with VicRoads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.119(2)	function of consulting with VicRoads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.121(1)	power to enter into an agreement in respect of works	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.121(1)	power to enter into an agreement in respect of works	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.121(1)	power to enter into an agreement in respect of works	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	s.122(1)	power to charge and recover fees	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.122(1)	power to charge and recover fees	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	s.123(1)	power to charge for any service	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	s.123(1)	power to charge for any service	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	General Manager Infrastructure & Recreation		Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 5	duty to publish notice of declaration	Manager Infrastructure Development		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 5	duty to publish notice of declaration	General Manager Infrastructure & Recreation		Infrastructure & Recreation
Road Management Act 2004	Schedule 2 Clause 5	duty to publish notice of declaration	Manager Infrastructure Operations and Waste		Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Manager Infrastructure Development	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	General Manager Infrastructure & Recreation	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Manager Infrastructure Operations and Waste	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Manager Infrastructure Development	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	General Manager Infrastructure & Recreation	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Manager Infrastructure Operations and Waste	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Manager Infrastructure Development	where council is the infrastructure manager or works manager responsible for non-road infrastructure	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	General Manager Infrastructure & Recreation	where council is the infrastructure manager or works manager responsible for non-road infrastructure	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 9(1)	duty to comply with request for information from a coordinating Operations authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Manager Infrastructure Operations and Waste	where council is the infrastructure manager or works manager responsible for non-road infrastructure	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	Schedule 7 Clause 9(2)	duty to give information to another infrastructure manager or works manager where infrastructure manager or works manager becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Manager Infrastructure Development	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 9(2)	duty to give information to another infrastructure manager or works manager where infrastructure manager or works manager becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	General Manager Infrastructure & Recreation	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 9(2)	duty to give information to another infrastructure manager or works manager where infrastructure manager or works manager becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Manager Infrastructure Operations and Waste	where council is the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Manager Infrastructure Development	where council is-the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	General Manager Infrastructure & Recreation	where council is-the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Manager Infrastructure Operations and Waste	where council is-the infrastructure manager or works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(5)	power to recover costs	Coordinator Civil Works Projects	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 12(5)	power to recover costs	Asset Protection Officer	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7 Clause 13(2)	Manager Infrastructure Development	where council is the works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7 Clause 13(2)	General Manager Infrastructure & Recreation	where council is the works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7 Clause 13(2)	Manager Infrastructure Operations and Waste	where council is the works manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(2)	power to vary notice period	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	Schedule 7 Clause 13(2)	power to vary notice period	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(2)	power to vary notice period	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7 Clause 13(1)	Manager Infrastructure Development	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7 Clause 13(1)	General Manager Infrastructure & Recreation	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7 Clause 13(1)	Manager Infrastructure Operations and Waste	where council is the infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(1)	power to consent to proposed works	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(1)	power to consent to proposed works	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(1)	power to consent to proposed works	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(4)	duty to consult	General Manager Infrastructure & Recreation	where council is the coordinating road authority, responsible authority or infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(4)	duty to consult	Manager Infrastructure Development	where council is the coordinating road authority, responsible authority or infrastructure manager	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(5)	power to consent to proposed works	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(5)	power to consent to proposed works	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(8)	power to include consents and conditions	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 16(8)	power to include consents and conditions	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 18(1)	power to enter into an agreement	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 18(1)	power to enter into an agreement	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 18(1)	power to enter into an agreement	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation

## S6. Instrument of Delegation to Members of Council Staff - [16 DEL-1]

Council Resolution:  
Effective:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Road Management Act 2004	Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Manager Infrastructure Development	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	General Manager Infrastructure & Recreation	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Manager Infrastructure Operations and Waste	where council is the coordinating road authority	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 2	power to cause street lights to be installed on roads	Manager Infrastructure Development	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 2	power to cause street lights to be installed on roads	General Manager Infrastructure & Recreation	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 2	power to cause street lights to be installed on roads	Manager Infrastructure Operations and Waste	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 2	power to cause street lights to be installed on roads	Coordinator Infrastructure Maintenance	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 2	power to cause street lights to be installed on roads	Coordinator Civil Works Projects	power of responsible road authority where it is the coordinating road authority or	Infrastructure & Recreation
Road Management Act 2004	Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	Manager Infrastructure Development	where council is the responsible road authority	Infrastructure & Recreation

**17.7 AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987****General Manager****Corporate Services****For Decision****PURPOSE**

The purpose of this report is for Council to authorise, pursuant to section 147 of the *Planning and Environment Act 1987* the following incumbents:

- Jarrod Raun, Statutory Planner
- Linda Colleran, Statutory Planner
- Lauren Setches, Planning Administration Officer

**EXECUTIVE SUMMARY**

By authorising officers, a Council is authorising a person to a particular statutory position. Once a person is authorised by Council, that person has the powers of that statutory position; as distinct from being delegated the powers of the Council.

Authorisations are different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Persons authorised by Council to hold a statutory position are acting as holders of statutory powers; they are not acting as delegates or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

For the proper and efficient functioning of the Council, when relevant and appropriate, it is important to authorise officers generally under the *Local Government Act 1989* and specifically under other relevant and applicable legislation.

For this reason, Latrobe City Council subscribes to the Maddocks Delegation and Authorisation Service. This service updates the organisation on legislative amendments and requirement and provides appropriate Instrument templates for our use.



### **RECOMMENDATION**

That Council, in exercising the powers conferred by Section 224 of the *Local Government Act 1989* and Section 147(4) of the *Planning and Environment Act 1987*:

1. Appoint and authorise Jarrod Raun, Linda Colleran and Lauren Setches each as an individual Authorised Officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act;
2. Delegates and authorises the Chief Executive Officer to sign and seal the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as presented which comes into force immediately the common seal of Council is affixed.

### **DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

### **STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Planning for the future*

*To provide clear and concise policies and directions in all aspects of planning.*

*Latrobe City Council Plan 2013 - 2017*

*Shaping Our Future*

*Strategic Direction – Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.*

Applicable legislation

- *Local Government Act 1989*
- *Planning and Environment Act 1987*

Section 224 of the *Local Government Act 1989* allows the following:

#### **224. Authorised officers**

1. *A Council may appoint any person other than a Councillor to be an authorised officer for the purpose of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*

## ORDINARY COUNCIL MEETING AGENDA 21 MARCH 2016 (CM479)

- (a) *A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.*
- 2. *The Council must issue an identity card to each authorised officer.*
- 3. *An identity card must-*
  - (a) *contain a photograph of the authorised officer; and*
  - (b) *contain the signature of the authorised officer; and*
  - (c) *be signed by a member of Council staff appointed for the purpose.*

Section 147(4) of the *Planning and Environment Act 1987* provides for the following:

- 4. *Any reference in this Act to an Authorised officer of a responsible authority of the Department is a reference to an officer or employee of the authority or employee of the Department whom the authority or the Secretary to the Department (as the case requires) authorises in writing generally or in a particular case to carry out the duty or function or to exercise the power in connection with which the expression is used.*

However, Section 188(2)(c) of the *Planning and Environment Act 1987*, stipulates that Council cannot delegate the power to authorise officers for the purpose of enforcing that Act:

### **188. Planning authorities and responsible authorities may delegate powers**

*(5) A planning authority or responsible authority other than the Minister may by instrument delegate any of its powers, discretions or functions under this Act to-*

- (a) *a committee of the authority; or*
- (b) *an officer of the authority; or*
- (c) *the Growth Areas Authority; or*
- (d) *the Chief Executive Officer of the Growth Areas Authority.*

- (6) *Subsection (1) does not apply to-*
  - (a) *the powers of a planning authority under sections 28, 29 and 191 and subsection (1); and*
  - (b) *the powers of a responsible authority under sections 125, 171(2)(b),(c),(d) and (e), 172 and 191 and subsection (1); and*
  - (c) *the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.*

### **BACKGROUND**

Council may authorise members of staff to hold an applicable statutory position. The authorisation given is different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Members of staff who are authorised by Council to hold a statutory position are acting individually as holders of those applicable statutory powers. They are not acting as delegates or on behalf of the Council and their powers and responsibilities are different to the powers and responsibilities of the Council.

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

Therefore, it is important for the proper and efficient functioning of the Council, to authorise officers generally under the *Local Government Act 1989* and specifically under other relevant and appropriate legislation.

**KEY POINTS/ISSUES**

Currently Council has a number of persons who have been authorised to act in various statutory positions.

Jarrod Raun, Statutory Planner; Linda Colleran, Statutory Planner; and Lauren Setches, Planning Administration Officer; have recently been appointed to their substantive positions. It is therefore necessary and appropriate for Council to appoint and authorise these officers specifically under section 147(4) of the *Planning and Environment Act 1987* and generally under section 232 of the *Local Government Act 1989* in order to enable them to fulfil the duties and functions of their respective roles.

Accordingly, the attached S11A. Instrument of Appointment and Authorisations (*Planning and Environment Act 1987*) have been prepared and are now presented for consideration by Council.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications as these positions are within the adopted budget. However, if Council decides not to authorise the nominated officers, it may impede their ability to fully and properly perform their duties.

**INTERNAL/EXTERNAL CONSULTATION**

Internally, senior Planning staff have been consulted in relation to the nomination of the officers for appointment. No external consultation is required.

**OPTIONS**

Council has the following options:

1. Authorise the nominated officers in accordance with the attached Instruments.
2. Not specifically authorise the nominated officers under the *Planning and Environment Act 1987* which may likely impede the ability of those officers to fully and properly perform their duties.

**CONCLUSION**

The *Planning and Environment Act 1987* requires direct authorisation from Council to council officers in order to perform certain statutory duties.

By authorising the nominated officers specifically under the *Planning and Environment Act 1987* and generally under section 232 of the *Local*

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)**

*Government Act 1989*, Council will ensure that the nominated officer will be able to perform their duties under each Act.

**SUPPORTING DOCUMENTS**

Nil.

**Attachments**

1. S11A. Instrument of Appointment & Authorisation (P&EA 1987) Jarrod Raun
2. S11A. Instrument of Appointment & Authorisation (P&EA 1987) Linda Colleran
3. S11A. Instrument of Appoitment & Authorisation (P&EA 1987) Lauren Setches

## **17.7**

### **Authorisation of Council Officers under the Planning and Environment Act 1987**

- 1 S11A. Instrument of Appointment & Authorisation (P&EA  
1987) Jarrod Raun ..... 617**
- 2 S11A. Instrument of Appointment & Authorisation (P&EA  
1987) Linda Colleran..... 619**
- 3 S11A. Instrument of Appoitment & Authorisation (P&EA  
1987) Lauren Setches ..... 621**

Maddocks Delegations and Authorisations

*S11A. Instrument of Appointment and Authorisation (Planning and  
Environment Act 1987)*



**Latrobe City Council**

**Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

**March 2016**

**Jarrod Raun**

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

In this instrument "officer" means -

**Jarrod Raun**

**By this instrument of appointment and authorisation Latrobe City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.
3. Any planning application which has received one or more objection(s).  
Any planning application recommended for refusal (including planning applications where Council has no discretion for approval).  
Any application of strategic significance (at the discretion of the CEO).  
Any matter relating to the signing and sealing of Section 173 Agreements.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) that any authority or appointment to the officer referred to in this Instrument is automatically revoked upon that officer ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on 14 September 2015.

The Common Seal of **LATROBE CITY COUNCIL**  
was affixed in accordance with Local Law No. 1  
this     day of             2016 in the presence of:

\_\_\_\_\_  
*Gary Van Driel – Chief Executive Officer*

Maddocks Delegations and Authorisations

*S11A. Instrument of Appointment and Authorisation (Planning and  
Environment Act 1987)*



**Latrobe City Council**

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

**March 2016**

**Linda Colleran**



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

In this instrument "officer" means -

**Linda Colleran**

**By this instrument of appointment and authorisation Latrobe City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

3. Any planning application which has received one or more objection(s).

Any planning application recommended for refusal (including planning applications where Council has no discretion for approval).

Any application of strategic significance (at the discretion of the CEO).

Any matter relating to the signing and sealing of Section 173 Agreements.

**It is declared that this instrument -**

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) that any authority or appointment to the officer referred to in this Instrument is automatically revoked upon that officer ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on 14 September 2015.

The Common Seal of **LATROBE CITY COUNCIL**  
was affixed in accordance with Local Law No. 1  
this day of 2016 in the presence of:

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*Gary Van Driel – Chief Executive Officer*

Maddocks Delegations and Authorisations

*S11A. Instrument of Appointment and Authorisation (Planning and  
Environment Act 1987)*



**Latrobe City Council**

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

**March 2016**

**Lauren Setches**

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

In this instrument "officer" means -

**Lauren Setches**

**By this instrument of appointment and authorisation Latrobe City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

3. Any planning application which has received one or more objection(s).

Any planning application recommended for refusal (including planning applications where Council has no discretion for approval).

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- (a) comes into force immediately upon its execution;
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Gary Van Driel – Chief Executive Officer

**17.8 DOCUMENT FOR SIGNING AND SEALING - ACQUISITION OF DRAINAGE EASEMENT AND WETLANDS, PORTERS ROAD, HAZELWOOD NORTH****General Manager****Corporate Services****For Decision****PURPOSE**

Council is requested to authorise the Chief Executive Officer to sign and seal the Transfer of Land document for the acquisition of a drainage easement and drainage reserve for associated wetlands over part of a property in Porters Road, Hazelwood North.

**DISCUSSION**

Council is currently in the process of acquiring a drainage easement and associated wetlands over part of Crown Allotment 8H in Porters Road, Hazelwood North, from Dasma Plant & Equipment Pty Ltd.

The purpose of this land acquisition is to acquire a drainage easement to formalise an existing open drain that runs through the property, together with the acquisition of additional land to develop a wetlands of 3.422 hectares that will divert and treat water from adjoining industrial properties in the former Lurgi site.

This drainage easement is shown as "E-11" and the wetlands as "Reserve No. 1" in the attached Plan of Subdivision (PS 705000W).

Following discussions with the landowner it has been agreed that this land will be acquired by agreement rather than via a compulsory acquisition process under the *Land Acquisition and Compensation Act* 1986. The landowner has also agreed to allow Council's contractor to commence works on the land prior to the transfer of the land being finalised.

An independent valuation of the land has been obtained and this figure has been agreed to by the landowner. The compensation payable for the land is provided in the Gippsland Heavy Industry Park project budget. This budget is jointly funded by Council and the Victorian Government Latrobe Valley Industry and Infrastructure Fund.

A confidential copy of the Transfer of Land document is provided for the information of Councillors.

**RECOMMENDATION**

**That Council authorise the Chief Executive Officer to sign and seal the Transfer of Land document for the acquisition of a drainage easement and associated wetlands reserve over part of Crown Allotment 8H in Porters Road, Hazelwood North.**

**ORDINARY COUNCIL MEETING AGENDA  
21 MARCH 2016 (CM479)****DECLARATION OF INTEREST**

No officer declared a conflict of interest under the *Local Government Act 1989* in the preparation of this report.

**CONCLUSION**

Council has reached agreement with the owner of Crown Allotment 8H in Porters Road, Hazelwood North, for the acquisition of a drainage easement and associated wetlands over part of the property. Funds for the drainage and wetlands project is provided in the Latrobe Valley Industry and Infrastructure Fund.

As works have commenced to formalise the open drain and construct the wetlands it is recommended that Council authorises the Chief Executive Officer to sign and seal the Transfer of Land document to enable the land acquisition to be finalised.

**Attachments**

1. Aerial Image of Subject Land
2. Transfer of Land document for signing and sealing (Published Separately)  
(Confidential)

## **17.8**

### **Document for Signing and Sealing - Acquisition of drainage easement and wetlands, Porters Road, Hazelwood North**

- 1 Aerial Image of Subject Land..... 627**



# URGENT BUSINESS



**18. URGENT BUSINESS**

*Business may be admitted to the meeting as urgent business in accordance with clause 26 of the Meeting Procedure Local Law by resolution of the Council, if it relates to a matter which has arisen since distribution of the agenda and:*

- 1. cannot safely or conveniently be deferred until the next Ordinary meeting; or*
- 2. involves a matter of urgent community concern.*

# MEETING CLOSED TO THE PUBLIC

**19. MEETING CLOSED TO THE PUBLIC**

Section 89(2) of the *Local Government Act 1989* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**RECOMMENDATION**

**That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the *Local Government Act 1989* for the reasons indicated:**

**19.1 CONFIDENTIAL ITEMS HELD OVER**

**Agenda item 19.1 *Confidential Items Held Over* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)**