



**GREATER
DANDENONG**
City of Opportunity

AGENDA

MONDAY 25 JULY 2022

Commencing at 7:00 PM

COUNCIL MEETING

At the time of printing this Agenda, the Council Meeting to be held on Monday 25 July 2022, will be open to the public but will be subject to venue seating capacity.

If we are unable to accommodate you indoors, you will still be able to watch the webcast live on the Urban Screen in Harmony Square.

To view the webcast and stay informed of the status of Council Meetings please visit Council's website.

The Civic Centre basement carpark will be opened for members of the public attending Council Meetings to park between 6.45pm-7.30pm (sharp). Any parking in this area will be subject to availability.

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

Cr Angela Long - Leave of Absence

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

Council acknowledges the Traditional Owners and Custodians of this land, the Bunurong people and pay our respects to their Elders past, present and emerging while also recognising their deep and continuing connections to climate, culture and country.

We also pay our respect to all Aboriginal and Torres Strait Islander peoples and their Elders and acknowledge their journey.

1.3 OFFERING OF PRAYER, REFLECTION OR AFFIRMATION

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the reflection this evening will be offered by Mr Knowles Tivendale, a well-known community leader and a friend of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 11 July 2022.

Recommendation

That the minutes of the Meeting of Council held 11 July 2022 be confirmed.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a material or general interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in Division 2 – Conflicts of Interest: sections 126, 127, 128, 129 & 130 of the *Local Government Act 2020*. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- complete a disclosure of interest form prior to the meeting.
- advise the chairperson of the interest immediately before the particular item is considered (if attending the meeting).
- leave the chamber while the item is being discussed and during any vote taken (if attending the meeting).

The Councillor will be advised to return to the chamber or meeting room immediately after the item has been considered and the vote is complete.

1.6 ADOPTION OF THE AUDIT AND RISK COMMITTEE MEETING MINUTES

The Audit and Risk Committee held a meeting on 17 June 2022 and. Minutes of this meeting as summarised in the following table are presented to Council for adoption.

Item	Topic
1.	The Audit and Risk Committee's Annual Work Plan was reviewed/amended as required and Council's rolling internal control environment (ICE) was noted.
2.	The Audit and Risk Committee endorsed Council's updated Fixed Accounting 2022-23 and Purchasing Card Policies and also its updated draft Conflict of Interest Policy.
3.	<p>The Audit and Risk Committee noted and discussed a number of Council reports submitted to the Committee including the following:</p> <ul style="list-style-type: none">• Update on Council's Fixed Asset Valuations for 2021-22;• Risk Management Report for the Third Quarter 2021-22;• Summary Financial Report 1 July 2021 – 31 March 2022;• IT Vulnerability Assessment and Annual Penetration Test results• South East Leisure Pty Ltd Financial Report April 2022;• Council's Gift and Travel Registers Annual Report• Legislative Compliance Annual Report• Audit and Risk Committee Self-Assessment
4.	<p>Council's Internal Auditor Crowe tabled the following reports:</p> <ul style="list-style-type: none">• Integrity Body Reports• Review of Public Interest Disclosures April 2022• Review of Events and Festivals Management April 2022• Greater Dandenong City Council's Internal Audit Progress Report June 2022• Strategic Internal Audit Program Briefing Note• Greater Dandenong City Council's Internal Audit Universe April 2022

Recommendation

That the unconfirmed minutes of the Audit and Risk Committee meeting held on 17 June 2022 be adopted.

2 OFFICERS' REPORTS - PART ONE

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
Responsible Officer:	Manager Governance

Report Summary

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must therefore have a common seal (like any corporate entity) that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Recommendation Summary

This report recommends that the listed documents be signed and sealed.

2.1.1 Documents for Sealing (Cont.)

Item Summary

There is two (2) item being presented to Council's meeting of 25 July 2022 for signing and sealing as follows:

1. A letter of recognition to Samantha Lee Ward, Maternal and Child Health Services for 10 years of service to the Greater Dandenong City Council.
2. An Instrument of Appointment of Authorised Officer under the provisions of the Local Government Act 1989, the Local Government Act 2020, the Environment Protection Act 2017, the Infringements Act 2006, the Planning and Environment Act 1987, the Public Health and Wellbeing Act 2008, the Road Management Act 2004, the Road Safety Act 1986, the Sex Work Act 1994, Parts 2 and 3 of the Subdivisions Act 1988, the Summary Offences Act 1966, the Victorian Civil and Administrative Tribunal Act 1998 and the Regulations made under each of those Acts; the Local Laws made under the Local Government Act 1989 and the Local Government Act 2020; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
 - Tariq Dean

Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Manager Governance
Attachments:	Petitions and Joint Letters

Report Summary

Council receives a number of petitions and joint letters on a regular basis that deal with a variety of issues which have an impact upon the City.

Issues raised by petitions and joint letters will be investigated and reported back to Council if required.

A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:

1. the full text of any petitions or joint letters received;
2. petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
3. the final complete response to any outstanding petition or joint letter previously tabled along with the full text of the original petition or joint letter and the date it was responded to.

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current Governance Rules. These are also tabled.

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received no new petitions and no joint letters prior to the Council Meeting of 25 July 2022.

N.B: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be provided in the attachment to this report.

Recommendation

That this report and Attachment be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 6 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - June 2022

File Id:	qA280444
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Declared Area Delegated Decisions - June 2022 Att 1

Report Summary

This report provides Council with an update on the exercise of delegation by Planning Minister's delegate.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in June 2022.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PDA#.01 or similar, are applications making amendments to previously approved planning permits.

Recommendation

That the items be received and noted

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - June 2022 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DECISIONS ISSUED BY PLANNING MINISTER'S
DELEGATES – JUNE 2022**

ATTACHMENT 1

**PLANNING DECLARED AREA
DELEGATED DECISIONS
JUNE 2022**

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - June 2022 (Cont.)

PDA Delegated Decisions Issued 01/06/2022 to 30/06/2022 City of Greater Dandenong

Application ID	Property/Address	Applicant	Description	Notes	Authority	Decision	Decision Notified	Ward
PDA20/0002	39-41 Pulney Street DANDENONG VIC 3175	Ammache Architects	Construction of a 5 storey mixed use building (45 apartments) and use of the land for a shop or retail premises	Comprehensive Development Zone 2, 2023sqm	Delegate	PlanPermit	16/06/2022	Dandenong
PDA21/0003	21 Rodd Street DANDENONG VIC 3175	Rodd Dandenong Pty Ltd	Buildings and works associated with the construction of a 4 storey building (plus basement car park) comprising community care accommodation	Residential Growth 1 Zone, 926sqm	Delegate	PlanPermit	16/06/2022	Dandenong
PDA22/0001	5 Stud Road DANDENONG VIC 3175	Equal 5 Stud Road	Use and development of the land for a community care accommodation building (4 storey plus rooftop terraces) and creation of access to a road in a Transport Zone 2	Residential Growth 1 Zone, 1192sqm	Delegate	NOD	21/06/2022	Cleeland
Total :							3	

LNICHO

1

01/07/2022

2.3.2 Planning Delegated Decisions Issued - June 2022

File Id:	qA280
Responsible Officer:	Director City Planning Design & Am
Attachments:	Planning Delegated Decisions Issued

Report Summary

This report provides Council with an update on the exercise of delegation by Council officers.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in June 2022.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PLA#, PLN#.01 or similar, are applications making amendments to previously approved planning permits.

The annotation 'SPEAR' (Streamlined Planning through Electronic Applications and Referrals) identifies where an application has been submitted electronically. SPEAR allows users to process planning permits and subdivision applications online.

Recommendation

That the items be received and noted.

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DELEGATED DECISIONS ISSUED -
JUNE 2022**

ATTACHMENT 1

**PLANNING DELEGATED
DECISIONS ISSUED
JUNE 2022**

PAGES 15 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/06/2022 to 30/06/2022

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLA21/0043	PInAppAnd	No	877-879 Princes Highway SPRINGVALE VIC 3171	Urban Edge Consultants	Amendment to: Use and development of the land for a restricted recreation facility, place of assembly, education centre, office, display home centre and warehouse, alteration of access to a road in a Road Zone Category 1, reduction in bicycle facilities, reduction in car parking requirements and to construct or put up signage'. The application also seeks to make associated changes to permit conditions and the endorsed plans.	Amend permit preamble, Condition 1.2 and endorsed plans to allow development of a display home	Delegate	AmendPerm	24/06/2022	Springvale North
PLA21/0084	PInAppAnd	No	21 Fifth Avenue DANDENONG VIC 3175	A Khorrami	AMENDMENT TO: The development of the land for one (1) double storey dwelling and one (1) single storey dwelling (PLN18/0112) TO PROPOSE: Development of the land for two (2) double storey dwellings	Amend permit to allow development of the land for two new double storey dwellings	Delegate	AmendPerm	21/06/2022	Yarraman
PLA21/0641	PInAppAnd	No	6-24 Monash Drive DANDENONG SOUTH VIC 3175	NashCap	AMENDMENT TO: Buildings & Works (Industrial Building Extension) (PLN09/007.01)	Amend permit to allow amendment to Condition 1.2, deletion of Condition 3.3, changes to plans and signage	Delegate	AmendPerm	03/06/2022	Dandenong
PLA22/0005	PInAppAnd	No	41 Lawn Road NOBLE PARK VIC 3174	Noble One Development Pty Ltd	AMENDMENT TO: Development of the land for eight (8) double storey dwellings and reduction in car parking (visitor space) (PLN19/0827)	Proposal fails to satisfy Clause 22.09-3.1 (Residential Development & Neighbourhood Character Policy)	Delegate	Refusal	08/06/2022	Springvale Central
KSLIFK					1				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLA22/0014	PInAppAnd	No	1 Mulgoa Avenue DANDENONG NORTH VIC 3175	S Kelly	AMENDMENT TO: Use and development of the land for a Child Care Centre (PLA22/0014)	Amend permit condition 14 relating to hours of operation	Delegate	AmendPerm	09/06/2022	Noble Park North
PLA22/0019	PInAppAnd	No	7 Loller Street SPRINGVALE VIC 3171	T Le	AMENDMENT TO: Development of the land for two (2) double storey dwellings (PLN19/0543)	Amend plans to allow removal of decking	Delegate	AmendPerm	02/06/2022	Springvale North
PLA22/0023	PInAppAnd	No	342-368 Hammond Road DANDENONG SOUTH VIC 3175	Monde Construction Pty Ltd	AMENDMENT TO: Use and development of the land for an abattoir and a reduction in the car parking requirements (PLN14/0358)	Amend endorsed plans to construct a 588sqm extension to the existing building and a further reduction of 2 car parking spaces	Delegate	AmendPerm	27/06/2022	Dandenong
PLA22/0028	PInAppAnd	No	2/5-13 Springvale Road SPRINGVALE VIC 3171	Prestige Town Planning Pty Ltd	AMENDMENT TO: Change of Use (Indoor Recreation Centre) and Signage (PLN14/0174)	Amend endorsed plans to allow changes to the business identification signage and internal alterations	Delegate	AmendPerm	10/06/2022	Springvale North
PLA22/0056	PInAppAnd	No	177 Maxine Court NOBLE PARK VIC 3174	Nobelius Land Surveyors Pty Ltd	AMENDMENT TO: Subdivision of the land into two (2) lots (PLN21/0548)	Delete permit Condition 3 relating to Building Regulations	Delegate	AmendPerm	17/06/2022	Yarraman
PLA22/0058	PInAppAnd	No	1/25 Gibb Street DANDENONG NORTH VIC 3175	KA Hicks	AMENDMENT TO: Subdivision of the land into two (2) lots (PLN21/0391)	Delete permit Condition 2 relating to Building Regulations	Delegate	AmendPerm	21/06/2022	Dandenong North
KSLIFK					2				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLA22/0059	PtnAppAnd	No	1/28 Gray Street SPRINGVALE VIC 3171	A Aday	AMENDMENT TO: Subdivision of the land into two (2) lots (PLN20/0328)	Delete permit Condition 4 relating to Building Regulations	Delegate	AmendPerm	27/06/2022	Springvale North
PLN20/0346	PtnApp	No	5 Kelvinside Road NOBLE PARK VIC 3174	Architekton Ltd	Development of the land for four (4) double storey dwellings on a lot	General Residential 1 Zone, 872sqm	Delegate	PlanPermit	14/06/2022	Yarraman
PLN20/0477	PtnApp	No	2 Nullawil Street SPRINGVALE VIC 3171	J Vo	Development of the land for three (3) dwellings on a lot	General Residential 1 Zone, 581sqm	Delegate	PlanPermit	14/06/2022	Springvale North
PLN21/0008	PtnApp	No	98 Westall Road SPRINGVALE VIC 3171	Sky Jade Corporation	Use and development of the land for two (2) Convenience Restaurants; to erect and display internally illuminated and non-illuminated business identification and promotion signage; to create and alter access to a road in a Transport Zone 2; and to reduce the bicycle parking requirement	Proposal is inconsistent with Clause 32.08-13, Clause 53.04-2, and fails to comply with Clause 15.01-1S, Clause 22.11, Clause 52.05 and Clause 65.	Delegate	Refusal	21/06/2022	Springvale Central
PLN21/0172	PtnApp	No	459-461 Springvale Road SPRINGVALE VIC 3171	WestUrban Group	Development of the land for eight (8) double storey dwellings on a lot comprising seven (7) double storey dwellings and one (1) single storey dwelling at the rear, and alteration of access to a road in a Transport Zone 2	General Residential 1 Zone, 1308sqm	Delegate	NOD	16/06/2022	Springvale Central
KSLIFK					3				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0290	PtnApp	No	29 Ronald Street DANDENONG VIC 3175	NAJM Design & Build	Development of the land for three (3) double storey dwellings	General Residential 3 Zone, 702sqm	Delegate	NOD	29/06/2022	Dandenong
PLN21/0338	PtnApp	No	3 Lexton Avenue DANDENONG VIC 3175	Farrington Architects	Development of the land for three (3) dwellings (two double storey and one single storey to the rear)	General Residential 1 Zone, 704sqm	Delegate	PlanPermit	20/06/2022	Yarraman
PLN21/0386	PtnApp	No	164 David Street DANDENONG VIC 3175	Kostic & Associates Pty Ltd	The development of the land for three (3) double-storey dwellings	General Residential 1 Zone, 708sqm	Delegate	PlanPermit	28/06/2022	Cleland
PLN21/0388	PtnApp	No	30 Victor Avenue DANDENONG NORTH VIC 3175	Jesse Ant Architects	Development of the land for two (2) dwellings, comprising one (1) double storey dwelling to the front of the lot and one (1) single storey dwelling to the rear	Neighbourhood Residential 1 Zone, 731sqm	Delegate	PlanPermit	02/06/2022	Dandenong North
PLN21/0403	PtnApp	No	50 Hemmings Street DANDENONG VIC 3175	WCL Development Pty Ltd	Development of five (5) double storey dwellings	General Residential 1 Zone, 838sqm	Delegate	NOD	08/06/2022	Yarraman
KS LIFK					4				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0480	PInApp	No	150 Colemans Road DANDENONG SOUTH VIC 3175	Lawson Sideloaders Services Pty Ltd	Use and development of the land for Shipping Container Storage and food and drink premise, development of the land for five (5) warehouses, display of business identification signage associated with the food and drink premise, and reduction in the car parking requirements associated with a food and drink premise and shipping container storage facility	Industrial 1 Zone, shipping container storage, construction of cafe and 9 x warehouses, business identification signage, reduce number of car parking spaces	Delegate	PlanPermit	21/06/2022	Dandenong
PLN21/0489	PInApp	No	145 South Gippsland Highway DANDENONG SOUTH VIC 3175	Plans in Motion	The subdivision of land into two lots and create and alter access to a Road Zone Category 1	No response to further information request	Delegate	Lapsed	21/06/2022	Dandenong
PLN21/0495	PInApp	No	26-30 Parsons Avenue SPRINGVALE VIC 3171	iCad Drafting & Design, AWM Constructions	Development of the land for two (2) warehouse buildings (4 Kelly Court, Springvale)	Industrial 1 Zone, development of two warehouses	Delegate	PlanPermit	06/06/2022	Springvale North
PLN21/0515	PInApp	No	85 Callander Road NOBLE PARK VIC 3174	O Alsharbat	Development of the land for three double storey dwellings	General Residential 1 Zone, 690sqm	Delegate	PlanPermit	20/06/2022	Yarraman
PLN21/0530	PInApp	No	117-123 Cheltenham Road DANDENONG VIC 3175	Southern Restaurants Group Pty Ltd	Use and development of the land for a Convenience Restaurant; to erect and display internally illuminated and non-illuminated business identification signage; and to create and alter access to a road in a Transport Road Zone 2, all in accordance with the endorsed plans	Industrial 1 Zone, change of use and development of a convenience restaurant and alteration to a Road Zone Category 1	Delegate	PlanPermit	22/06/2022	Dandenong
KSLIFK					5				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0557	PtnApp	No	2 Camellia Avenue NOBLE PARK NORTH VIC 3174	Allan Morris	Development of the land for three (3) double storey dwellings	Proposal fails to comply with Clauses 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 21.05-1 (Urban Design and Character), 32.08 (GRZ1), 22.09-3.1 (Design Principles), 22.09-3.3 (Incremental Change), Clauses 55 (Planning Scheme), 52.06 (Car Parking), and 65 (Municipal Planning)	Delegate	Refusal	14/06/2022	Noble Park North
PLN21/0580	PtnApp	No	7 Pau Street NOBLE PARK VIC 3174	Nest Grower	Development of the land for four (4) double storey dwellings	Proposal fails to meet the objectives for Clauses 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 21.05-1 (Urban Design), 32.08 (GR1Z), 22.09-3.1 (General Design Principles), 22.09-3.3 (Change Area Design Principles), Clause 55, 52.06 (Car Parking), and Clause 65, General Residential 3 Zone, 741sqm	Delegate	Refusal	24/06/2022	Yarraman
PLN21/0593	PtnApp	No	2 Maple Street SPRINGVALE VIC 3171	A Better Design	Development of the land for four (4) double-storey dwellings		Delegate	NOD	06/06/2022	Springvale North
PLN21/0595	PtnApp	No	22 Napier Street DANDENONG VIC 3175	Archiden Design and Consultancy	The development of the land for four (4) double-storey dwellings	Residential Growth 2 Zone, 751sqm	Delegate	PlanPermit	02/06/2022	Dandenong
PLN21/0601	PtnApp	No	15 Wanke Crescent DANDENONG VIC 3175	Jova Drafting Consultants	Development of the land for one (1) single storey dwelling to rear of an existing single storey dwelling and additions to the existing dwelling	General Residential 1 Zone, 661sqm	Delegate	PlanPermit	02/06/2022	Cleveland
KSLIFK					6				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0605	PtnApp	No	42 Nockolds Crescent NOBLE PARK VIC 3174	Archiden Design and Consultancy	Development of the land for five (5) double-storey dwellings and a reduction of the visitor car parking requirement	General Residential 1 Zone, 976sqm	Delegate	PlanPermit	02/06/2022	Springvale North
PLN21/0615	PtnApp	No	885 Thompsons Road LYNDHURST VIC 3975	Front Link Pty Ltd	Use and development of the land for a camping and caravan park and vehicle store to be constructed in stages, alteration of access to a road in a TRZ2, reduction in bicycle facilities and native vegetation removal.	No response to further information request	Delegate	Lapsed	10/06/2022	Dandenong
PLN21/0620	PtnApp	No	2 Olive Street DANDENONG VIC 3175	Tom Motta Building Designer	Development of the land for eighteen (18) dwellings	The proposal fails to meet objectives of Clauses 15 (Built Environment and Heritage), 21.05 (Built Form), 55.02-1 (Neighbourhood Character), Clause 22.09.3-1 and 22.09-3.3 (Design Principles), 32.08-4 (Minimum Garden Area), 52.06-9 (Car Parking Safety) and various objectives and standards of Clause 55	Delegate	Refusal	30/06/2022	Cleland
PLN21/0624	PtnApp	No	87 Kewinside Road NOBLE PARK VIC 3174	RD Design and Drafting Pty Ltd	Development of the land for two (2) single storey dwellings	General Residential 1 Zone, 585sqm	Delegate	PlanPermit	17/06/2022	Springvale North
PLN21/0630	PtnApp	No	6-7/17 Balmoral Avenue SPRINGVALE VIC 3171	Dakao 98 Pty Ltd	Use of land for the sale and consumption of liquor	Commercial 1 Zone	Delegate	PlanPermit	21/06/2022	Springvale Central

7
01/07/2022

KS LIFK

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0632	PtnApp	No	39 Woodward Street SPRINGVALE VIC 3171	Cultured House Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 587sqm	Delegate	PlanPermit	17/06/2022	Springvale Central
PLN21/0640	PtnApp	No	51 Dunblane Road NOBLE PARK VIC 3174	A Elkasovic	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 585sqm	Delegate	NOD	23/06/2022	Yarraman
PLN21/0641	PtnApp	No	11 Virginia Street SPRINGVALE VIC 3171	VSDO Pty Ltd	Development of the land for two (2) triple storey dwellings and two (2) double storey dwellings (total four (4) dwellings)	General Residential 3 Zone, 696sqm	Delegate	NOD	14/06/2022	Springvale North
PLN21/0642	PtnApp	No	1043 Heatherston Road NOBLE PARK VIC 3174	DS Gill & C Kaur Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 580sqm	Delegate	PlanPermit	17/06/2022	Springvale Central
PLN21/0644	PtnApp/Vic	Yes	17 Kirkham Road West KEYSBOROUGH VIC 3173	TD Total Smash Repairs	Reduction in the car parking requirements associated with motor repairs VICSMART	Industrial 1 Zone, reduce number of car parking spaces	Delegate	PlanPermit	20/06/2022	Dandenong
PLN21/0655	PtnApp	No	1/97 Monash Drive DANDENONG SOUTH VIC 3175	Pellicano Investments 3 Pty Ltd	Development of the land for a warehouse building	Commercial 2 Zone, 3690sqm, construction of a warehouse with ancillary office	Delegate	PlanPermit	30/06/2022	Dandenong
KSLIFK					8				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0695	PtnApp	No	22 Hemmings Street DANDENONG VIC 3175	J Gaba	Development of the land for five (5) double-storey dwellings	Residential Growth 2 Zone, 836sqm	Delegate	PlanPermit	06/06/2022	Yarraman
PLN21/0697	PtnApp	No	250 Fernside Drive BANGHOLME VIC 3175	Dandenong South Land Holdings c/- KLM Spatial	Development of bulk earthworks and vegetation removal	Proposal fails to comply with Clauses 12.01-2S (Native Vegetation Management), 13.03-1S (Floodplain Management), 14.01-1S (Protection of Agricultural Land) and Clauses 35.07 and 65.01	Delegate	Refusal	16/06/2022	Keysborough South
PLN21/0704	PtnApp	No	26 Lawn Road NOBLE PARK VIC 3174	Lawn Road Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 644sqm	Delegate	NOD	17/06/2022	Springvale Central
PLN21/0714	PtnApp	No	9 Marion Street DANDENONG VIC 3175	AAS Singh	Development of the land for two (2) double storey dwellings	General Residential 3 Zone, 557sqm	Delegate	PlanPermit	16/06/2022	Yarraman
PLN22/0004	PtnApp	No	20 Krox Street NOBLE PARK VIC 3174	Abacus Design & Planning	Development of the land for a double storey dwelling to the rear of an existing single storey dwelling and alterations to the existing dwelling	General Residential 1 Zone, 954sqm	Delegate	PlanPermit	21/06/2022	Noble Park
KS LIFK					9				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0012	PtnApp	No	87.5 Taylors Road DANDENONG SOUTH VIC 3175	Quality First Designs Pty Ltd	Development of the land for one (1) warehouse building (Future Property: 24 Frances Drive, Dandenong South)	Industrial 1 Zone, development of warehouse building 623sqm	Delegate	PlanPermit	17/06/2022	Dandenong
PLN22/0024	PtnApp	No	20 Jeffers Street NOBLE PARK VIC 3174	Durable Design Pty Ltd	Development of the land for two (2) double-storey dwellings	General Residential 1 Zone, 623sqm	Delegate	NOD	03/06/2022	Yarraman
PLN22/0026	PtnApp	No	181-183 Lonsdale Street DANDENONG VIC 3175	Bayside Town Planning Pty Ltd	Use of the land for a place of assembly (function centre) and a reduction in the car parking requirements DECLARED AREA	Comprehensive Development 2 Zone, proposed function centre with maximum 50 patrons, reduce number of car parking spaces by 15	Delegate	PlanPermit	21/06/2022	Dandenong
PLN22/0059	PtnApp	No	59 Lonsdale Street DANDENONG VIC 3175	Hatch Planning Pty Ltd	Use of the land for the purpose of a Place of Assembly and alteration to a road in a Transport Zone 2	Commercial 2 Zone, shisha lounge, 50 patrons	Delegate	PlanPermit	17/06/2022	Dandenong
PLN22/0082	PtnApp	No	1-5 Scott Street DANDENONG VIC 3175	Squareback Planning Pty Ltd	To display internally illuminated signage DECLARED AREA	No response to further information request	Delegate	Lapsed	28/06/2022	Dandenong
PLN22/0093	PtnApp	No	69 Robinson Street DANDENONG VIC 3175	Stud Road Medical Centre	Buildings and works (facade alterations) and a reduction in car parking, in association with a medical centre DECLARED AREA	Comprehensive Development 2 Zone, building to be used as a medical centre	Delegate	PlanPermit	17/06/2022	Yarraman
KS LIFK					10				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0096	PtnApp	No	5 Ibis Circuit DANDENONG SOUTH VIC 3175	Quality First Designs Pty Ltd	The construction of buildings and works (warehouse)	Industrial 1 Zone, 4993sqm, warehouse with first floor ancillary office	Delegate	PlanPermit	10/06/2022	Dandenong
PLN22/0104	PtnApp	No	12 Nickolds Crescent NOBLE PARK VIC 3174	Nacha Moore Land Surveyors Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	10/06/2022	Springvale North
PLN22/0107	PtnApp	No	2460 Clow Street DANDENONG VIC 3175	M Mosaad	Use and development of the land for a rooming house, to carry out internal and external alterations to a building subject to HO11, and a waiver of the car parking requirements DECLARED AREA	No response to further information request	Delegate	Lapsed	22/06/2022	Dandenong
PLN22/0142	PtnApp	No	49 Balmoral Avenue SPRINGVALE VIC 3171	Aldo Ventieri Architect	Development of the land for an extension to education centre	General Residential 3 Zone, extension to existing building for toilet and kitchen facilities	Delegate	PlanPermit	22/06/2022	Springvale Central
PLN22/0165	PtnApp	No	Parkmore Shop F01 1F/317-321 Cheltenham Road KEYSBOROUGH VIC 3173	Yu Cachia Design & Construction Pty Ltd	Buildings and works (external alterations to the facade), to display three (3) internally-illuminated business identification signs and one (1) non-illuminated business identification sign	Commercial 1 Zone, Business Identification Signage and alterations to shopping centre facade	Delegate	PlanPermit	24/06/2022	Keysborough
PLN22/0169	PtnApp	No	3 Woodward Street SPRINGVALE VIC 3171	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	09/06/2022	Springvale Central
KSLIFK					11				01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0175	P/nApp/Vic	Yes	2/11 England Street DANDENONG SOUTH VIC 3175	Heighton Mezzanines	Buildings and Works (Mezzanine) and reduction of the car parking requirements VICSMART	Industrial 1 Zone, extension of existing mezzanine	Delegate	PlanPermit	10/06/2022	Dandenong
PLN22/0197	P/nApp	No	42 Parsons Avenue SPRINGVALE VIC 3171	Nilsson Noel & Holmes (Surveyors) Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	10/06/2022	Springvale North
PLN22/0202	P/nApp	No	268 Corrigan Road NOBLE PARK VIC 3174	360 Land Solutions	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	24/06/2022	Springvale South
PLN22/0211	P/nApp	No	1-5 Thomas Murrell Crescent DANDENONG SOUTH VIC 3175	Pacific Petroleum	Display of an internally illuminated business identification pylon sign	Industrial 2 Zone, internally illuminated business identification pylon sign	Applicant	Withdrawn	02/06/2022	Dandenong
PLN22/0217	P/nApp/Vic	Yes	13 Godfrey Crescent DANDENONG VIC 3175	VicSurvey	Subdivision of the land into two (2) lots SPEAR VICSMART	Residential	Delegate	PlanPermit	17/06/2022	Cleveland
PLN22/0222	P/nApp	No	1 Jolly Street DANDENONG VIC 3175	360 Land Solutions	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	17/06/2022	Yarraman
KS LIFK									01/07/2022	

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2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0229	PInAppV/c	Yes	29 Simpson Drive DANDENONG NORTH VIC 3175	CF Lobo, NC Lobo	Subdivision of the land into two (2) lots SPEAR VICSMART	Residential	Delegate	PlanPermit	22/06/2022	Dandenong North
PLN22/0235	PInAppV/c	Yes	58-62 Edison Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea	Extension to an existing warehouse building and a reduction to the car parking requirements VICSMART	Industrial 1 Zone, 755sqm, warehouse extension and reduction in car parking requirements	Delegate	PlanPermit	23/06/2022	Dandenong
PLN22/0239	PInApp	No	15 Lenore Street SPRINGVALE VIC 3171	P Luon	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	20/06/2022	Springvale South
PLN22/0240	PInAppV/c	Yes	4/3 Olive Grove KEYSBOROUGH VIC 3173	P Truong	Construct buildings and works comprising a mezzanine floor VICSMART	Industrial 1 Zone, retrospective approval for a mezzanine	Delegate	PlanPermit	10/06/2022	Keysborough
PLN22/0242	PInApp	No	14-16 Podmore Street DANDENONG VIC 3175	GC Sultani	Subdivision of the land into two (2) lots SPEAR	Industrial	Delegate	PlanPermit	22/06/2022	Dandenong
PLN22/0245	PInAppV/c	Yes	9-15 Vision Street DANDENONG SOUTH VIC 3175	Heighon Mezzanines	Buildings and works (mezzanine) and a reduction in the car parking requirements VICSMART	Industrial 1 Zone, construction of a mezzanine in a warehouse and reduce number of car parking spaces	Delegate	PlanPermit	23/06/2022	Dandenong
KS LIFK									01/07/2022	

2.3.2 Planning Delegated Decisions Issued - June 2022 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0253	PtnApp/Vic	Yes	7 Tarronga Court NOBLE PARK VIC 3174	VicSurvey	Subdivision of the land into two (2) lots SPEAR VICSMART	Residential	Delegate	PlanPermit	08/06/2022	Noble Park
PLN22/0286	PtnApp/Vic	Yes	62 Boyd Street DANDENONG NORTH VIC 3175	MG Land Surveyors	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	24/06/2022	Cleland
72										
KS LIFK					14				01/07/2022	

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434)

File Id:	269035
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Att 1: Submitted Plans Att 2: Location of Objectors

Application Summary

Applicant:	SongBowden Pty Ltd
Proposal:	Use and development of the land for a child care centre and to display associated business identification signage
Zone:	Neighbourhood Residential Zone – Schedule 1
Overlay:	No overlays apply to the site
Ward:	Dandenong North

This application has been brought to a Council meeting as it has received three (3) objections.

The application proposes the use and development of the land for a child care centre and to display associated business identification signage.

A permit is required pursuant to:

- Clause 32.09-2 (Neighbourhood Residential Zone) to use the land for a child care centre.
- Clause 32.09-9 (Neighbourhood Residential Zone) to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
- Clause 52.05-13 (Sign) to erect and display internally illuminated business identification signage.

Objectors Summary

The application was advertised to the surrounding area through the erection of two notices on-site and the mailing of notices to adjoining and surrounding owners and occupiers. Three (3) objections were received to the application. Issues raised generally relate to matters of:

- Increased traffic noise;

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- Increased traffic;
- Safety of children from traffic.

Assessment Summary

The subject site is well suited for the use and development of the land for non-residential purposes given the subject site is located adjacent to a Transport Zone 3 (Brady Road).

The development is considered to be respectful of the existing neighbourhood character by providing a single storey building with sufficient setbacks from the front, side and rear boundaries to allow for a reasonable level of landscaping to occur. The use of varying building materials and finishes to the external walls provides a level of articulation when viewed from the streetscape and adjoining residential properties.

Conditions would be included on any permit to be granted to protect the amenity of the area from noise, odour, lighting and rubbish.

Sufficient car parking would also be provided on site in accordance with the requirements of the Planning Scheme.

Recommendation Summary

As assessed, officers consider this proposal to be generally compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and Council Officers are of the view that on balance, the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported. Therefore, it is recommended that a Notice of Decision (which provides appeal rights to objectors) to grant a permit be issued subject to the conditions as set out in the recommendation.

If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Subject Site and Surrounds

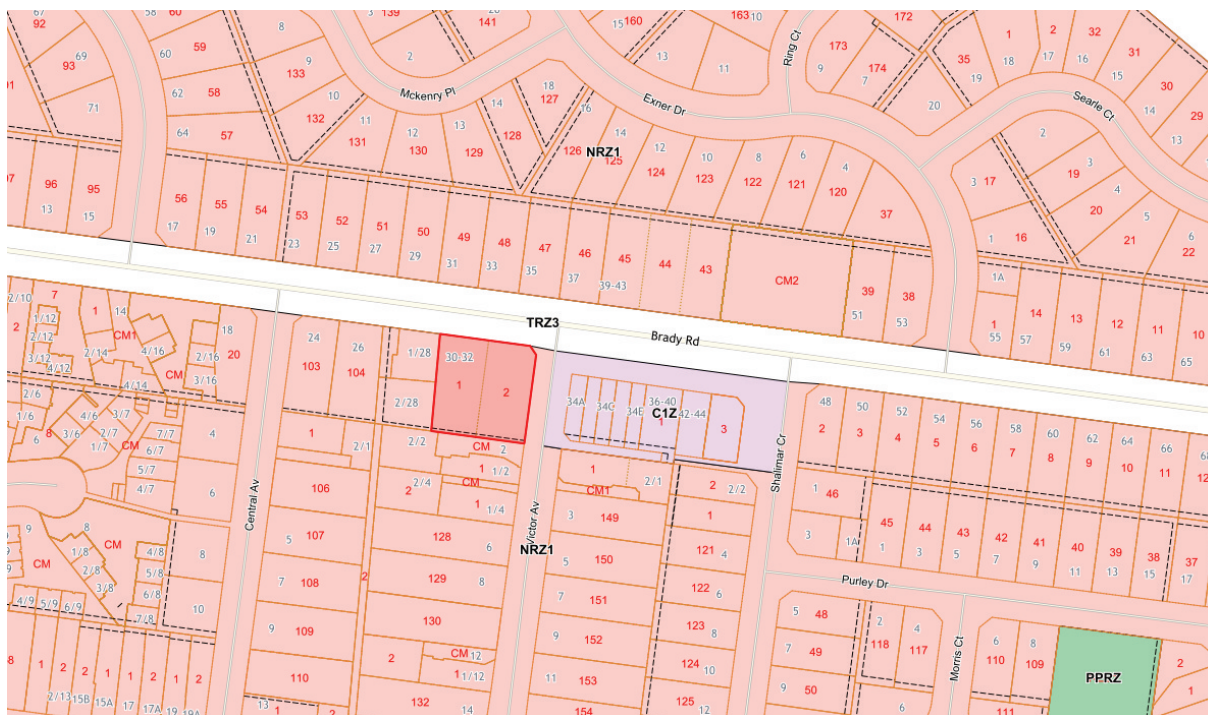
Subject Site

- The subject site is located at the southwest corner of Brady Road and Victor Ave.
- The land has a frontage to Brady Road of 36.58m along Brady Road, a side of 36.58m along Victor Ave and a splay of 4.32m at the corner of Brady Road and Victor Ave. The total land area is 1532.6 square metres.
- A 1.22m wide drainage and sewerage easement is located along the southern boundary.
- The existing condition of the site is a single storey weatherboard house with a detached weatherboard garage in the south west corner of the site.
- There are a number of medium-large trees across the site.

Surrounding Area

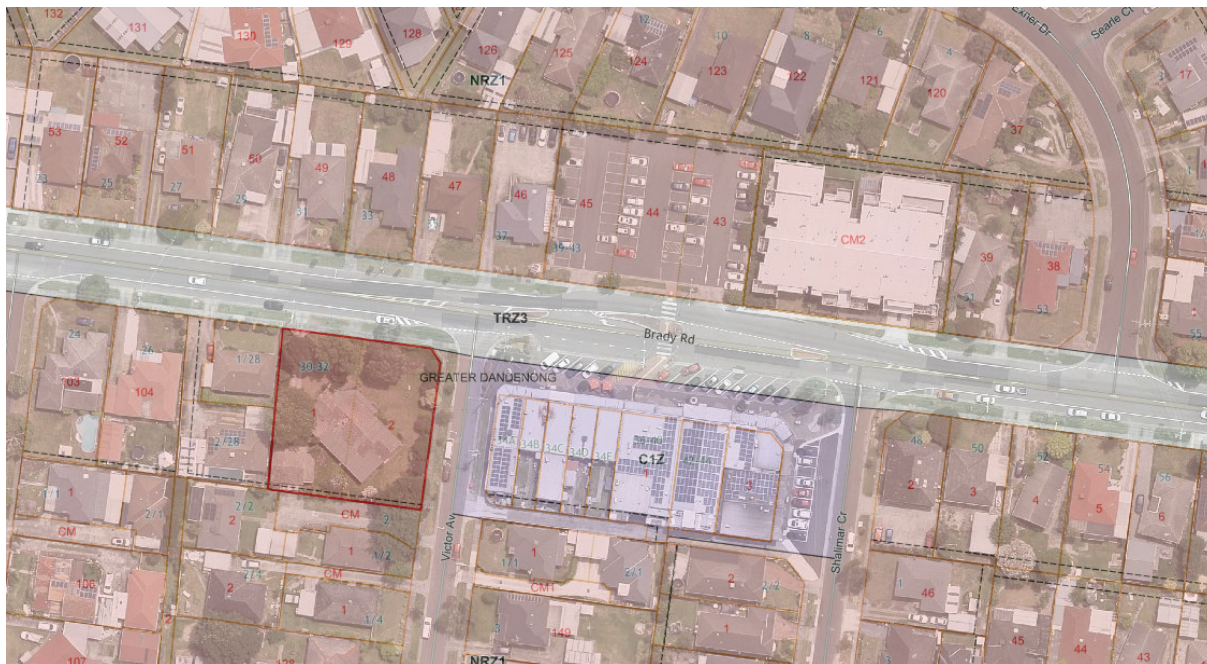
- The site is surrounded by residential dwellings to the west and south.
- The land to the east is a Commercial Zone – Schedule 1 which consist of the Brady Road shopping precinct.
- Brady Road, a Transport Zone 3 adjoins the northern boundary of the site. Opposite Brady Road (further north of subject site) are residential allotments.
- The closest public transport (bus stop) is approximately 160m west of the site on Brady Road.

Locality Plan



p Subject Site North é

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)



Background

Previous Applications

A search of Council records revealed no previous planning applications have been considered for the subject site.

Proposal

The application proposes the use and development of the land for the purpose of a child care centre and to display associated business identification signage.

The proposed child care centre would be located central to the site. The building would have an area of 410 square metres and would have 588 square metres of dedicated outdoor play area.

The premises consists of five (5) child play areas, three children's WC and preparation/store, kitchen, staff room, planning/admin room, bathroom facilities, bin store and a waste/loading collection. The application also proposes eighteen (18) car parking spaces (1 accessible, 17 standard).

The proposed child care centre will have a maximum of eighty four (84) children at any one time.

The proposed hours of operation are:

- 6.30am-6.30pm Monday to Friday
- Closed on Saturday and Sunday

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

The proposed building would be single storey. The building would reach a maximum height of 5.16m. The proposal would include the provision of outdoor play areas incorporating learning/play activities such as two (2) sandpits, a softball mulch pit, produce area with garden beds/boxes and synthetic turf as indicated on the landscape plan.

Signage

The proposed signage comprises of one internally illuminated business identification signage above the entry to the building facing Victor Avenue.

More specifically the sign is located 2.5m above natural ground level and has dimensions of 1.45m (w) x 0.6m (h) leading to a total display area of 0.87 square metres.

Car parking and vehicle access

A total of eighteen (18) shared car spaces would be provided, including an accessible car space.

Access to the site would be provided via one (1) crossover. The existing crossover on the northern boundary to Brady Road will be removed and a new 6.4m crossover on the western boundary to Victor Avenue will be constructed as the site's only vehicular access point.

Trees

Thirteen (13) trees are currently located within the site, one tree is located on a neighbouring site in close proximity to the southern boundary of the subject site, and seven trees are located on the road reserves adjoining this site. An arborist report has been provided, which identified three of the trees as being of high retention value.

It is proposed to retain all three trees identified as being of high retention value, two of which are located on the subject site, and the other on the neighbouring site to the south. It is also proposed to retain the trees on the adjoining road reserves.

The remaining trees are proposed for removal. None of these trees are of high retention value, and do not require a planning permit for their removal.

A copy of the submitted plans is included as Attachment 1.

Acoustic treatments

An Acoustic Report has been provided. The report submitted reveals that noise levels from the use are predicted to conform with the EPA's publication 1826 'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues'.

Acoustic fencing of 1.8m metres in height would be provided to the southern and western boundaries.

The Acoustic Report confirms that the proposal could operate without adverse noise impact on residential amenity in the area.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

Pursuant to the Greater Dandenong Planning Scheme, a planning permit is required under:

- Clause 32.09-2 (Neighbourhood Residential Zone) to use the land for a child care centre.
- Clause 32.09-9 (Neighbourhood Residential Zone) to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
- Clause 52.05-13 (Sign) to erect and display internally illuminated business identification signage.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Neighbourhood Residential Zone – Schedule 1, as is the surrounding land to the south and west. The adjoining land to the north is within a Transport Zone 3 (Brady Road).

The purpose of the Neighbourhood Residential Zone outlined at Clause 32.09 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.09-2, a permit is required to use the land for a child care centre. A permit is also required under Clause 32.08-9 to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Overlay Controls

No overlays affect the subject site or surrounding area.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Planning Policy Framework

The **Operation of the Planning Policy Framework** outlined at Clause 10 seeks to ensure that the objectives of planning in Victoria 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 objectives of Planning in Victoria are noted as:

- (a) To provide for the fair, orderly, economic and sustainable use, and development of land.*
- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- (e) To protect public utilities and other facilities for the benefit of the community.*
- (f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*
- (g) To balance the present and future interests of all Victorians.*

In order to achieve those objectives, there are a number of more specific objectives contained within the State Planning Policy Framework that need to be considered under this application.

Clause 11 – Settlement states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 11.02-1S – Supply of Urban Land contains the objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Economic Development is outlined at Clause 17 of the Scheme. Clause 17.02-1S - '**Business**' has the following objective:

- '*To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*'

Transport is outlined at Clause 18 of the Scheme. Clause 18.02-4S – '**Road**' has the following objective:

- *To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies.

The MSS is contained within Clause 21 of the Scheme. The MSS at **Clause 21.02** focuses on the **Municipal Profile**, within which the following is noted:

- *Greater Dandenong is a net provider of jobs, with a resident workforce of 53,000, and local businesses providing approximately 74,000 jobs. Greater Dandenong businesses provide the third highest number of jobs in metropolitan Melbourne, with the employment sector largely orientated towards manufacturing occupations. Within the metropolitan Melbourne area, Greater Dandenong is ranked – in terms of job stock – first in manufacturing, second in storage, third in road transport and fourth in wholesale trade.*

Greater Dandenong's vision is outlined at **Clause 21.03**. Amongst others, the vision is that Greater Dandenong will be:

- *a healthy community that embraces a sense of pride and belonging and works together to achieve an economically, socially and environmentally sustainable future.*
- *a well-balanced satisfied community, which has easy and equitable access to services important to people's everyday life.*

Clause 21.04 -Land Use, contains the objectives, strategies and implementation for land use issues under the themes of:

- Housing and community
- Retail, commerce and entertainment
- Industrial
- Green Wedge

Clause 21.04-1 (Housing and community) includes the following relevant objective and strategies:

Objective

5. To protect the amenity of residential areas adjacent to particular uses and protect sensitive particular uses from residential development.

Strategies

5.2 Encourage incorporation of acoustic attenuation measures in new residential developments within Mixed Use Zones and Commercial Zones to protect occupants from external noise.

5.3 Discourage non-residential uses except along main roads or collector roads or on corner sites.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Clause 21.05-1 Urban Design, character, streetscapes and landscapes – contains the following relevant objectives and strategies:

- *To facilitate high quality building design and architecture.*
 - *Ensure building design is consistent with the identified future character of an area and fully integrates with surrounding environment.*
 - *Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.*
 - *Encourage innovative architecture and building design.*
 - *Encourage development to incorporate sustainable design elements that enhance occupant comfort and environmental performance*
- *To facilitate high quality development, which has regard for the surrounding environment and built form.*
 - *Promote views of high quality landscapes and pleasing vistas from both the public and private realm.*
 - *Promote all aspects of character – physical, environmental, social and cultural.*
 - *Encourage planting and landscape themes, which complement and improve the environment.*
 - *Encourage developments to provide for canopy trees.*
- *To protect and improve streetscapes*
 - *Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.*
 - *Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.*
- *To ensure landscaping that enhances the built environment*
 - *Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.*
 - *Encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas.*
- *To ensure a co-ordinated approach to sign design and placements, in commercial, industrial, residential areas and along road corridors.*
 - *Ensure that the design and placement of new signs considers the cumulative impact of existing signs on the host building, adjoining buildings and the streetscape.*
 - *Encourage signs in appropriate areas to include English and one other language reflecting the cultural aspect of the locality.*

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- *Ensure major promotion and sky signs along road corridors are appropriately spaced so as not to dominate the overall setting and to minimise impact on viewing corridors/major view lines.*
- *Ensure signs in residential areas do not dominate the building, the site and the streetscape.*

Clause 22.11 – Advertising signs policy. Advertising signs play an important role within the built environment to identify premises, advertise a product or to promote a business. Signs can add visual interest to the façade of a building adding vibrancy and colour to activity centres. A balance between the extent of signage and size of the signs and built form is critical to prevent a clustering of signage which can degrade the character of streetscapes and public spaces.

The objectives of Clause 22.11 are;

- *To ensure that signs are designed, positioned and displayed in an appropriate and attractive manner.*
- *To encourage signs that make a positive contribution to both the day and night time character of activity centres.*
- *To improve the appearance of identified gateway locations across the municipality through the effective, sensitive display of signs and the avoidance of a proliferation of signs and visual clutter.*

Particular Provisions

Clause 52.05 – Advertising Signs

The purposes of this provision are:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Clause 52.05-2 notes that Clauses 52.05-11 to 52.05-14 specify categories of advertising control. These categories each contain three (3) sections, sign types not requiring permits, those requiring permits, and those that are prohibited.

Clause 52.05-13 – Category 3 (High Amenity Areas) – medium limitation. The following purpose is noted:

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area

Pursuant to Clause 52.05-13, a planning permit is required to display business identification, internally-illuminated or promotion signage.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Clause 52.06 Car parking

The purpose of this provision are:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The table to Clause 52.06-5 (Car parking – Number of car parking spaces required under Table 1) contains car parking ratios for different uses. The subject site is not within the Principle Public Transport Network map area. Therefore, Column A of Clause 52.06-5 is applicable.

A Child Care Centre under Column A of Clause 52.06-5 requires 0.22 car spaces to each child.

General Provisions

Clause 65 – Decision Guidelines needs to be considered, as is the case with all applications. For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

Proposed Planning Scheme Amendments

There is no Planning Scheme Amendment relevant to this application.

Restrictive Covenants

The proposal has a registered Covenant (Instrument 1385732), which states that any proposed use, 'will not carry on the said land hereby transferred or any part thereof or on any buildings erected or to be erected thereon any noxious or objectionable trade business or manufacture'. The applicant has provided legal advice confirming that the proposal not in breach of any restrictive covenant.

Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. In accordance with the commitment in Council's Annual Plan, all applications are considered on their merits.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Diversity (Access & Equity)

It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

Community Safety

It is considered that there would be no adverse community safety implications in permitting the proposal subject to strict conditions on any planning permit issued.

Safe Design Guidelines

Consideration of the relevant requirements of these Guidelines has been undertaken within the Assessment of this application.

Referrals

External

The application was not required to be referred to any external referral authorities pursuant to Section 55 of the Planning and Environment Act 1987.

Internal

The application was internally referred to the following Council departments for their consideration. The comments provided have been considered in the assessment of the application.

Internal Referrals	
Civil Development	No objections, subject to conditions on permit.
Assets Planning	No objections, subject to conditions on permit.
Transport Planning	No objections, subject to conditions on permit.
Arborist	No objections, subject to conditions on permit.
Waste Management Services	No objections.

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing signs on site facing Brady Rd and Victor Ave.

The notification has been carried out correctly.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Council has received three (3) objections to date.

The location of the submitters is shown in Attachment 2.

Consultation

As only three (3) objections were received, the threshold for a consultative meeting has not been met and therefore no consultative meeting has been undertaken.

Summary of Grounds of Submissions/Objections

- **Increased traffic noise**

The proposed uses would operate from 6.30am to 6.30pm Monday to Friday only. The proposed hours of operation are not considered excessive having considered that the site is adjacent to a major road (Brady Road).

The proposed development would include 1.8m high acoustic fence along the south and west boundaries for noise attenuation purposes to the neighbouring adjoining residential properties.

Conditions would be included on any permit to be granted requiring that noise emanating from the site must not exceed the permissible noise levels determined in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and that no external sound amplification equipment or loudspeaker are to be used.

Subject to conditions, it is considered that the use of the land for a child care centre would not result in excessive noise to the surrounding land uses.

- **Increase in traffic**

The proposed eighty four (84) children childcare centre would require a total of eighteen (18) car parking spaces, pursuant to the requirements within Clause 52.06.

The proposed development would provide eighteen (18) on-site car spaces, meeting the car parking requirement of Clause 52.06 (Car Parking) of the Greater Dandenong Planning Scheme.

Council's Transport Planning team has reviewed the proposal and has no objection to the number of car spaces proposed or the car parking layout provided.

Conditions would also be included on any permit to be granted limiting the number of children to eighty four (84) maximum to ensure the proposal remains compliant with the car parking requirement specified in the scheme.

Given the car parking requirements of the planning scheme are met, it is not considered that on-street parking required, or that unacceptable traffic impacts on the surrounding road network will not occur.

- **Safety concerns for children caused by traffic**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Council's Transport Planning team has reviewed the proposal and has no objection to the number of car spaces proposed or the car parking layout provided. The proposal has no additional safety concerns in relation to children safety from a traffic perspective. A childcare centre being located adjacent to a major road such as Brady Road is not uncommon and the only access to the site is off Victor Ave. Furthermore, there is a fence along the frontage to Brady Road to ensure children do not abruptly run onto the road. Condition 1.6 has also been included on the permit to ensure that vehicles exiting the site have pedestrian visibility that is not obscured by landscapes or objects. Overall, the functionality of the site and its layout is considered adequate from a traffic safety perspective.

Assessment

The application has been assessed against all relevant provisions of the Greater Dandenong Planning Scheme.

Overall, the proposal is considered to be appropriate on the basis that it complies with the Planning Policy Framework and Local Planning Policy Framework for land use and built form.

The following assessments have been made:

Use & Development

Whilst the land is within a Neighbourhood Residential Zone – Schedule 1, the location of the site being adjacent to a Transport Zone 3 (Brady Road) and on a corner site is considered appropriate for non-residential uses having considered Strategy 5.3 of Clause 21.04 (Land Use) which discourages non-residential uses in residential zones except along main roads or collector roads or on corner sites.

In addition, the site is on the periphery of a commercial strip, with commercial zoning located directly opposite on Victor Avenue, just 16m to the east. It is considered that the proposal would serve local community needs at an appropriate location and is consistent with the Planning Policy Framework.

With regards to the potential amenity impact to the surrounding properties, the proposal would provide a 1.8m high acoustic fence along the south and west boundaries to mitigate potential amenity impacts on adjoining residential properties.

The proposed maximum number of children is 84 with hours of operation proposed from 6.30am to 6.30pm Monday to Friday. The scale and intensity of the proposed use is not significant, and the proposed hours of operation would not result in late night disturbance to the surrounding properties.

The neighbourhood character objectives listed under Schedule 1 to the Neighbourhood Residential Zone seek to achieve respectful development which considers prevailing setbacks, built form and landscape to allow for substantial high-quality landscaping, including canopy trees to protect the amenity and outlook of adjoining properties and contribute to the landscape character. The proposed development would be of a high quality, incorporate additional tree-planting and retention of large trees on site and consist of single storey scale which is considerate of the neighbourhood objectives and decision guidelines of the schedule to the zone.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

It is considered that the proposed single storey contemporary buildings with pitched roof and a maximum height of 5.16m, are not out of character with the surrounding buildings.

The proposed buildings which consist of varying building materials and finishes to the external walls would provide a level of articulation when viewed from the streetscape and adjoining residential properties.

Whilst the submitted landscape plan has shown locations of landscape areas with schematic locations of planting, including retention of large canopy trees, a detailed landscape plan with additional planting requirements together with a landscape schedule should be requested as a condition of any permit to be granted.

Whilst the proposal would result in a small increase of traffic to the area, it is considered that the existing road networks could cater for the increase. The application was referred to Council's Transport Planning Unit who has no objection to the proposal subject to conditions.

Overall, it is considered that the proposed use and development is consistent with the Greater Dandenong Planning Scheme.

Signage

The proposed signage comprises of single internally illuminated business identification sign on the eastern elevation of the building facing Victor Avenue (east).

Considering that the sign is facing towards a commercial building across the road to Victor Ave, and given the limited area of the sign (0.87sqm) as well as the location of the sign, being mounted flush to the building entry, it will not detract from the appearance of the building. The sign poses minimal amenity impacts to the local area. The proposed sign is considered to accord with the decision guidelines pursuant to Clause 52.05-8.

Car Parking

Clause 52.06-5 (Car parking) contains car parking provision for difference uses.

The site is not within the Principal Public Transport Network. Therefore the car parking rate in Column A of 52.06-5 is applicable.

Clause 52.06-5 states:

- If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

A Child care centre requires 0.22 car space to each child permitted in Column A of Clause 52.06-5. The application proposes 84 children and requires the following number of car spaces:

- $0.22 \times 84 = 18.48$ car spaces required

Rounded down to the nearest whole number, the proposal requires eighteen (18) car spaces.

The proposal provides eighteen (18) car spaces and complies with the car parking provision.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

The application has also been assessed against the design guidelines of Clause 52.06-9 and is considered to comply with the guidelines.

The application has been referred to Council's Transport Planning Unit who has no objection to the proposal subject to conditions requiring no visual obstruction to be provided within the 2 x 2.5m corner splay at the entrance to the car parking area required by Clause 52.06. This could be conditioned.

Landscaping, Vegetation & Tree Impacts

The proposal retains the three trees identified as being of high retention value, as well as the trees on the adjoining road reserves. The proposal was referred to Council's internal arborist team who has advised that they do not object to the proposal subject to numerous conditions relating to the incorporation of tree protection fencing, permeable paving and a tree protection and management plan (TPMP). The conditions imposed on the permit will serve to protect the high retention value trees on site as well as trees on adjoining properties. The tree protection measures and retention of large trees on site as well as the incorporation of additional tree planting as per the submitted landscape plan will ensure that the proposal will possess a satisfactory landscape outcome throughout the site.

Environmentally Sustainable Development

A non-residential development with a building area of 1000sqm or more requires a Sustainable Design Assessment (SDA) or Sustainability Management Plan (SMP).

The proposed building has a floor area of 410sqm and as such does not require a SDA or SMP.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework, Local Planning Policy Framework, Municipal Strategic Statement, zones, overlays, particular provisions and Clause 65.

Overall, it is considered that the proposal is appropriate having regard to the site's location being adjacent to a Transport Zone 3 within a Neighbourhood Residential Zone – Schedule 1, the proposed built form, and overall compliance with the Greater Dandenong Planning Scheme.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 30-32 Brady Road Dandenong North (Lot 1 TP 593237 Vol 8533 Fol 688), for the 'Use and development of the land for a child care centre and to display internally illuminated business identification signage', subject to the following conditions:

- 1. Before the development or use starts, amended plans must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

The plans must be in accordance with the plans submitted with the application but modified to show:

- 1.1 The minimum finished floor level of the proposed childcare building is 63.35m to AHD.**
- 1.2 The finished floor level of the surrounding ground at the northern side of the child car must be set no higher than 63.00m to AHD.**
- 1.3 An annotation included on the plans stating:
“Letterboxes and all other structures (including visually obstructive fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Dandenong Planning Scheme Clause 52.06-9”.**
- 1.4 A landscape plan in accordance with Condition 2.**
- 1.5 A Tree Protection and Management Plan (TPMP) in accordance with Condition 9.**

All to the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of the plans required by Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:**
 - 2.1 plans to accord with Condition 1 of this permit;**
 - 2.2 the site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;**
 - 2.3 details of the proposed layout, type and height of fencing;**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 2.4 legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;**
- 2.5 a plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;**
- 2.6 landscaping designs must use tree species from the Medium- or Large-tree categories of the City of Greater Dandenong's Tree Selection and Planting guidelines. All tree stock must comply with AS 2303-2018 Tree stock for landscape use;**
- 2.7 tree protection zones in accordance with the arborist report submitted with the application.**

When approved, the amended landscape plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

- 3. Prior to the commencement of the use, the acoustic fence must be constructed along the south and west boundaries in accordance with the endorsed acoustic report at the full expense of the land owner to the satisfaction of the Responsible Authority.**
- 4. The layout of the site and size, design, location and use of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.**
- 5. Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around the public tree asset located on the Brady Road and Victor Street frontages (Trees 1-7), to the satisfaction of the Responsible Authority and must:**
 - 5.1 Exclude access and construction activity within the permeable nature strip areas of the TPZs:**
 - 5.1.1 Trees 1-5, and Tree 7 have a 2 m radius**
 - 5.1.2 Tree 6 has a 4 m radius**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 5.2 Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 Temporary fencing and hoardings.**
 - 5.3 Not prevent the use of the road or footpath.**
 - 5.4 Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.**
- 6. The crossover and carpark proposed within the Tree Protection Zones (TPZs) of Tree 1 and Tree 16 must be constructed above the existing grade using permeable materials to the satisfaction of the Responsible Authority. There must be no excavation within these TPZs, except for scraping the surface up to 30 mm deep to remove surface organics and/or debris.**
- 7. Removal of the existing crossover on the Brady Road frontage shall include the removal of all base materials and spoil. Re-instatement of the nature strip in this location shall include top dressing and turf seeding to the satisfaction of the Responsible Authority.**
- 8. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 9. Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared to the satisfaction of the Responsible Authority by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:**
 - 9.1 To maintain and protect the condition of all retained trees (Trees 1-7, 9, 16, and 20);**
 - 9.2 To comply with AS 4970–2009 *Protection of trees on a development sites* (Australian Standard AS 4970–2009).**

The TPMP must include all tree related requirements conditioned in this permit. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Responsible Authority.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 10. The uses must only operate between the hours of:**
 - 10.1 Monday to Friday: 6.30am-6.30pm**
 - 10.2 Saturday and Sunday: Closed**

Unless with the written consent of the Responsible Authority.
- 11. The number of children on the site at any one time must not exceed the following:**
 - 11.1 eighty four (84) children**

unless with the written consent of the Responsible Authority.
- 12. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:**
 - 12.1 Transport of materials, goods or commodities to or from the land.**
 - 12.2 Appearance of any building, works or materials.**
 - 12.3 Adverse behaviour of patrons on, to or from the premises.**
 - 12.4 Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil.**
 - 12.5 Presence of vermin.**

All to the satisfaction of the Responsible Authority.
- 13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 14. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.**
- 15. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 16. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**
- 17. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.**
- 18. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.**
- 19. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 20. The connection of the internal drainage infrastructure to the legal point of discharge must be to the satisfaction of the Responsible Authority.**
- 21. Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the legal point of discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 22. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.**
- 23. Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 24. Prior to the use commencing, all parking areas and accessways must be:**
 - 24.1 constructed and available for use in accordance with the plan approved by the responsible authority;**
 - 24.2 formed to such levels and drained so that they can be used in accordance with the plan; and**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 24.3** line-marked or provided with some other adequate means of showing the car parking spaces.
- 25.** Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.
- 26.** The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.
- 27.** The car parking area must be lit if in use during the hours of darkness and all lights must be designed and fitted with suitable baffles. The lighting must be positioned to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.
- 28.** The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
- 29.** No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.

Signage conditions

- 30.** The location, type and dimensions of the signage as shown on the endorsed plan/s must not be altered unless with the written consent of the Responsible Authority.
- 31.** Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
- 32.** The sign(s) must only contain an advertisement which provides or supplies information relating to the business conducted on the land.
- 33.** The approved sign(s) must not be animated in part or whole and flashing, intermittent or moving light/s must not be displayed.
- 34.** The intensity of the light in the signage must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

- 35. The signage shall be constructed and maintained to the satisfaction of the Responsible Authority.**

Expiry date

- 36. This permit will expire if:**

- 36.1 The development does not start within two (2) years of the date of this permit; or**
- 36.2 The development is not completed within four (4) years of the date of this permit; or**
- 36.3 The use does not start within one (1) year of the completion of the development; or**
- 36.4 The use is discontinued for a period of two (2) years.**

Before the permit expires or within six (6) months afterwards, the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- a. the request for the extension is made within twelve (12) months after the permit expires; and**
 - b. the development or stage started lawfully before the permit expired.**
- 37. This permit expires fifteen (15) years from the date of this permit for the approved signage. Before this permit expires, the approved sign(s) and any supporting structure must be removed and the land and/or building surface made good to the satisfaction of the Responsible Authority.**

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

Permit Notes

A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.

A flood dispensation is to be obtained prior to issue of Building Permit.

Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.

Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.

Prior to the drainage plans being approved, a drainage approval fee will need to be paid to Council.

Approval of any retention system within the property boundary is required by the relevant building surveyor.

Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.

As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.

A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings.

Proposal to remove any public tree assets will be conditional to demonstration by the applicant's Project Arborist that removal is the last resort (Tree 2). Once approved by the Responsible Authority, the payment for tree removal and replacement planting of 1 new street tree must be made to Council prior to the commencement of works. The permit holder must contact Council's arborist to arrange for any approved roadside tree removal at the permit holder's cost. New trees will be planted at a time and location determined by the Responsible Authority.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

All construction activities that are within the TPZs of retained site trees (Trees 9 and 20), public tree assets (Trees 1-7), and neighbouring trees (Tree 16) must be under the supervision of a minimum AQF Level 5 Arborist.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

STATUTORY PLANNING APPLICATIONS

**Town Planning Application - No. 30-32 Brady Road Dandenong North
(Planning Application PLN21/0434)**

ATTACHMENT 1

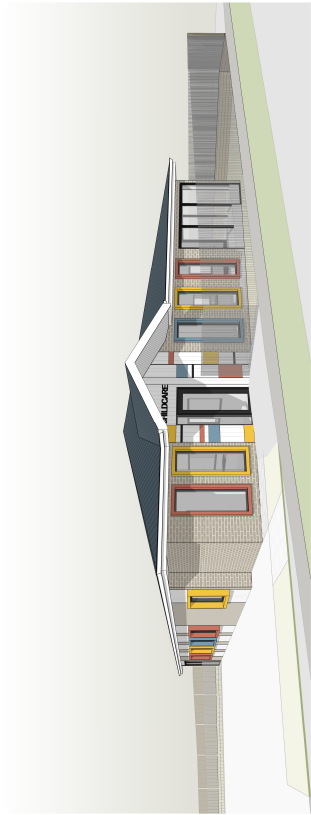
SUBMITTED PLANS

PAGES 16 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application
PLN21/0434) (Cont.)

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PROPOSED CHILDCARE
30-32 BRADY ROAD, DANDENONG VIC 3175

SHEET NUMBER	SHEET NAME	REV	REV DATE
TT001	COVER SHEET	H	19.02.2022
TT002	SITE CONTEXT	F	29.09.2021
TT003	DESIGN RESPONSE	H	19.02.2022
TT004	GROUND FLOOR	H	19.02.2022
TT005	ELEVATIONS SET 1	H	19.02.2022
TT006	ELEVATIONS SET 2	H	19.02.2022
TT007	SECTIONS	H	19.02.2022
TT008	STREETSCAPE	F	29.09.2021
TT009	SHADOW DIAGRAM 9AM	F	29.09.2021
TT010	SHADOW DIAGRAM 12PM	F	29.09.2021
TT011	SHADOW DIAGRAM 3PM	F	29.09.2021
TT012	LANDSCAPE PLAN	H	19.02.2022

PROJECT NAME
PROPOSED 84 PLACES CHILDCARE @ 30-32 BRADY ROAD,
DANDENONG VIC 3175

REVISIONS

NO.	DATE	DESCRIPTION
1	19.02.2022	ISSUED FOR PUBLIC HEARING
2	29.09.2021	ISSUED FOR PUBLIC HEARING
3	19.02.2022	ISSUED FOR PUBLIC HEARING
4	19.02.2022	ISSUED FOR PUBLIC HEARING

SCALE

1:100

PROJECT NO.
PLN21/0434

PROJECT NAME
PROPOSED 84 PLACES CHILDCARE @ 30-32 BRADY ROAD,
DANDENONG VIC 3175

PROJECT BY
CITY OF DANDENONG

NEIGHBOURHOOD DESCRIPTION				
<ul style="list-style-type: none"> THE BUILDING CHARACTER OF THE AREA ARE MAINLY 1950S AND 1960S TOWNHOUSES WITH GARDENS, TERRACES, TOWNHOUSES WITH VARIOUS COLOURED BRICKS, MOUNTED ROADS AND CEMENT SHEET FERRIES. ROOF TYPES ARE MAINLY TILES AND PLASTER ROOFS. THERE ARE SOME FLAT ROOFS BUT A RARE SHEETING. THE PROPERTY IS LOCATED NEAR WITH LOCAL AREA, SCHOOLS AND CHURCHES, AND WIND RESISTED COMMERCIAL CENTRE AND HOSPITALS. THERE IS A LAMEN WIDE EASEMENT WITH THE NORTH SIDE OF THE ROAD. THE PROPOSAL WILL NOT INFRINGE THIS EASE. 	<p>CONSTRANTS</p> <p>THE SIZE, AND SHAPED OF THE SITE IS WIDE AND IN CORNER WHICH PROVIDES A OPPORTUNITY TO PROVIDE A LAMEN WIDE EASEMENT TO THE NORTH SIDE OF THE CENTRE.</p>	<p>SIGNIFICANT AMENITIES/ROADWAYS</p> <p>APPROX 0.5KM TO LOCAL SHOPS</p> <p>APPROX 0.5KM TO LYNDALE SECONDARY COLLEGE</p> <p>APPROX 0.7KM TO WOODS HANA PARK PRIMARY SCHOOL</p> <p>APPROX 0.5KM TO ANGLICAN ABERDEEN</p> <p>APPROX 0.5KM TO PATH OF CHURCH OF SCOTLAND</p> <p>APPROX 0.5KM ACCESS TO MOUNTAIN PATH</p> <p>APPROX 0.5KM TO MEDICAL CARE</p> <p>APPROX 0.5KM ACCESS TO MEDICAL CARE</p> <p>APPROX 0.5KM TO MEDICAL CARE</p>	<p>APPROX 0.5KM TO LOCAL SHOPS</p> <p>APPROX 0.5KM TO LYNDALE SECONDARY COLLEGE</p> <p>APPROX 0.7KM TO WOODS HANA PARK PRIMARY SCHOOL</p> <p>APPROX 0.5KM TO ANGLICAN ABERDEEN</p> <p>APPROX 0.5KM TO PATH OF CHURCH OF SCOTLAND</p> <p>APPROX 0.5KM ACCESS TO MOUNTAIN PATH</p> <p>APPROX 0.5KM TO MEDICAL CARE</p> <p>APPROX 0.5KM ACCESS TO MEDICAL CARE</p> <p>APPROX 0.5KM TO MEDICAL CARE</p>	

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EXTERNAL FINISHES LEGEND

CODE	IMAGE	DESCRIPTION
W1	[Solid dark blue circle]	WALLS: DARK BLUE (OR 100% RAL 5010)
W2	[Brick pattern]	WALLS: BRICK (OR 100% RAL 5010)
W3	[Horizontal lines]	WALLS: WHITE (OR 100% RAL 5010)
W4	[Solid light blue circle]	WALLS: LIGHT BLUE (OR 100% RAL 5010)
R1	[Red square]	ROOF: RED (OR 100% RAL 5010)
R2	[Yellow square]	ROOF: YELLOW (OR 100% RAL 5010)
R3	[Blue square]	ROOF: BLUE (OR 100% RAL 5010)
R4	[Dark blue square]	ROOF: DARK BLUE (OR 100% RAL 5010)

1 EAST ELEVATION - VICTOR AVENUE
1:100

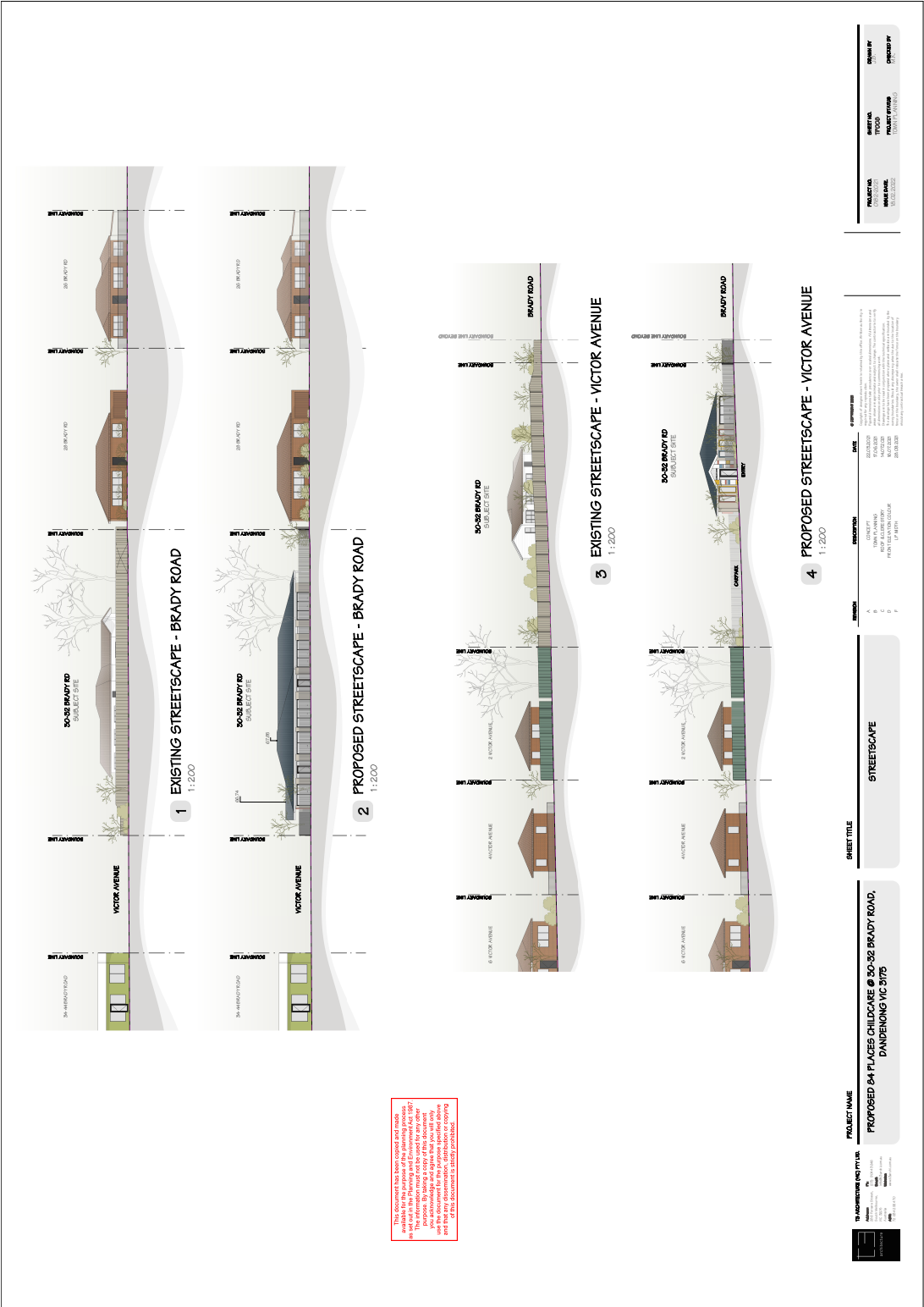
2 NORTH ELEVATION - BRADY ROAD
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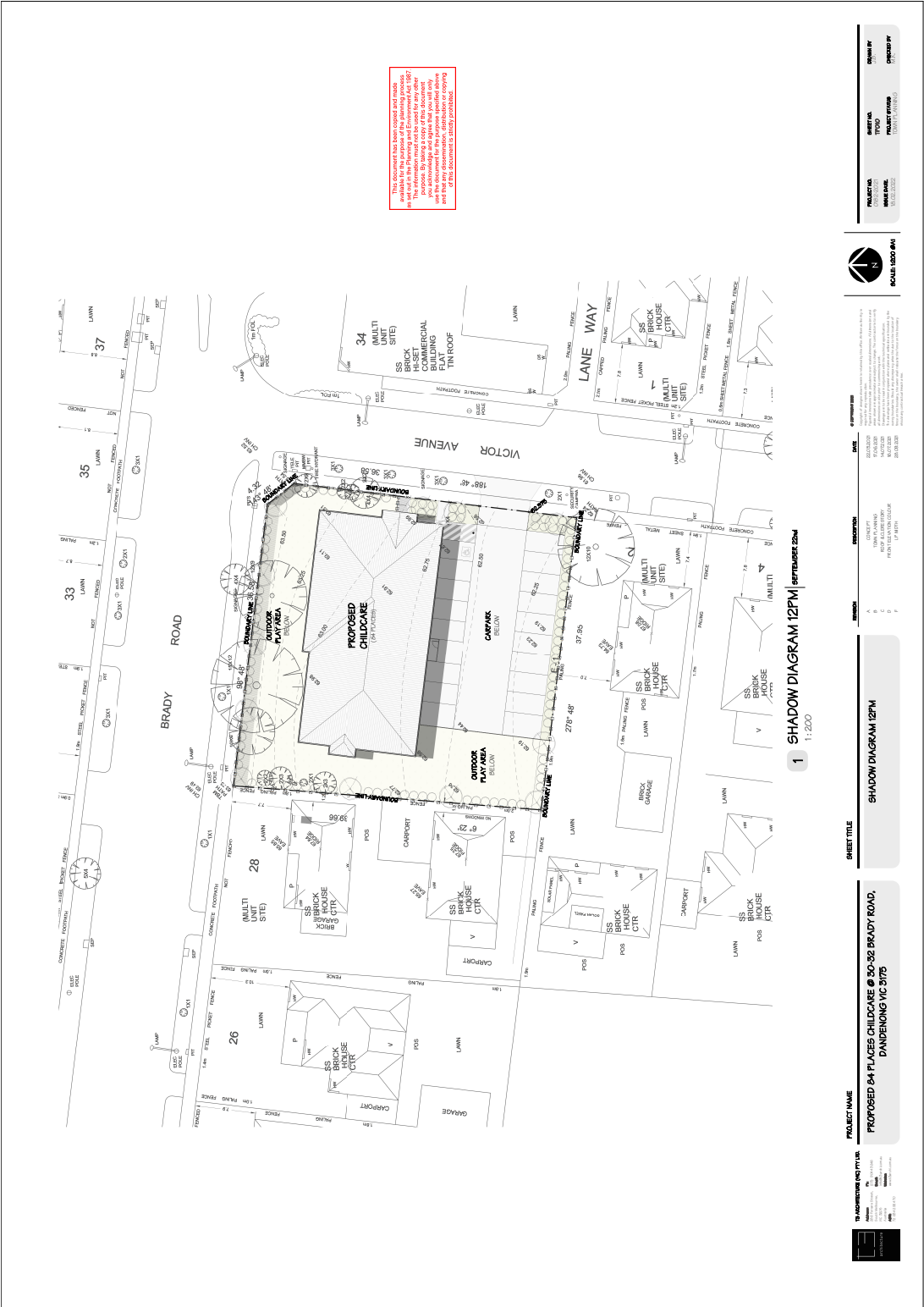
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2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application
PLN21/0434) (Cont.)

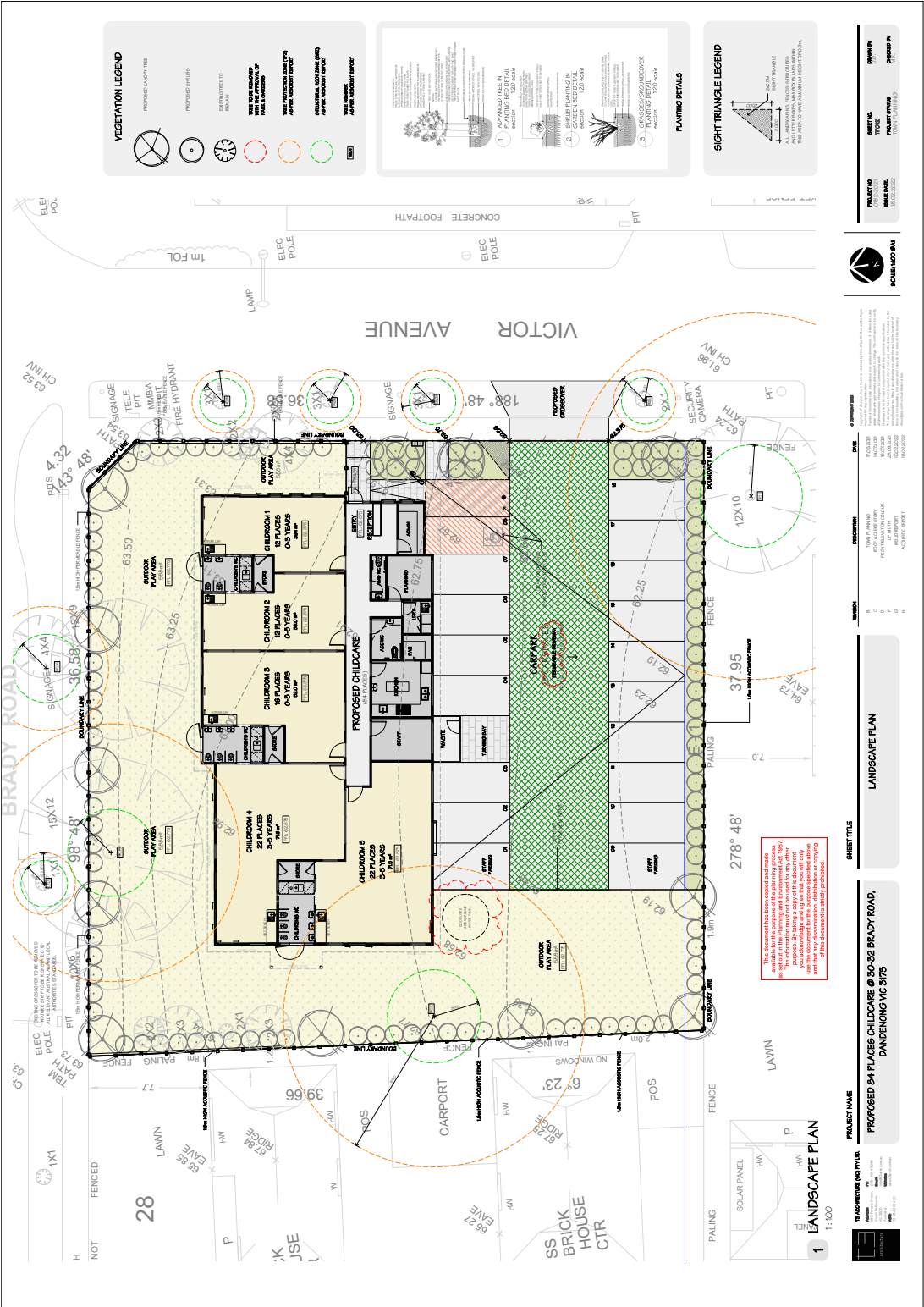


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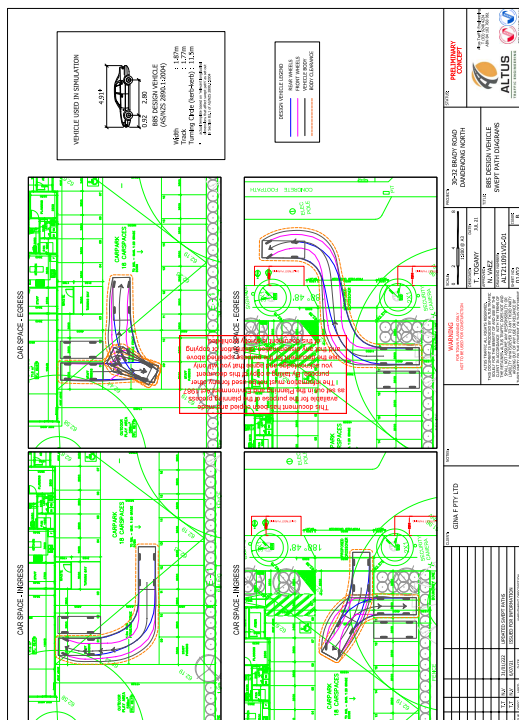
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PLN21/0434) (Cont.)



2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application
PLN21/0434) (Cont.)



2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)



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INDICATIVE PLANT SCHEDULE - ALL PLANTS SPROUNDED FOR USE IN CHILDCARE

PLANT	SIZE	QUANTITY	DATE
1. GARDENIA	40m	1	20/07/21
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2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)

STATUTORY PLANNING APPLICATIONS

**Town Planning Application - No. 30-32 Brady Road Dandenong North
(Planning Application PLN21/0434)**

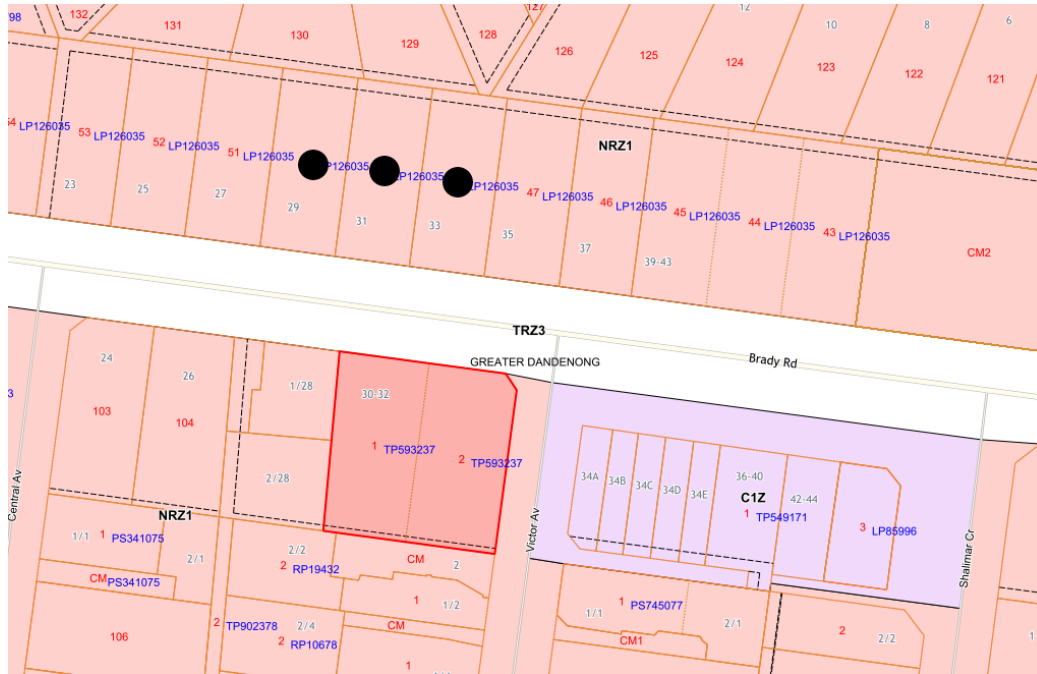
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.3 Town Planning Application - No. 30-32 Brady Road Dandenong North (Planning Application PLN21/0434) (Cont.)



Subject Site



LOCATION OF OBJECTOR

3 QUESTION TIME - PUBLIC

Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the Councillors, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.

QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented. Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Ordinary meetings of Council. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be considered at the meeting.

c) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:

- i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
- ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

d) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

- i) does not relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
- ii) does not relate to a matter in respect of which Council or a Delegated Committee has no power to act;
- iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor, Delegated Member or Council officer; and
- iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).

e) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chairperson and/or Chief Executive Officer:

- i) must advise the Meeting accordingly; and
- ii) will make the question available to Councillors or Members upon request.

3 QUESTION TIME - PUBLIC (Cont.)

- f) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- g) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
 - i) seek clarification of the question from the person who submitted it;
 - ii) seek the assistance of another person in answering the question; and
 - iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.
- k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

4 OFFICERS' REPORTS - PART TWO

4.1 OTHER

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022

File Id:

Responsible Officer:

Director Community Services

Attachments:

Draft Minutes of Arts Advisory Board Meeting on
31 May 2022

1. Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

2. Recommendation Summary

This report recommends that the draft Minutes of the Arts Advisory Board meeting provided in Attachment 1 to this report be noted and endorsed by Council.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

3. Background and Proposal

Greater Dandenong City Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

As such, the draft Minutes are provided as Attachment 1 to this report.

There are no financial implications associated with the development and submission of this report.

4. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

4.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Education, training, entrepreneurship and employment opportunities
- Sustainable environment
- Embrace diversity and multiculturalism.
- Mind, Body and Spirit
- Art and Culture

4.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city that respects and celebrates diversity, our history and the arts
- A city of accessible, vibrant centres and neighbourhoods

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

- A green city committed to a sustainable future
- A city that supports entrepreneurship, quality education and employment outcomes
- A Council that demonstrates leadership and a commitment to investing in the community.

5. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (LGA2020) states that a Council must in the performance of its role give effect to the overarching governance principles.

The establishment of the Arts Advisory Board and the work that it undertakes gives particular consideration to the following overarching governance principles:

- priority is given to achieving the best outcomes for the municipal community, including future generations (section 9(b) of the LGA2020);
- the municipal community is engaged in strategic planning and strategic decision making – many advisory committees and reference groups have community members as participants (section 9(d) of the LGA2020);
- innovation and continuous improvement is pursued (section 9(e) of the LGA2020);
- collaboration with other Councils, governments and statutory bodies is sought – many advisory committees and reference groups have representatives attending from these organisations (section 9(f) of the LGA2020);
- the ongoing financial viability of Council is ensured (section 9(g) of the LGA2020);
- regional, state and national plans and policies are taken into account in strategic planning and decision making – diverse representation within these groups ensures this occurs (section 9(h) of the LGA2020); and
- the transparency of Council decisions, actions and information is ensured by this regular reporting mechanism (section 9(i) of the LGA2020).

6. Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Charter of Human Rights and Responsibilities have been considered in the preparation and are consistent with the standards set by the Charter.

7. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires Councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only.

The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one gender group over any other.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

8. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

9. Recommendation

That Council notes the draft Minutes of meeting for the Arts Advisory Board as provided in Attachment 1 to this report.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

OTHER

**DRAFT MINUTES OF ARTS ADVISORY BOARD MEETING – 31
MAY 2022**

ATTACHMENT 1

**DRAFT MINUTES OF ARTS ADVISORY
BOARD ON 31 MAY 2022**

PAGES 5 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

Advisory Committee or Reference Group Name: Arts Advisory Board (AAB)

Date of Meeting: 31 May 2022

Time of Meeting: 6pm–7.55pm

Meeting Location: The Drum Theatre (Committee Room) – Walker Street and Lonsdale Street, Dandenong, VIC, 3175

Attendees:

Roh Singh (RS) (Chair), Mish Eisen (ME), Oz Malik (OM), Acting Manager Community Arts, Culture and Library Services (CGD), Coordinator Arts and Cultural Development (CGD), Coordinator Drum Theatre (CGD)

Apologies:

Acting Director Community Services, Councillor Rhonda Garad

Minutes:

Coordinator Arts and Cultural Development (CGD)

Item No.	Item	Action	Action By
1	Welcome The Chair acknowledged the Traditional Owners of the Land, welcomed attendees, and noted the apologies.		
2	Introductions, Apologies, Staffing updates Council officers provided an update on CGD staffing changes, where the roles interact with the committee. Council officers provided an update on the resignation of Shelley McSpedden, a committee member of AAB.	Prepare thank you letter to Shelley for her time on Arts Advisory Board.	RS / Coordinator Arts and Cultural Development (CGD)
3	Review of Minutes Committee endorsed the previous meeting minutes of the Arts Advisory Board Meeting on 15 February 2022. <ul style="list-style-type: none"> Moved – ME Seconded - CGD 		
4	Vacant AAB positions Council officers provided update and proposal to hold off advertising for the two vacant AAB positions until July following the endorsement of new Arts, Culture and Heritage Strategy at the end of June. This would enable candidates to be clear on the direction of Council's art, culture and heritage goals.	Prepare recruitment and advertising of new AAB members to take place in July / August, after endorsement of Arts, Culture and Heritage Strategy.	Coordinator Arts and Cultural Development (CGD)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

	<p>Discussion of key areas of skill to highlight as part of selection process and advertising:</p> <ul style="list-style-type: none"> • First Nations • diversity of experience (not necessarily a lot of experience) • diversity of ages • familiarity with area • creative/cultural facilities • philanthropic/creative industry/business • refugee/asylum seeker voice (perhaps via working group). <p>Working Group Membership discussion Discussion from committee around working group numbers, general agreement that 3-4 core members is enough and then bringing others in as required.</p> <p>Decision not to advertise for more working group volunteers but focus only on filling AAB members for now.</p>		
5	<p>Arts and Cultural Heritage Strategy (Draft)</p> <p>Council Officer gave overview of process to date, including no significant changes to draft after community feedback process. Thanked AAB members for their contribution to the Strategy.</p> <p>Draft Strategy going to Council for formal endorsement on 27 June, finalised version will then be distributed to all members.</p>	Distribute final Strategy to all members.	Coordinator Arts and Cultural Development (CGD)
6	<p>Working Group Chair Reports</p> <p>Public Art Working Group: (See minutes of working group)</p> <p>Key points: Working group met and had a tour of Dandenong and discussed strategy. Agreed to meet four times during year in person in four key districts of CGD. Discussed deaccessioning of artwork; Dandenong New Art digital artwork; different types of public art and potential increased activation of Crump Lane. Next dates to be set.</p> <p>AAB discussion around background and processes for deaccessioning and unique situation of The Utilitarian art piece, noting that procedures have been updated so this issue would not be repeated.</p> <p>Drum Theatre Working Group: No meeting since last AAB meeting. Have been working with Darebin Council to support in benchmarking to similar working groups.</p> <p>Community Connection Working Group: Discussion of In Situ activations and projections and activations of Heritage Hill and other locations. OM currently speaking to Council staff and looking to find more people to join.</p> <p>Key points: Introduction of members and sharing of information around what is happening in Dandenong. Group excited about Dandenong New Art. Discussed possibilities for Dandenong and sharing/interaction between multicultural groups. Example of Western</p>		

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

	<p>Sydney Ramadan night market and consideration of this for Dandenong.</p> <p>AAB discussion around activation and blending of cultural groups:</p> <ul style="list-style-type: none"> Note the Juice Bar in Lonsdale St and Thomas St being highly active at night. Mention of Dandenong Visitor Attraction Plan that Council is actively working on (especially for Lonsdale Street). Experience of Drum hosting 2 different shows simultaneously with different audience demographics – blending worked well from an interest perspective but would be difficult to undertake with bigger audience groups. Noted that Springvale audiences/customers tend to blend and connect well. Although doesn't seem as obvious in Dandenong. Consideration that it might be more to do with diversity of activity. Note that festivals are good for that - people like to be part of a 'buzz'. 		
7	<p>Dandenong New Art (DNA) and Precinct Energy Plan (PEP) projects</p> <ul style="list-style-type: none"> Discussion around Dandenong New Art and former Precinct Energy Plant projects. No current update on DNA. PEP business case currently underway and detailed design occurring this year (including co-design component with potential users). Advised that grant application for interim infrastructure applied for – awaiting outcome. <p>Discussion around whether buildings would be connected – note that concept design indicated this possibility, but details would come from detailed design process.</p>		
8	<p>Facility & Service Updates & Discussion</p> <p>The Drum:</p> <ul style="list-style-type: none"> Program nearly fully delivered with little cancellations. Kutcha Edwards ran workshop today. Noted discounted tickets for First Nations audiences (for The Sapphires). Wiggles in 2 weeks (from 2 shows to 5 sold out shows). Next season (July to December) at the printers and for distribution soon. Audiences still slow to return, but staff cautiously optimistic. Note that staffing has been a challenge (due to COVID exposure) (understaffed) and people are stretched. Audience sentiment surveys indicate audiences feel safer if audiences are wearing masks. Drum audiences seem to have ~50% wearing masks (on/off depending on social distancing). Staff monitoring how that works and putting up 'masks encouraged' signs. <p>Walker Street Gallery:</p> <ul style="list-style-type: none"> <i>Seen</i> exhibition closing 17 June has been very successful. 		

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Draft Minutes of Arts Advisory Board Meeting - 31 May 2022 (Cont.)

	<ul style="list-style-type: none"> Upending expectations: Contemporary Glass – touring exhibition from Canberra Glassworks opening 27 June. <p>COVID-19 impact/recovery: noted that this has been discussed throughout meeting.</p>		
9	<p>Sector Updates</p> <ul style="list-style-type: none"> VAPAC Showcase: concentrated on performing arts touring model and how that works in COVID setting (for producers, artists and venues). Also noted staff skilled shortage particularly in technical production area. AAB Member updates: Photo 22 at Monash Gallery of Art: Hoda Afshar and exhibition of First Nations artists. Queer exhibition and discussion with friends around institution putting forward the voices of that community. Asia Pacific Triennial at GOMA (Brisbane) has been incredibly curated. <p>Discussion around National Exhibitions Touring Support (NETS) and its potential positive links to DNA in the future. Including the opportunity to host Wilam Biik exhibition in partnership with NETS.</p>		
10	<p>Other Business</p> <p>Consideration of moving next meeting to accommodate for Councillor representative clash.</p> <p>Next meeting agreed for Tuesday 9 August.</p> <p>Drum: AAB members are invited to opening night 15 July & 16 July: Opera Australia performing Barber of Seville with local children's choruses. Negotiation with Opera Australia around cultural diversity and inclusion. Working to include local group, Keerthana Music School (Keysborough).</p> <p>31 July: Drum taking part in Open House Melbourne, AAB members welcome to attend.</p> <p>OM: Shared experience of meeting with Department of Home Affairs and discussion took place around ethical/moral consideration of where arts projects are being funded from.</p>	<p>Send updated meeting details for next meeting.</p> <p>CGD to send invites for VIP function.</p>	<p>Coordinator Arts and Cultural Development (CGD)</p> <p>Coordinator Drum Theatre (CGD)</p>
<p>Next Meeting: Tuesday 9 August 6pm–8pm Venue: TBC</p> <p>Meeting closed 7.55pm</p>			

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.2 Re-appointment of Director - Dandenong Market Pty Ltd (DMPL)

File Id: A8858232

Responsible Officer: Executive Manager Communications & Customer Service

Attachments:

1. Report Summary

Dandenong Market Pty Ltd (DMPL) is a wholly owned subsidiary company of Greater Dandenong City Council established for the purposes of operating Dandenong Market.

The Constitution governing Dandenong Market provides that the Board of Management controlling the company is to be comprised of between two and five Directors. At present the Board is operating with a full complement of five Directors.

This report recommends the re-appointment of one Director, Mr Tom Mollenkopf, for a further 12 months up to the maximum of nine years as set out in the Company's Constitution.

2. Recommendation Summary

This report recommends that Council re-appoint Mr Tom Mollenkopf as a Director of Dandenong Market Pty Ltd for a further one-year term commencing 25 August 2022 which will take him to the maximum nine (9) year period of service.

4.1.2 Re-appointment of Director - Dandenong Market Pty Ltd (DMPL) (Cont.)

3. Background

Dandenong Market Pty Ltd (DMPL) was established in September 2012 as a means of Council establishing a skills-based Board to drive the strategic direction and operations of the Dandenong Market. Since then, the Board has provided an extremely valuable service to Council and the Market has continued to evolve and develop including initiatives such as the introduction of Sunday trading, the trialling of night markets and a full program of festivals and events.

The Market is an extremely valuable asset, not only to the City of Greater Dandenong, but also to the region, and acts as an important community networking vehicle that brings together people from all different backgrounds in the one location.

DMPL originally consisted of five Directors which were appointed by Council under the terms of the DMPL Constitution (which requires Director appointments to be made by the Shareholder (Council)). Mr Mollenkopf is the longest serving of the current five directors and has expressed his desire to continue serving DMPL for a further 12 months up to the maximum period applicable.

4. Proposal

It is proposed that Council reappoints Mr Tom Mollenkopf as Non-Executive Director to the DMPL Board for an additional one year, taking him up to the maximum nine year period of service.

5. Financial Implications

There are no financial implications associated with this report.

6. Consultation

As this is a limited tenure reappointment, the position of Non-Executive Director has only been discussed between the Chairperson, members of DMPL and the General Manager Dandenong Market.

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

4.1.2 Re-appointment of Director - Dandenong Market Pty Ltd (DMPL) (Cont.)

- Safe and peaceful community
- Education, training, entrepreneurship and employment opportunities
- Embrace diversity and multiculturalism.

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city that respects and celebrates diversity, our history and the arts
- A city of accessible, vibrant centres and neighbourhoods
- A Council that demonstrates leadership and a commitment to investing in the community.

8. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

This report addresses the following governance principles:

- a. Council decisions are to be made and actions taken in accordance with the relevant law;
- b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c. the ongoing financial viability of the Council is to be ensured;
- d. the transparency of Council decisions, actions and information is to be ensured;

and also takes into account the following supporting principles:

- a. the public transparency principles;
- b. the strategic planning principles;
- c. the financial management principles;
- d. the service performance principles.

This report forms part of Council's ongoing commitment to responding to the overarching governance principles of the *Local Government Act 2020* and delivers equitable, accessible and responsive services of good value to the community and services that are effectively monitored and continuously improved.

9. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

4.1.2 Re-appointment of Director - Dandenong Market Pty Ltd (DMPL) (Cont.)

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

10. The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires Councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents.

The topic and content of this report does not have a direct and significant impact on members of the Greater Dandenong community therefore a gender impact assessment is not required. Whilst this report is largely administrative in nature, the recruitment and selection of relevant DMPL board members is conducted with a view to having a gender and diversity balance on the Committee, along with relevant expertise. There are currently two female and three male directors.

11. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability.

12. Conclusion

Under the Constitution that governs Dandenong Market Pty Ltd (DMPL), Clause 9.1 provides that the number of company directors shall be not less than two nor more than five. It further provides that the Shareholder (Council) may, by resolution, appoint a person as a Director for a term up to three years.

It also allows for a Director who has reached the end of the term of their appointment to be eligible for re-appointment, provided that their total continuous term of appointment as a director is not more than nine years.

DMPL currently operates with five Director positions, one of which will reach the conclusion of their term in August 2022. The purpose of this report is to recommend the reappointment of that Director role for a further 12 months up to the maximum allowed under the DMPL Constitution.

4.1.2 Re-appointment of Director - Dandenong Market Pty Ltd (DMPL) (Cont.)

13. Recommendation

That Council reappoints Mr Tom Mollenkopf as a Director of Dandenong Market Pty Ltd for a further and final one-year term commencing 25 August 2022 and concluding on 24 August 2023.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way

File Id:	A8825671
Responsible Officer:	Director Business, Engineering & Major Projects
Attachments:	Naming of Link Road Noble Park BLCAC Language Naming Request Outcome – Att. 1 Naming of Link Road Noble Park Advertisement - Star Journal Paper 31 May 2022 – Att. 2 Naming of Link Road Noble Park Survey Results – Att. 3

Report Summary

This report seeks Council's endorsement to rename the Link Road in Noble Park to Muderra Way, following direct engagement with the Bunurong Land Council and the completion of a four-week community consultation process formally supporting 'Muderra' (meaning Torrential Rain) as the preferred name.

Recommendation Summary

This report recommends that the Traditional Owner name 'Muderra' be put forward as the preferred name for the link road to the Level Crossing Removal Authority as the responsible authority.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

Background

The Noble Park Link Road connects Leonard Avenue and Ian Street running east west beneath the railway station. The road was created as part of the level crossing removal project and does not have an official name.

The Level Crossing Removal Authority (LXRA), landowner and naming authority of Noble Park Link Road, has requested Council provide a preferred name for the newly created road.

Upon receipt of a recommended name, LXRA will commence a statutory gazettal process through Geographic Names Victoria (GNV) and officially declare and recognise the Link Road as Muderra Way, and will also appoint Council as the road authority.

In accordance with GNV's naming rules for places in Victoria (Statutory requirement for naming roads, features and localities), and Council's Naming of Places and Naming and Numbering of Roads Policy, Council engaged exclusively with the Bunurong Land Council Aboriginal Corporation (BLCAC) to identify a culturally and linguistically preferred name. BLCAC formally supported the use of three traditional language words to name the link road.

The preferred words provided by BLCAC included:

- Muderra (Moo - Dah - Ra), meaning Torrential Rain
- Yoke (Y - O - Gk), meaning Eel
- Kow An (Koa - Won), meaning Echidna

A broader community engagement process inviting feedback on the proposed names was carried out on May 9 through to June 6 2022. An online survey seeking community input was advertised via Council's web page, Facebook media posts, the Star and Journal newspapers (31 May 2022). A total 91 survey responses were received, with Muderra receiving 48 votes, followed by Kow An with 26 votes and Yoke with 17 votes. Council received one letter from a resident in Endeavour Hills expressing disagreement with the proposed names using the traditional owner language.

Proposal

The report seeks Council's approval to submit to LXRA, and subsequently the Office of Geographic Names Victoria, a proposal to rename the Link Road, Noble Park, to Muderra Way.

Financial Implications

There are no financial implications associated with this report.

Consultation

This matter is subject to Council's Community Engagement Policy under the Local Government Act 2020 and Council's Community Engagement Planning Framework to ensure thorough, consistent and genuine community engagement has taken place to inform responsible decision making for the benefit of the community.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

A public consultation program was undertaken in accordance with the Framework, including targeted engagement activities with BLCAC as the legally recognised Traditional Owner group for the Greater Dandenong local government area and the broader community.

In accordance with statutory requirements, BLCAC were formally engaged to undertake research and consultation within their community to identify culturally and linguistically preferred names. Written consent for the use of four traditional language words for the express purpose of naming the link road in Noble Park was provided to Council on 25 March 2022. (Attachment 1)

Upon presenting the four names to GNV to ensure the proposed traditional language words met the Naming Rules for Places in Victoria Guidelines, Council was advised that the word 'Beal' was a duplicate and too similar to other roads within close proximity.

The three remaining words were then put forward as part of the broader community consultation process, which sought to build awareness on the opportunity to submit feedback and vote for a preferred name, which was advertised via Council's web page, Facebook media posts and in the Star and Journal newspapers, Endeavour Hills and Dandenong editions on 31 May 2022 (Attachment 2).

A total 91 online survey responses were received. Muderra received 48 votes, followed by Kow An with 26 and Yoke with 17 votes - Attachment 3. Council received one written submission from a resident in Endeavour Hills expressing their disagreement with the use of traditional owner language for the naming of a road.

Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

This report is consistent with the Community Vision 2040 and its accompanying principles, the Council Plan, Strategies, Policies and Plans.

The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

The report and recommendation for the use of the traditional language word "Muderra" be used for the naming of the link in road in Noble Park considers and responds directly to the overarching governance principles in that:

- a. Priority is to be given to achieving the best outcomes for the municipal community, including future generations; by enabling the use of Traditional Owner language for naming of roads. This demonstrates council's commitment to supporting Aboriginal self-determination in line with the Greater Dandenong's Reconciliation Action Plan and GNV's Aboriginal place naming rules. The process of identifying a Traditional Owner word for the naming of the link road will deliver a tangible and meaningful outcome that will realise for the first time, an Aboriginal name for a local road by the traditional owners of the land.
- b. Collaboration with other Councils and Governments and statutory bodies has been sought; the collaboration between the Level Crossing Removal Authority as the road naming authority,

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

Geographic Names Victoria and the Bunurong Land Council as the legally recognised Traditional Owner group for the Greater Dandenong local government area through the Aboriginal Heritage Act 2006 as a Registered Aboriginal Party.

- c. The report considers and responds to the overarching governance principles and demonstrates the implementation of Council's community Engagement Policy through the councils collaborate level of community involvement with the Bunurong Land Council Aboriginal Corporation on the IAP2 spectrum. The BLCAC researched and provided alternative names for the link road. Council continued to seek advice throughout the process and is endorsing the use of one traditional owner language word.
- d. Council also implemented a consultative approach to seeking feedback on the preferred names with the wider community through a variety of methodologies that align with consultation on the IAP2 spectrum.

Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

The report demonstrates how Council has engaged meaningfully with its Traditional Owners the Bunurong Land Council Aboriginal Corporation in line with Section 19 – Right to enjoy one's culture, practice religion or use one's own language in the case of Aboriginal persons, the right to have distinct cultural rights. The report explains the exclusive engagement process of collaboration to identify culturally and linguistically appropriate words for the naming of the link road in Noble Park. Furthermore, the recommendation of this report if endorsed will enable for the first time the use of a Traditional Language word for the naming of a local road; a demonstration of Council supporting Aboriginal self-determination in line with the Greater Dandenong's Reconciliation Action Plan and GNV's Aboriginal place naming rules.

The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires Councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents.

The content of this report is purely administrative in nature and does not benefit any one gender group over any other.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability.

Related Council Policies, Strategies or Frameworks

Council’s Naming of Places and Naming and Numbering of Roads Policy has been used to guide the process of identifying a name for the link road in Noble Park.

Council’s Community Engagement Policy and Framework has been used to identify appropriate engagement and consultation methods.

The Activity Centre’s Placemaking Framework guiding principles have guided a placemaking approach for the place naming process that:

- Responds to the essential character of the place
- Is meaningful to people; emotionally and spiritually
- Involves local people in the place’s planning and production

Recommendation

That Council, with consideration of the majority support expressed by the public, approve a submission being made to the Level Crossing Removal Authority to propose the renaming of the Link Road in Noble Park to Muderra Way.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

OTHER

RENAMING OF THE LINK ROAD IN NOBLE PARK TO MUDERRA WAY

ATTACHMENT 1

**NAMING OF LINK ROAD NOBLE PARK
BLCAC LANGUAGE NAMING REQUEST
OUTCOME**

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)



ABN: 66 129 413 297 ICN:3630
336-340 Nepean Hwy, Frankston VIC 3199
PO Box 11219, Frankston VIC 3199
Ph: (03) 9770 1273
www.bunuronglc.org

Date: 25/03/2022

RE: BLCAC TRADITIONAL LANGUAGE REQUEST OUTCOME

To whom it may concern,

The Bunurong Land Council Aboriginal Corporation (BLCAC) wish to formally support your language request for City of Greater Dandenong, Link Rd renaming.

Red River Gum	Beal
Torrential Rain	Muderra
Eel	Yoke
Echidna	Kow-an

Please note that any commercial use of these words outside of this project is forbidden without the express written consent of the CEO of the BLCAC. Please also note that while we support the use of the above word/s for this project, all intellectual property remains the legal property of the BLCAC.

Please get in touch if you have further questions.

Kind regards,

A handwritten signature in black ink, appearing to read "D. Tutchener".

Dr David Tutchener
Cultural Values and Research Manager
David.tutchener@bunuronglc.org.au

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

OTHER

RENAMING OF THE LINK ROAD IN NOBLE PARK TO MUDERRA WAY

ATTACHMENT 2

**NAMING OF LINK ROAD NOBLE PARK
ADVERTISEMENT – STAR JOURNAL PAPER
31 MAY 2022**

PAGES 3 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

ENDEAVOUR HILLS | HALLAM | DOVETON

Home > Digital Editions

Digital Editions

EHD Star Journal - 31st May 2022



4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

DANDENONG | SPRINGVALE | NOBLE PARK

Home > Digital Editions

Digital Editions

Dandenong Star Journal - 31st May 2022



4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

OTHER

RENAMING OF THE LINK ROAD IN NOBLE PARK TO MUDERRA WAY

ATTACHMENT 3

**NAMING OF LINK ROAD NOBLE PARK
SURVEY RESULTS**

PAGES 2 (including cover)

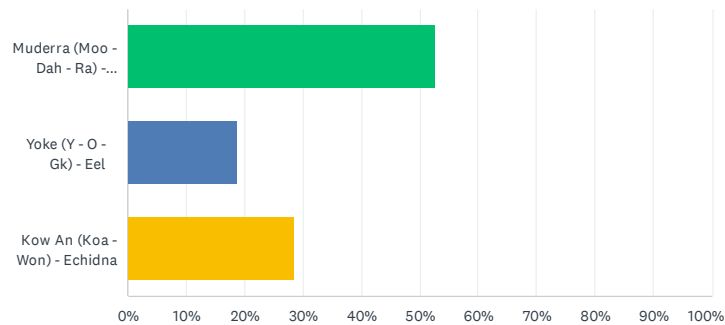
If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.3 Renaming of the Link Road in Noble Park to Muderra Way (Cont.)

Traditional Owner Name for Link Road Poll

Q1 Which Bunurong word do you prefer as the name of the link road in Noble Park?

Answered: 91 Skipped: 0



ANSWER CHOICES	RESPONSES	
Muderra (Moo - Dah - Ra) - Torrential Rain	52.75%	48
Yoke (Y - O - Gk) - Eel	18.68%	17
Kow An (Koa - Won) - Echidna	28.57%	26
TOTAL		91

4.1.4 Instrument of Delegation by Council to Members of Council Staff

File Id:	A8904217
Responsible Officer:	Manager Governance
Attachments:	Instrument of Delegation by Council to Members of Council Staff (Draft)

1. Report Summary

Council's Planning and Design Department will undergo a restructure which is scheduled to commence on 1 August 2022. Council's Instruments of Delegation must subsequently be amended to reflect the new structure and any changes in role titles that are planned to occur from that time.

2. Recommendation Summary

This report recommends that Council resolves to delegate the powers, duties and functions to Council officers as outlined in the Instrument of Delegation to Members of Council Staff as provided in Attachment 1 to this report.

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

3. Background

Council, as a statutory body, is responsible for carrying out various powers, duties and functions under a range of state legislation and Council's Local Laws.

Council, and also the Chief Executive Officer (CEO), may delegate many powers, duties and functions to Council officers, particularly those of an administrative or operational nature, those that require officers with certain qualifications to undertake them and those which generally do not require formal Council consideration. Delegation is an important tool which allows for the efficient and effective function of the organisation.

Council has several Instruments of Delegation that provide authority to Council officers to perform certain powers, duties and functions. These are:

1. Instrument of Delegation by Council to the CEO;
2. Instrument of Delegation by Council to Members of Council Staff (the topic of this report);
3. Instrument of Delegation of CEO Powers, Duties and Functions to Members of Council Staff;
4. Instrument of Delegation by the CEO for VicSmart Applications made under the Planning and Environment Act 1987;
5. Instrument of Sub-Delegation by the CEO to Members of Council Staff; and
6. Instrument of Financial Delegation by the CEO.

This report specifically deals with the item above under Point 2 titled Instrument of Delegation by Council to Members of Council Staff. While the Local Government Act 2020 does not provide a specific section for Council to delegate a power, duty or function to a member of Council staff (like the Local Government Act 1989 did), it also does not prohibit it.

Council's solicitors have advised that Council should continue with the practice of direct delegation to members of Council staff for certain pieces of legislation (other than the Local Government Act 2020) that have specific provisions for Council to act and/or delegate powers, duties and functions.

It is therefore proposed that Council continues to maintain this Instrument of Delegation to Members of Council Staff.

The following Acts and Regulations which contain powers, duties and functions that can still be directly delegated by Council to members of Council staff are:

Acts

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

- Residential Tenancies Act 1997
- Road Management Act 2004

Regulations

- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

The Changes Made to this Instrument of Delegation

This Instrument of Delegation was last updated in April 2022. The changes made in the document provided in Attachment 1 to this report are reflective of those that are required to effect the restructure of Council's current Planning and Design Department from 1 August 2022. These changes are as follows:

- The Manager Planning & Design (MPD) role has been deleted and replaced with two new roles – Manager Statutory Planning (MSP) and Manager Strategic & Environmental Planning (MSEP). Powers, duties and functions have been allocated as required under the new structure.
- The Coordinator Strategic Design & Sustainability role (CStratP) has been changed to Coordinator Open Space Planning & Sustainability (COSPS). Powers, duties and functions have been directly transferred from the old role to the new role.
- The date for the Instrument of Delegation to come into effect has been changed to 1 August 2022 as opposed to immediately upon the seal of Council being affixed to the Instrument.

There are no legislative updates relevant to this Instrument since it was last reviewed in April 2022 and therefore no other changes have been made.

Other Instruments of Delegation

Amendments will be made to Council's Instruments of Delegation described under Points 3, 4, 5 and 6 in line with the restructure as they are required.

A full review of all Council Instruments of Delegation will also be undertaken in late 2022 to comply with Council's Legislative Compliance Policy.

4. Financial Implications

There are no financial implications associated with this report. The proposed restructure has been managed as a cost-neutral project.

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

5. Consultation

The review of the Instrument of Delegation from Council to Members of Council Staff as provided in Attachment 1 to this report has had direct input from Council's current Manager Planning & Design and the Director City Planning, Design & Amenity.

6. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

6.1 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

- A Council that demonstrates leadership and a commitment to investing in the community.

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must, in the performance of its role, give effect to the overarching governance principles. This report complies with the requirements of the overarching governance principles by satisfying the following:

- Council decisions are made and actions taken in accordance with the relevant law;
- innovation and continuous improvement are pursued;
- collaboration with other Councils and Governments and statutory bodies is sought;
- the ongoing financial viability of the Council is ensured; and
- the transparency of Council decisions, actions and information is ensured.

8. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents.

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

9. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires Councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents.

The content of this report does not have a direct and significant impact on members of the Greater Dandenong community therefore a gender impact assessment is not required. It is purely an administrative tool and does not have the potential to influence broader social norms and gender roles.

10. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability. Instruments of Delegation are only shared electronically with Councillors and members of council staff.

11. Related Council Policies, Strategies or Frameworks

Council's Legislative Compliance Policy incorporates a requirement to regularly review and update Council's Instruments of Delegation and Sub-Delegation. Council's Public Transparency Policy sets out provisions for making various Instruments of Delegation available to the public as required under the *Local Government Act 2020*.

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

12. Recommendation

That, in the exercise of powers conferred by the legislation referred to in the Instrument of Delegation provided in Attachment 1, Greater Dandenong City Council resolves that:

- 1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff (Attachment 1), the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;**
- 2. the common seal of Council is affixed to the Instrument and the Instrument comes into force on 1 August 2022;**
- 3. on the coming into force of the Instrument, all previous delegations to members of Council staff (other than that to or by the Chief Executive Officer) are revoked; and**
- 4. the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.**

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

OTHER

**INSTRUMENT OF DELEGATION BY COUNCIL
TO MEMBERS OF COUNCIL STAFF**

ATTACHMENT 1

**INSTRUMENT OF DELEGATION
BY COUNCIL TO MEMBERS
OF COUNCIL STAFF (DRAFT)**

PAGES 50 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)



Greater Dandenong City Council

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

1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in Column 1 of the Schedule (and summarised in Column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in Column 3 of the Schedule;
2. records that references in the Schedule are as follows:
 - AME: Asset Management Engineer
 - CAM: Coordinator Asset Management
 - CDE: Civil Development Engineer
 - CE: Construction Engineer
 - CEO: Chief Executive Officer
 - CPC: Coordinator Planning Compliance
 - CPH: Coordinator Public Health
 - CStatP: Coordinator Statutory Planning
 - COSPS: Coordinator Open Space Planning & Sustainability
 - DBEMP: Director Business, Engineering & Major Projects
 - DCPDA: Director City Planning, Design & Amenity
 - EHO: Environmental Health Officer
 - EMCCS: Executive Manager Communications & Customer Service
 - EMFIT: Executive Manager Finance & Information Technology
 - MBR: Manager Business & Revitalisation
 - MBCS: Manager Building & Compliance Services
 - MBS: Municipal Building Surveyor
 - MCIS: Manager City Improvement Services
 - MFS: Manager Financial Services
 - MG: Manager Governance
 - MISP: Manager Infrastructure Services & Planning
 - MRS: Manager Regulatory Services
 - MSP: Manager Statutory Planning
 - MSEP: Manager Strategic & Environmental Planning
 - MTCD: Manager Transport & Civil Development
 - PCO: Planning Compliance Officer
 - PStatP: Principal Statutory Planner
 - PStratP: Principal Strategic Planner
 - RRC: Rates & Revenue Coordinator
 - SAOBCS: Senior Administration Officer Building & Compliance Services
 - SEHO: Senior Environmental Health Officer
 - SPCO: Senior Planning Compliance Officer
 - SStatP: Senior Statutory Planner
 - SStratP: Senior Strategic Planner
 - StatP: Statutory Planner
 - StratP: Strategic Planner
 - SULP: Service Unit Leader Parks
 - SULWF: Service Unit Leader Works & Fleet
 - TLRMOHS: Team Leader Risk Management & OHS
 - TLStatP: Team Leader Statutory Planning
 - TLStratP: Team Leader Strategic Planning
 - WS: Works Supervisor

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

3. declares that
- 3.1 this Instrument of Delegation is authorised by a resolution of Greater Dandenong City Council passed on 25 July 2022 and;
- 3.2 the delegation:
- 3.2.1 comes into force when the common seal of Council is affixed to this Instrument of Delegation and on 1 August 2022;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
- (i) policy adopted by Council; or
- (ii) strategy adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or Delegated Committee.

The Common Seal of the)
Greater Dandenong City Council)
was hereunto affixed in the presence of:)

..... Chief Executive Officer

..... Councillor

25 July 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

S6 Instrument of Delegation – Council to Members of Staff

Domestic Animals Act 1994			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	DCPD, MRS	Council may delegate this power to a Council authorised officer
Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CPH, DCPDA, EHO, MBCS, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CPH, DCPDA, EHO, MBCS, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CPH, EHO, SEHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CPH, DCPDA, EHO, MBCS, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CPH, DCPDA, EHO, MBCS, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CPH, DCPDA, EHO, MBCS, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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	CPH, DCPDA, EHO, MBCS, SEHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CPH, EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CPH, EHO, SEHO	Where Council is the registration authority
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CPH, EHO, SEHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CPH, EHO, SEHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	CPH, EHO, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CPH, DCPDA, EHO, MBCS, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CPH, DCPDA, EHO, MBCS, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
-	Power to register, renew or transfer registration	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CPH, EHO, SEHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CPH, EHO, SEHO	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DCPDA, MBCS	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CPH, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CPH, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CPH, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CPH, EHO, SEHO	Where Council is the registration authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 38D(3)	Power to request copies of any audit reports	CPH, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CPH, DCPDA, MBCS	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CPH, DCPDA, MBCS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CPH, EHO, SEHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CPH, EHO, SEHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CPH, EHO, SEHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CPH, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CPH, DCPDA, MBCS	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CPH, DCPDA, EHO, MBCS, SEHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CPH, DCPDA, MBCS	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CPH, DCPDA, EHO, MBCS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CPH, DCPDA, MBCS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CPH, DCPDA, MBCS	Where Council is the registration authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 40E	Duty to comply with direction of the Secretary	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	CPH, DCPDA, MBCS	Where Council is the registration authority
s 43	Duty to maintain records of registration	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CPH, DCPDA, EHO, MBCS, SEHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CPH, DCPDA, EHO, MBCS, SEHO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CPH, DCPDA, EHO, MBCS, SAOBCS, SEHO	Where Council is the registration authority
Heritage Act 2017			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CStatP, COSPS, DBEMP, DCPDA, MBR, MSP, MSEP, TLStatP, TLStatP	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 185L(4)	Power to declare and levy a cladding rectification charge	CEO (the only member of staff who can be a delegate is the CEO)	The only member of staff who can be a delegate is the CEO.
Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, TLStratP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, COSPS, DCPDA, MSP, MSEP	

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 12B(1)	Duty to review planning scheme	CEO, COSPS, DCPDA, MSP, MSEP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, COSPS, DCPDA, MSP, MSEP	
s 12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO, COSPS, DCPDA, MSP, MSEP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, COSPS, DCPDA, MSP, MSEP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 17(2)	Duty of giving copy s 173 agreement	CEO, CSlatP, COSPS, DCPDA, MSP, MSEP, PSlatP, PStratP, SSlatP, SStratP, TLStratP, TLStratP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 18	Duty to make amendment etc. available	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
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	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	Where Council is not the planning authority and the amendment affects land within Council's municipal district, or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, COSPS, DCPDA, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 21(2)	Duty to make submissions available	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 21A(4)	Duty to publish notice	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 22	Duty to consider all submissions	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, COSPS, DBEMP, DCPDA, MBR, MSP, MSEP, PStratP, SStratP, TLStratP	
s 26(1)	Power to make report available for inspection	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 26(2)	Duty to keep report of panel available for inspection	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 27(2)	Power to apply for exemption if panel's report not received	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, COSPS, DCPDA, MSP, MSEP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 30(4)(e)	Duty to say if amendment has lapsed	CEO, COSPS, DCPDA, MSP, MSEP	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 32(2)	Duty to give more notice if required	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 36(2)	Duty to give notice of approval of amendment	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, COSPS, DCPDA, MSP, MSEP, TLStratP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 40(1)	Function of lodging copy of approved amendment	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, TLStratP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, COSPS, DCPDA, MSP, MSEP, PStratP, SStratP, StratP, TLStratP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	CEO, DCPDA, MSP, MSEP	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CEO, DCPDA, MSP, MSEP	Where Council is a responsible public entity

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, DCPDA, MSP, MSEP	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CEO, DCPDA, MSP, MSEP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, CSlatP, DCPDA, MSP, MSEP, PSlatP, TL SlatP	Where Council is a responsible public entity
s 46G(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, DCPDA, MSP, MSEP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GP	Function of receiving a notice under s 46GO	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	

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4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

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ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DCPDA	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

	for a public purpose approved by the Minister or sell the public purpose land		
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PStatP, PStatP, SStatP, SStatP, TLStatP, TLStatP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, COSPS, DCPDA, MSP, MSEP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DCPDA, MSP, MSEP	
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	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, COSPS, DCPDA, EMFIT, MFS, MSP, MSEP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DBEMP, DCPDA, MBR, MSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, EMFIT, MFS	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	EMFIT, MFS	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, DCPDA, EMFIT, MFS, MSP, MSEP, MTCD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DBEMP, DCPDA, EMFIT, MBR, MFS, MISP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, DCPDA, EMFIT, MFS, MSP, MSEP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, COSPS, DCPDA, MSP, MSEP	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DBEMP, DCPDA, MBR, MSP, MSEP, MISP	With the consent of, and in the manner approved by, the Minister

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DBEMP, DCPDA, EMFIT, MBR, MFS, MSP, MSP, MSEP	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DCPDA	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CEO, DCPDA	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, DCPDA	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, TLStatP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLStatP	
s 49(2)	Duty to make register available for inspection	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, StatP, TLStatP	
s 50(4)	Duty to amend application	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, TLStatP	
s 50(5)	Power to refuse to amend application	CEO, CSatP, DCPDA, MSP, MSEP	
s 50(6)	Duty to make note of amendment to application in register	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLStatP	
s 50A(1)	Power to make amendment to application	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, TLStatP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLStatP	
s 50A(4)	Duty to note amendment to application in register	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, StatP, TLStatP	
s 51	Duty to make copy of application available for inspection	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, StatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 54(1)	Power to require the applicant to provide more information	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 54(1B)	Duty to specify the lapse date for an application	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, CSStatP, DCPDA, MSP, MSEP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, StatP, TLStatP	
s 57(5)	Duty to make available for inspection copy of all objections	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, StatP, TLStatP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 57A(5)	Power to refuse to amend application	CEO, CSStatP, DCPDA, MSP, MSEP	
s 57A(6)	Duty to note amendments to application in register	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 58	Duty to consider every application for a permit	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 58A	Power to request advice from the Planning Application Committee	CEO, CSStatP, DCPDA, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 60	Duty to consider certain matters	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 60(1A)	Duty to consider certain matters	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCPDA, MSP, MSEP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006. Limitation - except where: * more than three (3) objections have been received; or * an application that deals with matters as detailed by the Planning Scheme relating to electronic gaming machines, licensed premises (except convenience restaurant, restaurant & takeaway food premises), refuse disposal facilities or the sex industry.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, CSatP, DCPDA, MSP, MSEP	
s 61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, CSatP, DCPDA, MSP, MSEP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, DCPDA	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DCPDA	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, CSatP, DCPDA, MSP, MSEP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 62(2)	Power to include other conditions	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
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	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 48N(1), 46GV(7) or 62(5)	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
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)	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SSatP, TLSatP	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

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4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

	application, if a relevant recommending referral authority has objected to the grant of a permit		
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, StatP, TLStatP	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, StatP, TLStatP	
s 69(2)	Power to extend time	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 70	Duty to make copy permit available for inspection	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, StatP, TLStatP	
s 71(1)	Power to correct certain mistakes	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 71(2)	Duty to note corrections in register	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 73	Power to decide to grant amendment subject to conditions	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, CSatP, DCPDA, MSP, MSEP, PSatP, SStatP, TLStatP	
s 83	Function of being respondent to an appeal	CEO, CSatP, COSPS, DCPDA, MSP, MSEP, PSatP, SStatP, SStatP, SStatP, TLStatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 83B	Duty to give or publish notice of application for review	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PSStatP, PStatP, SSStatP, SStatP, TLStatP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCPDA, MSP, MSEP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, CPC, CSStatP, DCPDA, MBCS, MSP, MSEP, PCO, SAOBOS, SPCO, TLStatP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, CPC, CSStatP, DCPDA, MBCS, MSP, MSEP, SAOBOS, TLStatP	
s 91(2)	Duty to comply with the directions of VCAT	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, CPC, CSStatP, DCPDA, MBCS, MSP, MSEP, PSStatP, SSStatP, TLStatP	
s 95(3)	Function of referring certain applications to the Minister	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 95(4)	Duty to comply with an order or direction	CEO, CSStatP, DCPDA, MSP, MSEP, PStatP, SSStatP, TLStatP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, CSStatP, DCPDA, MSP, MSEP, TLStatP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, CSStatP, DCPDA, MSP, MSEP, TLStatP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, TLStatP, TLStatP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PStatP, PStatP, TLStatP, TLStatP	
s 96F	Duty to consider the panel's report under s 96E	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, TLStatP, TLStatP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, TLStatP, TLStatP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PStatP, PStatP, SSStatP, SSStatP, TLStatP, TLStatP	
s 96J	Power to issue permit as directed by the Minister	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PStatP, PStatP, SSStatP, SSStatP, TLStatP, TLStatP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, CSStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
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	CEO, DCPDA	
s 97C	Power to request Minister to decide the application	CEO, DCPDA, MSP, MSEP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PStatP, PStatP, TLStatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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	CSiatP, COSPS, DCPDA, MSP, MSEP, PSiatP, PSiatP, TLStatP, TLStatP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CEO, CSiatP, COSPS, DCPDA, MSP, MSEP, PSiatP, PSiatP, SSiatP, SSiatP, SSiatP, TLStatP, TLStatP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, CSiatP, COSPS, DCPDA, MSP, MSEP, PSiatP, PSiatP, SSiatP, SSiatP, SSiatP, TLStatP, TLStatP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, CSiatP, COSPS, DCPDA, MSP, MSEP, PSiatP, PSiatP, TLStatP, TLStatP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCPDA, MSP, MSEP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, CSiatP, DCPDA, MSP, MSEP, PSiatP, TLStatP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, CSiatP, DCPDA, MSP, MSEP, PSiatP, TLStatP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, CSiatP, DCPDA, MSP, MSEP, PSiatP, TLStatP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, CSiatP, DCPDA, MSP, MSEP, PSiatP, TLStatP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, CSiatP, DCPDA, MSP, MSEP, PSiatP, TLStatP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCPDA, MSP, MSEP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, CSiatP, DCPDA, MSP, MSEP, TLStatP	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DCPDA, MSP, MSEP	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCPDA, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 107(1)	function of receiving claim for compensation	CEO, DCPDA, MBCS, MSP, MSEP	
s 107(3)	Power to agree to extend time for making claim	CEO, DCPDA, MBCS, MSP, MSEP	
S 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DCPDA, MSP, MSEP	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, PCO, SAOBBCS, SPCO, TLStatP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, PCO, SAOBBCS, SPCO, TLStatP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, PCO, SAOBBCS, SPCO, TLStatP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, PCO, SPCO, TLStatP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DCPDA	Except Crown Land
s 129	Function of recovering penalties	CEO, CPC, DCPDA, MBCS, MSP, MSEP, SAOBBCS	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, CPC, DCPDA, MBCS, MSP, MSEP, SAOBBCS	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, SAOBBCS, TLStatP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, CPC, CStatP, DCPDA, MBCS, MSP, MSEP, SAOBBCS, TLStatP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, CStatP, COSPS, DCPDA, MSP, MSEP, TLStatP	Where Council is the relevant planning authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 171(2)(f)	Power to carry out studies and commission reports	CEO, CStatP, DCPDA, MSP, MSEP	
s 171(2)(g)	Power to grant and reserve easements	CEO, CStatP, DCPDA, MSP, MSEP, TLStatP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DCPDA, MG, MSP, MSEP	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, DCPDA, MG, MSP, MSEP	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, DCPDA, MG, MSP, MSEP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DBEMP, DCPDA, MBR, MBS, MG, MSP, MSEP, MTCD	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DBEMP, DCPDA, MBCS, MBR, MBS, MG, MSP, MSEP	Where Council is the relevant responsible authority
-	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, CPC, CStatP, DBEMP, DCPDA, MBCS, MBR, MBS, MG, MSP, MSEP, MTCD	
-	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, DBEMP, DCPDA, MBCS, MBR, MBS, MG, MSP, MSEP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DBEMP, DCPDA, MBCS, MBR, MBS, MG, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DBEMP, DCPDA, MBCS, MBR, MBS, MG, MSP, MSEP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, SSatP, StatP, TStatP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178A(5)	Power to propose to amend or end an agreement	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
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	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TStatP	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	If no objections are made under s 178D Must consider matters in s 178B

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TLStatP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TLStatP	
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	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TLStatP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DCPDA, MBCS, MBS, MG, MSP, MSEP	
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	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TLStatP	
s 178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, CSatP, DCPDA, MBCS, MBS, MG, MSP, MSEP, TLStatP	
s 179(2)	Duty to make available for inspection copy agreement	CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PStatP, PStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

			SSatP, SSatP, StatP, StatP, TLStatP, TLStatP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
s 182	Power to enforce an agreement		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
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		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	
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		CEO, CSatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PSatP, PSatP, SSatP, SSatP, TLStatP, TLStatP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, CStatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PStatP, SStatP, SStatP, TLStatP, TLStatP	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, CStatP, COSPS, DCPDA, MBCS, MBS, MG, MSP, MSEP, PStatP, SStatP, SStatP, TLStatP, TLStatP	
s 198(1)	Function to receive application for planning certificate	CStatP, DCPDA, MSP, MSEP, PStatP, SStatP, StatP, TLStatP	
s 199(1)	Duty to give planning certificate to applicant	CStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStatP, DCPDA, MSP, MSEP, PStatP, SStatP, StatP, TLStatP	
s 201(3)	Duty to make declaration	CStatP, DCPDA, MSP, MSEP, TLStatP	
-	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	CEO, CStatP, DBEMP, DCPDA, MBR, MSP, MSEP, PStatP, TLStatP	
-	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	CEO, CStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
-	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	CEO, CStatP, DBEMP, DCPDA, MBR, MSP, MSEP, PStatP, TLStatP	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, CStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStatP, DCPDA, MSP, MSEP, PStatP, TLStatP	
Residential Tenancies Act 1997			

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CPH, DCPDA, MBCS	
s 522(1)	Power to give a compliance notice to a person	CPH, EHO, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DCPDA	
s 525(4)	Duty to issue identity card to authorised officers	CEO, DCPDA	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CPH, EHO, SEHO	
s 526A(3)	Function of receiving report of inspection	CPH, DCPDA, EHO, MBCS, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DCPDA, MBCS	
Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DBEMP, MISP, MTCD	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DBEMP, MISP, MTCD	
s 11(9)(b)	Duty to advise Registrar	DBEMP, MISP, MTCD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DBEMP, MISP, MTCD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DBEMP, MISP, MTCD	Where Council is the coordinating road authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 12(2)	Power to discontinue road or part of a road	DBEMP, MISP, MTCD	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DBEMP, MISP, MTCD	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DBEMP, MISP, MTCD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DBEMP, MISP, MTCD	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DBEMP, MISP, MTCD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DBEMP, MISP, MTCD	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
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DBEMP, MISP, MTCD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DBEMP, MISP, MTCD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DBEMP, MISP, MTCD	
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	DBEMP, MISP, MTCD	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DBEMP, MISP, MTCD	
s 15(2)	Duty to include details of arrangement in public roads register	AME, CAM, DBEMP, MISP, MTCD	
s 16(7)	Power to enter into an arrangement under s 15	DBEMP, MISP, MTCD	
s 16(8)	Duty to enter details of determination in public roads register	AME, CAM, DBEMP, MISP, MTCD	
s 17(2)	Duty to register public road in public roads register	AME, CAM, DBEMP, MISP, MTCD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DBEMP, MISP, MTCD	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	AME, CAM, DBEMP, MISP, MTCD	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	AME, CAM, DBEMP, MG, MISP, MTCD	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	AME, CAM, DBEMP, MG, MISP, MTCD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DBEMP, MISP, MTCD	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	AME, CAM, DBEMP, MISP, MTCD	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	AME, CAM, DBEMP, MISP, MTCD	
s 19(4)	Duty to specify details of discontinuance in public roads register	AME, CAM, DBEMP, MG, MISP, MTCD	
s 19(5)	Duty to ensure public roads register is available for public inspection	AME, CAM, DBEMP, MG, MISP, MTCD	
s 21	Function of replying to request for information or advice	DBEMP, MISP, MTCD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DBEMP, MISP, MTCD	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DBEMP, EMCCS, MISP, MTCD	
s 22(5)	Duty to give effect to a direction under s 22	DBEMP, MISP, MTCD	
s 40(1)	Duty to inspect, maintain and repair a public road.	DBEMP, MCIS, MISP, MTCD	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DBEMP, MCIS, MISP, MTCD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DBEMP, MCIS, MISP, MTCD	
s 42(1)	Power to declare a public road as a controlled access road	DBEMP, MISP, MTCD	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DBEMP, MISP, MTCD	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DBEMP, MISP, MTCD	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DBEMP, MISP, MTCD	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DBEMP, MCIS, MTCD	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DBEMP, MISP, MTCD	
s 49	Power to develop and publish a road management plan	DBEMP, MISP, MTCD	
s 51	Power to determine standards by incorporating the standards in a road management plan	DBEMP, MISP, MTCD	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DBEMP, MISP, MTCD	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 54(2)	Duty to give notice of proposal to make a road management plan	DBEMP, MISP, MTCD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DBEMP, MISP, MTCD	
s 54(6)	Power to amend road management plan	DBEMP, MISP, MTCD	
s 54(7)	Duty to incorporate the amendments into the road management plan	DBEMP, MISP, MTCD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DBEMP, MISP, MTCD	
s 63(1)	Power to consent to conduct of works on road	CDE, CE, DBEMP, MCIS, MISP, MTCD, Sulp, SULWF, WS	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DBEMP, MISP, MTCD	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DBEMP, MCIS, MISP	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DBEMP, MCIS, MISP	Where Council is the coordinating road authority
s 67(3)	Power to request information	DBEMP, DCPDA, MCIS, MISP, MRS, MTCD	Where Council is the coordinating road authority
s 68(2)	Power to request information	DBEMP, DCPDA, MCIS, MISP, MRS, MTCD	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	CEO, DBEMP	
s 85	Function of receiving report from authorised officer	DBEMP, MISP, MTCD	
s 86	Duty to keep register re s 85 matters	DBEMP, MISP, MTCD	
s 87(1)	Function of receiving complaints	DBEMP, MISP, MTCD	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

s 87(2)	Duty to investigate complaint and provide report	DBEMP, MISP, MTCD	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DBEMP, DCPDA, MRS, MISP, MTCD	
s 112(2)	Power to recover damages in court	DBEMP, MISP, MTCD	
s 116	Power to cause or carry out inspection	DBEMP, MISP, MTCD	
S 119(2)	Function of consulting with the Head, Transport for Victoria	DBEMP, MISP, MTCD	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DBEMP, MISP, MTCD	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DBEMP, MISP, MTCD	
s 121(1)	Power to enter into an agreement in respect of works	DBEMP, MCIS, MISP, MTCD	
s 122(1)	Power to charge and recover fees	DBEMP, MISP, MTCD	
s 123(1)	Power to charge for any service	DBEMP, MCIS, MISP, MTCD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DBEMP, MISP, MTCD	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DBEMP, MISP, MTCD	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DBEMP, MISP, MTCD	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DBEMP, MISP, MTCD	
sch 2 cl 5	Duty to publish notice of declaration	DBEMP, MISP, MTCD	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

	could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road			
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure	
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager	
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DBEMP, MCIS, MISP, MTCD	Where Council is the infrastructure manager or works manager	
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 12(5)	Power to recover costs	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DBEMP, MCIS, MISP, MTCD	Where Council is the works manager	
sch 7 cl 13(2)	Power to vary notice period	DBEMP, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DBEMP, MISP, MTCD	Where Council is the infrastructure manager	
sch 7 cl 16(1)	Power to consent to proposed works	DBEMP, MISP, MTCD	Where Council is the coordinating road authority	
sch 7 cl 16(4)	Duty to consult	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority, responsible authority or infrastructure manager	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

sch 7 cl 16(5)	Power to consent to proposed works	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause streetlights to be installed on roads	DBEMP, MISP, MTCD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DBEMP, MISP, MTCD	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DBEMP, MISP, MTCD	Where Council is the responsible road authority
sch 7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with ds 3(2) and 4	DBEMP, MISP, MTCD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
Planning and Environment Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

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	CEO, DCPDA, MSP, MSEP, PSStatP, PSStatP, SSStatP, StatP, TLStatP, TLStatP	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.
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	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, TLStatP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, StatP, TLStatP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, CSStatP, DCPDA, MSP, MSEP, PSStatP, SSStatP, StatP, TLStatP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, CSStatP, COSPS, DCPDA, MSP, MSEP, PSStatP, PSStatP, TLStatP, TLStatP	where Council is not the planning authority and the amendment affects land within Council's municipal district, or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, COSPS, DCPDA, MSP, MSEP, TLStatP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, CSStatP, DCPDA, MSP, MSEP	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, CSIAIP, COSPS, DCPDA, MSP, MSEP, TLStratP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Power to enter into a written agreement with a caravan park owner	DCPDA, MBCS	
r 10	Function of receiving application for registration	CPH, DCPDA, MBCS	
r 11	Function of receiving application for renewal of registration	CPH, DCPDA, MBCS	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CPH, DCPDA, MBCS	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DCPDA	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CPH, DCPDA, MBCS	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CPH, DCPDA, MBCS	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CPH, DCPDA, MBCS	
r 12(4) & (5)	Duty to issue certificate of registration	CPH, DCPDA, MBCS	
r 14(1)	Function of receiving notice of transfer of ownership	CPH, DCPDA, MBCS	
r 14(3)	Power to determine where notice of transfer is displayed	CPH, DCPDA, MBCS	
r 15(1)	Duty to transfer registration to new caravan park owner	CPH, DCPDA, MBCS	
r 15(2)	Duty to issue a certificate of transfer of registration	CPH, DCPDA, MBCS	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

ORDINARY COUNCIL MEETING - AGENDA

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

r 15(3)	Power to determine where certificate of transfer of registration is displayed	CPH, DCPDA, MBCS	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	DCPDA, MBCS	
r 17	Duty to keep register of caravan parks	CPH, DCPDA, MBCS	
r 18(4)	Power to determine where the emergency contact person's details are displayed	CPH, DCPDA, MBCS	
r 18(6)	Power to determine where certain information is displayed	CPH, DCPDA, MBCS	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CPH, DCPDA, MBCS	
r 22(2)	Duty to consult with relevant emergency services agencies	CPH, DCPDA, MBCS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CPH, DCPDA, MBCS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CPH, DCPDA, MBCS	
r 25(3)	Duty to consult with relevant floodplain management authority	CPH, DCPDA, MBCS	
r 26	Duty to have regard to any report of the relevant fire authority	CPH, DCPDA, MBCS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and wastewater from a movable dwelling	CPH, DCPDA, MBCS	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CPH, DCPDA, MBCS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CPH, DCPDA, MBCS	
r 41(4)	Function of receiving installation certificate	CPH, DCPDA, MBCS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CPH, DCPDA, MBCS	

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CPH, DOPDA, MBCS	
Road Management (General) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CEO, DBEMP	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DBEMP	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DBEMP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DBEMP, MISP, MTCD	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DBEMP	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, DBEMP	
r 16(3)	Power to issue permit	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DBEMP, MCIS, MISP, MTCD	Where Council is the responsible road authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.4 Instrument of Delegation by Council to Members of Council Staff (Cont.)

r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DBEMP, MISP, MTCD	
Road Management (Works and Infrastructure) Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DBEMP	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, DBEMP	Where Council is the coordinating road authority

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S6 Instrument of Delegation by Council to Members of Council Staff – 1 August 2022

4.1.5 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings During 14 June – 11 July 2022

File Id: **fA25545**

Responsible Officer: **Manager Governance**

1. Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions & Pre-Council Meetings (other than those matters designated to be of a confidential nature) are reported on at Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings between 14 June and 11 July 2022.

2. Recommendation Summary

This report recommends that the information contained within it be received and noted.

4.1.5 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings During 14 June – 11 July 2022 (Cont.)

3. Background

The Executive Management Team and associated staff at Greater Dandenong City Council host Councillor Briefing Sessions and Pre-Council Meeting on a regular basis (weekly) to inform Councillors about the work officers are undertaking, share information, obtain feedback and discuss strategies and options for current and future work.

To ensure transparency in this process matters discussed at Councillor Briefing Sessions and Pre-Council Meetings (other than those matters designated to be confidential under the *Local Government Act 2020*) are reported on at Council meetings. This report represents matters discussed at the Councillor Briefing Sessions & Pre-Council Meetings between 14 June and 11 July 2022.

4. Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1.	<p>General Discussion</p> <p>Council and Council officers briefly discussed the following items:</p> <ul style="list-style-type: none">a) the proposed cemetery on Melbourne Water land in Heatherton Road;b) Greater Dandenong's rough sleepers;c) the collection of Council rates; andd) Agenda items for the Council Meeting held on 14 June 2022.	<p>Pre-Council Meeting (PCM) - 14 June 2022</p>
2.	<p>General Discussion</p> <p>Council and Council officers briefly discussed the following items:</p> <ul style="list-style-type: none">a) the transition of Council's major leisure facilities to South East Leisure Pty Ltd on 1 July 2022;b) three-year-old kinder arrangements;c) Council's Ross Reserve pavilion; andd) the impacts of inflation on Council's budget and procurement.	<p>PCM - 27 June 2022</p>

4.1.5 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings During 14 June – 11 July 2022 (Cont.)

3.	<i>Electric Vehicle Transition Plan</i> Councillors were presented with the findings of a specialist consultant's electronic vehicle transition plan to guide the integration of electric plant, equipment and technologies in Council's fleet over short, medium and long term timeframes.	<i>Councillor Briefing Session (CBS) – 4 July 2022</i>
4.	<i>Storm Response</i> Councillors were presented with Council's storm response after Greater Dandenong experienced three major weather events in October/November 2021 and January 2022 resulting in significant tree damage, localised flooding and required extensive clean-up operations.	<i>CBS – 4 July 2022</i>

5. Apologies

- Councillors Lana Formoso and Sophie Tan submitted apologies for the Pre-Council Meeting held on 14 June 2022.
- Councillors Lana Formoso and Eden Foster submitted apologies for the Pre-Council Meeting held on 27 June 2022.
- Councillors Angela Long and Sophie Tan submitted apologies for Councillor Briefing Session held on 4 July 2022.
- Councillor Loi Truong submitted an apology for the Pre-Council Meeting held on 11 July 2022.
- Councillor Sophie Tan did not attend the Pre-Council Meeting held on 11 July 2022.

6. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

6.1 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

4.1.5 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings During 14 June – 11 July 2022 (Cont.)

- A city that supports entrepreneurship, quality education and employment outcomes
- A Council that demonstrates leadership and a commitment to investing in the community

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

Reporting on matters discussed at Councillor Briefing Sessions and Pre-Council Meetings gives effect to the overarching governance principles (in particular, section 9(i) of the *Local Government Act 2020*) in that the transparency of Council actions and information is ensured.

8. Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Charter of Human Rights and Responsibilities have been considered in the preparation and are consistent with the standards set by the Charter.

9. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only. The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one gender group over any other.

10. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

11. Recommendation

That the information contained in this report be received and noted.

4.1.6 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 4-15 Jul

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 4-15 July 2022.

Recommendation

That the listed items provided in Attachment 1 for the period 4-15 July 2022 be received and noted.

4.1.6 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO MAYOR AND
COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
4-15 JULY 2022**

PAGES 3 (including cover)

If the details of the attachment are unclear, please contact Governance on 8571 5235.

4.1.6 List of Registered Correspondence to Mayor and Councillors (Cont.)

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 04/07/22 & 15/07/22 - for officer action - total = 1

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
A formal complaint to the Mayor regarding the management of several aspects of the municipality and a request to withdraw an infringement.	06-Jul-22	06-Jul-22	fA249674	CEO/Regulatory Services

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

4.1.6 List of Registered Correspondence to Mayor and Councillors (Cont.)

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 04/07/22 & 15/07/22 - for information only - total = 3

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
An introductory letter to the Mayor from the new Minister for Local Government (also Minister for Consumer Affairs, Gaming and Liquor Regulation, Ports and Freights; and Suburban Development).	01-Jul-22	05-Jul-22	A8898861	Mayor and Councillors EA
A letter to the Mayor from the Hon Melissa Home MP (Minister for Local Government) advising that the Living Local Fund is now open for grant funding applications (closing date of 14 August 2022).	13-Jul-22	14-Jul-22	A8932161	Mayor and Councillors EA
A letter of response from the Department of Environment, Land, Water and Planning to the Mayor's letter regarding the Planning Policy Framework translation for the Greater Dandenong Planning Scheme.	01-Jul-22	15-Jul-22		Mayor and Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

5 NOTICES OF MOTION

A notice of motion is a notice setting out the text of a motion proposed to be moved at the next relevant meeting. It must be in writing, signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least 72 hours notice of such notice.

The guidelines for submitting a notice of motion to a Council meeting are included in the current Governance Rules.

5.1 Notice of Motion No. 20 - One Tree Per Child

File Id:

Responsible Officer:

Director Business, Engineering & Major Projects

Preamble

The organisation, One Tree Per Child works with local councils, schools and community groups so that children can plant one tree each before they leave school. One Tree Per Child was founded by Olivia Newton-John and Jon Dee - the original founders of Australia's National Tree Day. The One Tree Per Child initiative is now planting trees in 10 countries. The aim of the initiative is simple, to get children planting at least one tree each before they leave school.

The One Tree Per Child initiative provides expertise, support and celebrity encouragement. The National Landcare Network supports One Tree Per Child and many local Landcare groups have already been involved.

The five benefits of this program to children are:

1. Planting a tree is often the first act of community volunteering that's undertaken by a child. Planting a tree gives children 'a sense of belonging'. In this way, tree planting builds stronger communities.
 2. Psychological research shows that childhood contact with nature and trees leads to better mental health. After the COVID lockdowns in many parts of Australia, this mental health benefit is more important than ever.
 3. As a child grows, so does their tree. This connection between the child and their tree leads to increased environmental awareness and care.
 4. When a child plants a tree, it makes them happy to know they're helping our wildlife, soil and environment. Given all the bad news about the environment, tree planting can empower our kids in a positive way.
 5. Planting a tree provides shade and wildlife habitat in schools, parks, gardens and the wider community. As the tree grows, it also decreases pollution which improves respiratory health for children with asthma. Trees also provide a range of other health benefits.
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5.1 Notice of Motion No. 20 - One Tree Per Child (Cont.)

Motion

That Council:

- 1. notes the potential for Council's participation in the 'One Tree Per Child' Initiative;**
- 2. requests that officers present a report on the benefits of the program to the local community and addressing any implications for Council's services, budgets or other resources at the next appropriate Council Meeting; and,**
- 3. further requests that this report, when presented, includes commentary, as a minimum, in relation to:**
 - 3.1 liaising with school principals from all primary schools within the municipality to actively encourage the cooperation and involvement of each school;**
 - 3.2 liaising with these schools in order to plant trees with them in the local community;**
 - 3.3 encouraging these schools to utilise the 'One Tree Per Child' education materials;**
 - 3.4 liaising with community groups, Landcare and Bushcare groups and local businesses to garner their involvement in any local 'One Tree Per Child' planting events;**
 - 3.5 planting the 'One Tree Per Child' trees in areas where ongoing maintenance is able to be provided by Council staff or local community groups, Landcare and/or Bushcare groups; and**
 - 3.6 Council's full operational costs of joining the initiative, if any.**

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

The principle purpose of this item in the Council Meeting Agenda is for Councillors to report on their attendance, observations or important matters arising from their liaison or representation with groups for which the Councillor has been formally appointed by Council. In accordance with the documented 'protocol' that applies to either liaisons or representatives, Councillors should raise matters of importance during this item. Other matters may also be reported.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Governance staff member by 12.00pm the day following this Council Meeting.

Question time is provided to enable Councillors to address questions to members of Council staff. The guidelines for asking questions at a Council meeting are included in the current Governance Rules.

Councillors have a total of 15 minutes each to report on their attendances at meetings, conferences or events and to ask questions of Council staff.

7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.