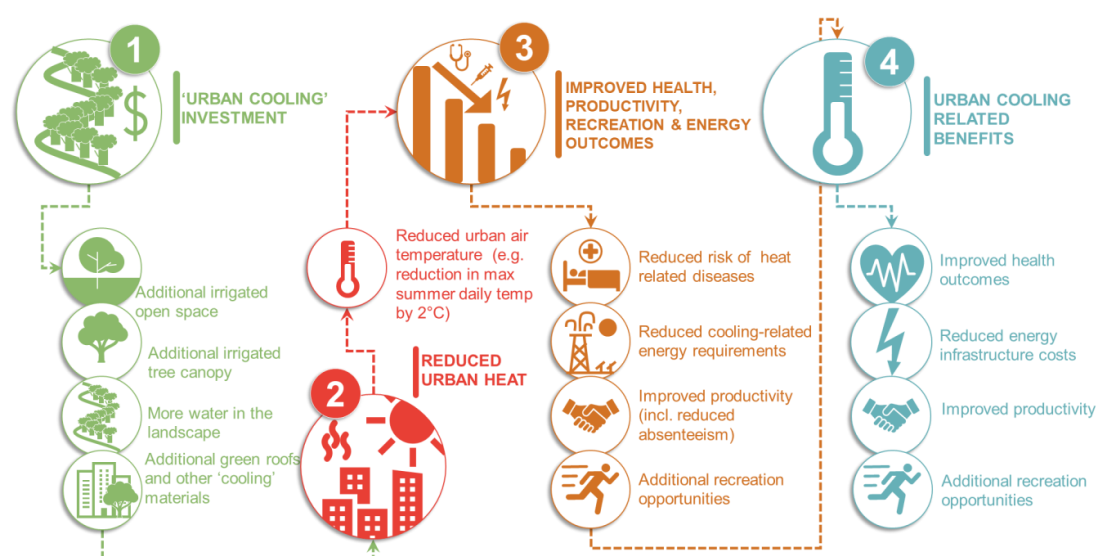




- Reductions in the risk of heat-related diseases** –While urban heat is rarely listed as the cause of death, various studies have found that increased heat levels lead to increased risk of death or disease, especially amongst the most vulnerable in the community: the very young and elderly.<sup>4</sup> A reduction in urban heat can reduce the risk of heat-related diseases, reducing the number of heat-related deaths and the use of health services (reducing the total cost of treatment).
- Reductions in cooling-related energy requirements** – reduced cooling demand as a result of reduced urban heat, can reduce the generation and network energy infrastructure requirements required to meet future demand. This in turn, defers the operation and augmentation of energy generation and network infrastructure, reducing the future cost of providing the energy infrastructure.
- Improvement in productivity**– reduced urban heat can lead to improvements in productivity, including reduced absenteeism, which may result from reduced heat stress on the community (for example, reductions in the incidence of disturbed sleep or cancelled workdays due to excess heat).
- Additional recreation opportunities in the summer** – reduced urban heat can lead to increased participation in active and passive recreation in the summer (in addition to the increased recreation opportunities arising from increased availability of open space).

**Figure 4:** Link between green infrastructure and urban cooling-related benefits



Source: Frontier Economics

The impacts in the table below are in addition to the incremental upfront and ongoing costs to meet the revised standard (i.e. less any costs under the base case). Note that the impacts that are in **bold** text are those that we have been able to quantify and ultimately, monetise, as discussed in the following section.

<sup>4</sup> See for example, Center for Disease Control and Prevention (2006), Heat Island Impacts. Available at: [https://www.epa.gov/heat-islands/heat-island-impacts#3-\(viewed January 2018\)](https://www.epa.gov/heat-islands/heat-island-impacts#3-(viewed January 2018)).



**Table 2:** Logic mapping

Theme	Objectives	Implication	Potential impacts
Operational energy	Net zero operational carbon	<ul style="list-style-type: none"> <li>No natural gas or onsite fossil fuel consumption</li> <li>Maximise onsite renewable energy generation</li> <li>All residual energy to be 100% renewable purchased through Green Power or similar</li> </ul>	<ul style="list-style-type: none"> <li><b>Reduce GHG emissions arising from reduced grid-based energy demand</b></li> <li><b>Reduced energy use, avoiding energy fuel costs and deferring the need for energy network investment</b></li> </ul>
Sustainable transport	Reduce private vehicle trips, support a smooth transition for the future uptake of electric vehicles (EV)	<ul style="list-style-type: none"> <li>Provide for bicycle parking (increase likelihood of residents and workers riding bikes)</li> <li>Provide EV charger outlets</li> <li>Shared space EV charging</li> </ul>	<ul style="list-style-type: none"> <li>Increased active transport and resulting reduction in inactivity-related health benefits / avoided costs arising from increased use of bicycles</li> <li>Increased uptake of EVs leading to reduced GHG emissions and increased electricity use</li> </ul>
Integrated water management	Reduce potable water consumption and improve the quality of stormwater discharging from site	<ul style="list-style-type: none"> <li>Provide efficient fitting, fixtures and appliances</li> <li>Provide for rainwater harvesting (rainwater tanks)</li> </ul>	<ul style="list-style-type: none"> <li><b>Reduced potable water use deferring water network investment</b></li> <li>Reduced stormwater discharge leading to reduced impact of nitrogen and suspended solids. This can lead to improvements in the health of waterways and surrounding ecology.</li> <li><b>Value of recovered organic waste (less cost of recovery)</b></li> </ul>



Theme	Objectives	Implication	Potential impacts
Indoor Environment Quality	Improve the comfort of building occupants including internal temperatures, air quality and daylight access	<ul style="list-style-type: none"> <li>Improved external shading</li> <li>Improved ventilation</li> <li>Improved daylight</li> </ul>	<ul style="list-style-type: none"> <li>Improved productivity</li> <li>Health benefits from improved air quality inside buildings</li> <li>Staff health &amp; retention in non-residential buildings</li> <li>Health benefits from increased natural light</li> </ul>
Circular Economy	Improve rates of resource recovery, encourage the use of materials with recycled content as an alternative to virgin material	<ul style="list-style-type: none"> <li>Provide a Construction and Demolition Waste Management Plan that sets a landfill diversion target</li> <li>Utilise low maintenance, durable, reusable, repairable and recyclable building materials</li> </ul>	<ul style="list-style-type: none"> <li><b>Avoided operational costs of landfill and avoided landfill externalities (disamenity)</b></li> <li><b>Value of recycled materials less costs of transport/processing</b></li> </ul>
Green infrastructure	Increase the amount of green infrastructure (such as tree canopy, green roofs and open space) to provide a range of ecosystem service benefits, reduce the contribution of the built environment to the urban heat island effect	<ul style="list-style-type: none"> <li>All new developments to meet target Green Factor score</li> <li>Improved green cover (leading to reduced urban heat island effect)</li> </ul>	<ul style="list-style-type: none"> <li>Reductions in the urban heat-related diseases</li> <li>Improved productivity</li> <li>Reductions in cooling-related energy requirements</li> <li>Improved biodiversity outcomes</li> <li>Additional recreation opportunities in the summer</li> </ul>

Source: Frontier Economics



## 2.4 Approach to valuing costs and benefits

The aim in economic evaluation is to value very different measures of impact in consistent monetary terms to enable a comparison of a range of economic, environmental and social (or liveability-related) outcomes.

As discussed above, this analysis has sought to, where possible, monetise key costs and benefits where there is an incremental difference in ‘real resource’ outcomes between the base case and the intervention case.

Many of these impacts can be considered market impacts as the prices of goods or services are observable in markets. Other impacts, such as the environmental or social impacts (or avoided impacts) can be considered non-market impacts.<sup>5</sup> Where the incremental costs and benefits have been monetised, these are shown in bold in **Table 2**.

In some circumstances, there was not sufficient data to establish a quantitative causal link or attach a defensible monetary value to the incremental difference between outcomes of the interventions (such as the benefits of IEQ and GI). Where the incremental costs and benefits have been unable to be monetised to include in the CBA in a quantitative way, these are shown unbolded in **Table 2** and have been qualitatively assessed in **Table 4**.

Consistent with best practice and the Victorian Department of Treasury and Finance Guidelines our analysis has:

- **Drawn upon the best available information**, including information provided by Hip V. Hype on incremental costs and impacts of interventions
- **Focused on impacts in the state of Victoria**, consistent with Victorian Treasury Guidelines. This has involved:
  - including impacts that accrue to people in the local and broader Victorian community
  - excluding impacts that accrue to the Australian (such as wider economic impacts) and international communities.
- **Used accepted and relevant methodologies for monetising key costs and benefits**, including the use of benefit transfer techniques (where appropriate) which draw upon existing literature reflecting the willingness to pay or preferences of a similar community for a similar change in outcome. Recognising the potential limitations of benefit transfer, the approach taken in the CBA adopts – as much as is practicable – a range of studies (mainly in VIC) (see Box 1).

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<sup>5</sup> As a price cannot be observed and other methods must be used to derive a monetary value.



### Box 1: Overview of valuation approaches

There is a range of techniques available to monetise non-monetary economic, social and environmental outcomes. These include primary monetisation approaches (such as market-based and survey-based techniques) and secondary approaches, such as benefit transfer:

- **Primary approaches:** use original data from the project site or context to derive a monetary value for some quantified change in outcomes caused by a green infrastructure intervention. There are two broad categories of primary approaches:
  - **Market-based or surrogate market-based techniques** – uses market prices or people’s behaviour in a similar or related market to infer the value of outcomes.
  - **Survey Based** - uses surveys that ask people their willingness to pay to value outcomes.
- **Secondary approaches, such as benefit-transfer,** takes values from a pre-existing study, project, or piece of research (i.e. the ‘study site’) and applies it to a new project, or context (i.e. the ‘policy site’). Judgement is required to determine whether results from a previous study are appropriate to use. In addition to scrutinising the quality of the original study needs to ensure there are no technical weaknesses or biases, important preconditions for benefit transfer include:
  - the impact being valued must be essentially the same (e.g. improved thermal comfort)
  - the base case and extent of change should be similar
  - the affected populations should be similar

Given primary research was outside the scope of this analysis (and can be costly and time consuming), we have primarily considered benefit transfer.

*Source: Frontier Economics*

The following sections provide further detail on our approach to valuing key costs and benefits.

#### 2.4.1 Data for costs and impacts

The CBA takes cost and impact data from the technical ESD analysis undertaken by Hip V. Hype. This data includes:

- upfront incremental capital costs to meet revised standards
- operational energy and water savings incremental to the base case
- avoided waste to landfill
- reduced embodied carbon
- estimated useful life of assets.

Further information on these costs and impacts is provided in the Hip V. Hype report.



## 2.4.2 Benefit data

### Quantified benefits

To value benefits, we have drawn on robust valuation benchmarks as outlined in **Table 3**, with further information provided at Appendix B.

**Table 3:** CBA valuation benchmarks

Benefit category	Valuation approach
Greenhouse gas (GHG) emission reduction	<p>Our valuation includes the following steps:</p> <ul style="list-style-type: none"> <li>• applying the estimated reduction in gas and electricity consumption (obtained from ESD technical workstream)</li> <li>• forecasting emission intensity factors for Victoria during the evaluation period (see Appendix B)</li> <li>• converting reduced gas and electricity consumption into reduced GHG emissions using forecast emission intensity factors</li> <li>• multiplying the reduced emissions by a social cost of carbon (\$75/tonne CO<sub>2</sub>-e) – Frontier Economics estimate of the economic costs, or damages, of emitting one additional tonne of GHG into the atmosphere.</li> </ul>
Reduced energy use (electricity & gas)	<p>We have estimated the resource cost savings associated with reduced electricity and gas consumption, including reduced network and wholesale costs:</p> <ul style="list-style-type: none"> <li>• For electricity network costs, we have based our estimates on published values for the long-run marginal cost (LRMC) from Victorian electricity network distribution businesses (\$0.01/kWh).</li> <li>• For deferred gas network costs, we have adopted an estimate of \$4.50/GJ based on a recent Consultation RIS undertaken by ACIL Allen</li> <li>• For electricity wholesale costs, we have assumed a flat \$70/MWh (Frontier Economics estimate/assumption)</li> <li>• For gas wholesale costs, we have used price forecasts from the Australian Energy Market Operator's 2022 Integrated System Plan (based on new entrant combined cycle gas turbine generator prices) (see Appendix B)</li> </ul> <p>See Appendix B for further discussion on why we have not applied a retail bill (representing financial savings) in our approach.</p>



Benefit category	Valuation approach
Avoided health costs of electricity generation	<p>Electricity generation produces air pollution containing particulate matter, nitrogen oxides, sulphur dioxide, as well as other emissions. These can cause health problems such as respiratory illness and can also affect local economies.</p> <p>We estimated the health benefits of avoided coal and gas-fired electricity at \$1.78/MWh. See Appendix B for information.</p>
Reduced potable water use	<p>Our valuation approach involves:</p> <ul style="list-style-type: none"> <li>• applying the estimated reduction in potable water use (in megalitres) (obtained from ESD technical workstream)</li> <li>• multiplying the reduction in potable water use by the estimated LRMC of water supply based on the value advised by Melbourne Water (\$2,450/ML).</li> </ul>
Reduced embodied carbon	<p>Estimates of reduced embodied carbon obtained from the ESD technical workstream were multiplied by the social cost of carbon discussed above.</p>
Reduced waste to landfill/value of recovered materials	<p>Estimates of reduced construction and demolition waste to landfill (tonnes) were multiplied by the full economic cost of landfill and the net value of recovered materials. This approach provides an estimate of the avoided cost of landfill and value of recovered materials of \$125/tonne. See Appendix B for information.</p>
Recovery of organic waste	<p>Estimates of organic waste recovered, obtained from the ESD technical workstream, were multiplied by an average value added for organic waste. To estimate the average value added for organic waste we used data from Australian Organics Recycling Association's publication 'Australian Organics Recycling Industry Capacity Assessment: 2020-21'. This approach provides an estimate of the value added by additional organic waste recovered of \$93/tonne.</p>
Residual value	<p>Some assets have a useful life that is greater than the analysis period of the CBA. The residual value is the estimated value of assets at the end of the appraisal period, representing the expected value in continuing use. We calculate residual value as the present value of future benefits.</p>

Source: Frontier Economics



We note that our approach is consistent with advice provided by HoustonKemp to the Australian Government for cost-benefit analysis for residential building energy efficiency (**Box 2**).

**Box 2:** Guidelines for residential building regulatory impact assessment

HoustonKemp were engaged by the Department of the Environment and Energy to develop a robust methodology for evaluating the benefits and costs of possible future increases in the stringency of the energy efficiency provisions in the National Construction Code (NCC).

Our valuation approach outlined in **Table 3** is in line with HoustonKemp's recommendations, including that:

- benefits of reduced energy use be estimated based on LRMC estimates and wholesale market prices where available
- benefits of reduced GHG emissions be based on forecast emission intensity factors and GHG abatement costs
- health, safety and amenity benefits be dealt with qualitatively (unless they can be readily quantified)

Our analysis is also consistent with HoustonKemp's base case description, and recommended evaluation timeframe of at least 20 years (outlined below).

*Source: Houston Kemp, Residential Buildings Regulatory Impact Statement Methodology – Report to the Department of Environment and Energy, 6 April 2017.*

### Non-monetised benefits

Critically, CBA does not require monetisation of all key costs and benefits. While we have aimed to value as many benefits as possible, some impacts are inherently difficult to quantify and value. This is particularly the case where impacts are not traded in markets, such as 'improved biodiversity outcomes', 'improved thermal comfort', or 'improved aesthetics'.

For impacts which do not have a robust valuation method, or do not have a clearly attributable incremental impact, they have been assessed qualitatively (**Table 4**). Qualitative assessment of impacts aligns with CBA guidance including the Victorian Department of Treasury and Finance.

To provide an indication of whether these benefits would alter the broad narrative of our results, we have included an assessment of materiality. In our discussion of the CBA results, we provide a break-even analysis to show how much unquantified benefits would need to be for scenarios to be equal to the incremental costs.





**Table 4:** Qualitative assessment

Incremental impacts	Most relevant theme	Materiality	Qualitative assessment (why we have not valued these impacts)
Ongoing cost to meet revised standards	All	Uncertain	Any change in ongoing cost will be dependent on the specific materials and products used in the Sustainability Planning Scheme Amendment option compared to the ESD policy or non-ESD policy base case. The technical ESD assessment haven't proposed specific materials in the design responses (except for recycled content concrete in the Circular Economy theme), which makes any assessment uncertain. At a high level, it is expected that some design responses would increase ongoing costs while others reduce ongoing costs and that the overall impact may not be material.
Health and wellbeing benefits from improved thermal comfort	Operational energy	Minor benefit	Increased thermal comfort can lead to a range of health and wellbeing benefits. <sup>6</sup> The impacts of increased thermal comfort would be expected to be highly context specific – both in terms of the location of the building and how the building is used (i.e. for residential typologies are residents working from home or out of the house 12 hours a day?). For scenarios where the base case has an existing ESD policy there is likely to be a small incremental impact as the base case provides a good level of thermal comfort. The incremental impact may be more for scenarios where the base case does not have an existing ESD policy.
Increased active transport / avoided costs through improved transport mode usage	Sustainable transport	Benefit with unclear materiality	CBA focuses on impacts which are attributable to the intervention. While improved bike access and storage would make active transport more appealing to building users, there are myriad factors which impact on mode choice decisions. As such, while the incremental impact is a benefit it is not possible to isolate the magnitude of this impact.
Increased uptake of EVs leading to reduced GHG	Sustainable transport	Minor impact	Similar to active transport, uptake of EVs is a complex decision with myriad factors including price of EVs, price of operating internal combustion engine vehicles and the

<sup>6</sup> For example - Ormandy, D. and Ezratty, V., *Thermal Discomfort and Health: Protecting the Susceptible from Excess Cold and Excess Heat in Housing*, 2015, <https://warwick.ac.uk/fac/sci/med/research/hscience/sssh/publications/publications14/thermal.pdf>



emissions and increased electricity use			range of EVs. As such, while the incremental impact of reducing vehicle-related emissions is a benefit it is not possible to isolate the exact magnitude of this impact.
Reduced volume of stormwater leading to reduced nitrogen and suspended solids	Integrated Water Management	No impact	The technical ESD assessment identifies that both ESD and non-ESD policy base cases include rainwater tanks for stormwater collection and meet the requirements for the quality of stormwater discharged from the site. Given this, it appears there is unlikely to be any incremental impact related to stormwater.
Health benefits from improved air quality inside buildings	Indoor Environment Quality	Benefit with unclear materiality	Increased natural ventilation should lead improved air quality which, in turn, leads to improved health outcomes. <sup>7</sup> The impacts would be highly context specific – both in terms of the location of the building and how the building is used. The incremental impact depends on the base case. For example, for RES 1 the ESD Policy base case includes 100% of apartments being naturally ventilated whereas the non-ESD Policy base case includes “some natural ventilation.” In this example, there may not be an incremental impact on air quality when compared to the ESD Policy base case but there may be some incremental impact when compared to a non-ESD policy base case.
Staff health & retention for non-residential	Indoor Environment Quality	Benefit with unclear materiality	There is some evidence that improved indoor environment quality leads to improved staff health (fewer sick days) and improved staff retention. <sup>8</sup> The magnitude of the impact will be highly context dependent, particularly with respect to the base case. For example, in Non-RES 3 the ESD Policy base case includes natural ventilation and daylight requirements have been too location specific to be assessed by the technical ESD assessment.

<sup>7</sup> For example - Al horr, Y., Arif, M., Kaushik, AK., Mazroei, A., Katafygiotou, M. and Elsarrag, E., *Occupant productivity and office indoor environment quality : a review of the literature*, 2016, [https://usir.salford.ac.uk/id/eprint/39106/3/BAE-D-16-00533\\_final%20manuscript11.pdf](https://usir.salford.ac.uk/id/eprint/39106/3/BAE-D-16-00533_final%20manuscript11.pdf) and Fisk, W., Health and productivity gains from better indoor environment and their relationship with building energy efficiency, 2000, <https://www.annualreviews.org/doi/full/10.1146/annurev.energy.25.1.537>

<sup>8</sup> For example, REHVA, *Indoor Climate and Productivity in Offices: How to integrate productivity in life-cycle cost analysis of building services*, 2017, [https://biblioteka.ktu.edu/wp-content/uploads/sites/38/2017/06/06\\_Productivity\\_2ed\\_protected.pdf](https://biblioteka.ktu.edu/wp-content/uploads/sites/38/2017/06/06_Productivity_2ed_protected.pdf). The International WELL Building Institute cite the following source for healthy buildings lowering staff turnover and burnout - Leiter M, Maslach C. Areas of Worklife Survey. Mindgarden. <https://www.mindgarden.com/274-areas-of-worklife-survey>.



Health benefits from increased natural light	Indoor Environment Quality	Benefit with unclear materiality	There is some evidence that improved natural light in buildings cause health benefits. <sup>9</sup> However, the daylight requirements have been too location specific to be assessed by the technical ESD assessment. As such the incremental impact is unclear.
Reduced risk of heat-related diseases	Green Infrastructure	Benefit with unclear materiality	A benefit of urban greening is reduced urban heat island which can reduce the risk of heat-related diseases. <sup>10</sup> This is typically a benefit which accrues with precinct or suburb level greening, rather than for an individual building. Given that the scale of this analysis is on individual building benefits, the incremental impact may be negligible.
Improved biodiversity	Green Infrastructure	Benefit with unclear materiality	Biodiversity benefits may arise from additional green cover being used to benefit fauna and flora. The nature of this benefit is likely to be highly context specific and similar to urban greening, would more likely occur with precinct/suburb level greening rather than for an individual building. Green infrastructure may also contribute to avoided costs to the extent that some councils can avoid costs of meeting canopy cover targets.

<sup>9</sup> For example, Edwards, L. and Torcellini, P., *A Literature Review of the Effects of Natural Light on Building Occupants*, 2002, <https://www.osti.gov/servlets/purl/15000841/>

<sup>10</sup> For example, U.S. Environmental Protection Agency (EPA), *Reduce Urban Heat Island Effect*, accessed from the U.S. EPA's website on 1 November 2021, <https://www.epa.gov/green-infrastructure/reduce-urban-heat-island-effect>



## 2.5 Overarching CBA parameters and sensitivities

As previously stated, the CBA assesses impacts over time. This requires an appraisal period to be defined and the application of a discount rate (to account for the time value of money where a dollar today is worth more than a dollar in future). To enable comparison of the costs and benefits over time, as shown in **Table 5** this analysis:

- Applies a 20-year appraisal period which aligns with a likely useful life of a number of the design responses required to align with the Sustainability Planning Scheme Amendment.
- Includes a residual value to capture the benefits and costs of the assets with lives beyond the modelling period - Some interventions (such as external shading) may have an asset value of more than 20 years. Where this is the case there has been liaison with the technical ESD workstream to identify a likely useful life in order to place a residual value on these assets at the end of the appraisal period. The residual value is included in the analysis as a benefit (see **Box 3**). This is a standard approach in best practice CBAs.
- Applies a discount rate of 7% per year, consistent with the Victorian Department of Treasury and Finance.

**Table 5:** Overarching parameters for the CBA

Input	Value
Price base	2021
Appraisal start date	1 Jan 2023
Project appraisal period	20 years
Appraisal end date	1 Jan 2043
Discount rate	7% per annum

Source: Frontier Economics

As with any CBA, there are a number of uncertainties relating to the analysis. Sensitivity analysis was undertaken to analyse how the CBA results change if key parameters change. For this analysis, the following sensitivities were tested:

- Low discount rate: 4% per annum
- High discount rate: 10% discount rate
- Low benefits: -50% on all valuation factors
- High benefits: +50% on all valuation factors
- Residual value for external shading and green cover

**Box 3:** Base case costs and residual values**Base case costs**

As previously stated, CBA is incremental in that it looks at additional costs and benefits over and above a “business as usual” scenario (the base case). For example, in this analysis for the RES-1 typology both the ESD Policy and non-ESD Policy base cases include a cost for a gas-fired central hot water system while the Sustainability Planning Scheme Amendment option includes a cost for an electric central hot water system. That is to say, there are differing upfront costs associated with different design responses and the analysis captures the incremental cost. The one design response which is treated differently is EV chargers, which form part of the Sustainability Planning Scheme Amendment option. Rather than assuming no EV chargers in the ESD Policy and non-ESD Policy base cases, the CBA assumes that EV chargers are retrofitted in the base case in 2030 – a point in the future when EV take up would be expected to be higher.

**Residual values**

As stated above, the project appraisal period is 20 years. This is intended to largely align with the useful life of the design responses in the Sustainability Planning Scheme Amendment option. It is understood that some elements may have longer useful lives. These can be captured in CBA through a residual value. The Department of Treasury and Finance’s Economic Evaluation states that residual value at the end of the appraisal period should be “the lower of (a) the replacement cost or (b) the present value of the future stream of net benefits at the arbitrary earlier end of the project.” Focussing on the two key cost items in a number of scenarios (external shading and green cover), these items do not have benefits that have been valued in the CBA. Hence, following the Department of Treasury and Finance’s guidance means that the residual value of external shading and green cover should be zero. To understand how sensitive the CBA is to this approach, a sensitivity scenario has been undertaken where external shading and green cover are assumed to have a 40 year useful life which results in 50% of their upfront cost being a residual value benefit at the end of the CBA appraisal period (as with all impacts this is then subjected to discounting to reach a present value).

*Source: Frontier Economics drawing on documents including Department of Treasury and Finance (2013), Economic Evaluation for Business Cases Technical guidelines.*



## 3 Cost-Benefit Analysis Results

### 3.1 Results – central scenarios

The next step in the CBA process is to undertake an evaluation of the incremental economic, social, and environmental value of the options. The incremental future costs and benefits are discounted using a social discount rate to a 'net present value' (NPV) and and Benefit-Cost Ratios (BCRs) where:

- **NPV>0 and BCR>1** indicates that the option results in a net benefit to the community relative to the Base Case (i.e. incremental benefits of the option exceed incremental costs).
- **NPV = 0 and BCR=1** indicates that the incremental benefit of the option exactly equals its incremental costs.
- **NPV < 0 and BCR<1** indicates that the option results in a net cost to the community relative to the Base Case (i.e. incremental costs of the option exceed incremental benefits).

The high-level results of the CBA are presented in **Table 6** and **Table 7**. The overall finding from the CBA is that across the different typologies there are negative NPVs and BCRs less than one.

In interpreting these results it is important to note that we were unable to quantify a number of benefits where the magnitude of these benefits is difficult to ascertain. This is particularly the case for benefits associated with the indoor environment quality (IEQ) and green infrastructure (GI) themes. In the sections below we undertake a break-even analysis to provide some guidance on the magnitude of potential benefits from these themes to produce a BCR of 1.

When the costs and benefits from the IEQ and green infrastructure themes are removed from the CBA, the BCRs across typologies are close to or greater than 1. We show these BCRs in the bottom rows of **Table 6** and **Table 7** and throughout this results section.

The NON-RES 1 typology under the ESD base case had the most favourable result with a BCR of 0.64, or 1.41 when IEQ and GI themes are excluded. The Non-RES 2 with ESD Policy base case has the lowest BCR (0.09) while RES 1 with ESD Policy base case has the lowest NPV (-\$1.3m). For Non-RES 2 with ESD Policy base case this result is a combination of having low incremental benefits compared to the ESD Policy base case and also having high costs – with the Green Cover design response comprising \$220k or 83% of total costs in this scenario. For RES 1 with ESD Policy base case there are also high costs (with the Green Cover and external shading design responses making up \$1.4m or 61% of the cost). However, this scenario also has high benefits which total around \$1m.

Comparing the results for the same typology with an ESD Policy base case to the corresponding non-ESD Policy base case, the benefits are generally higher in the non-ESD Policy base case scenarios. This makes sense as in these scenarios the Sustainability Planning Scheme Amendment options provides a bigger increment in outcomes compared to the base case. However, this bigger increment also tends to come with a higher cost. The overall impact is the BCRs for the non-ESD Policy base case are higher than the corresponding ESD Policy base case for 5 of the 7 typologies with two base cases tested.



**Table 6:** Cost-benefit analysis results – ESD Policy base case

Typology	RES 1	NON-RES 1	RES 2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS (\$)</b>	1,077,281	294,643	23,089	22,890	36,369	30,671	170,127
<b>TOTAL COSTS (\$)</b>	2,382,798	458,493	46,929	264,994	154,698	156,212	334,398
<b>NET PRESENT VALUES (\$)</b>	-1,305,517	-163,850	- 23,840	- 242,104	- 118,329	- 125,541	- 164,271
<b>BENEFIT-COST RATIO</b>	0.45	0.64	0.49	0.09	0.24	0.20	0.51
<b>BENEFIT-COST RATIO (IEQ AND GI EXCLUDED AS BENEFITS UNQUANTIFIED)</b>	1.15	1.41	0.80	0.85	0.84	2.55	1.09

Source: Frontier Economics



**Table 7:** Cost-benefit analysis results – Non-ESD Policy base case

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>TOTAL BENEFITS (\$)</b>	1,182,124	470,315	32,179	65,061	41,877	52,911	142,610	7,646
<b>TOTAL COSTS (\$)</b>	2,451,244	945,133	97,072	364,096	146,298	202,220	255,213	20,086
<b>NET PRESENT VALUES (\$)</b>	-1,269,121	-474,818	-64,893	-299,035	-104,421	-149,309	-112,603	-12,440
<b>BENEFIT-COST RATIO</b>	0.48	0.50	0.33	0.18	0.29	0.26	0.56	0.38
<b>BENEFIT-COST RATIO (IEQ AND GI EXCLUDED AS BENEFITS UNQUANTIFIED)</b>	1.11	1.94	1.01	1.24	1.28	0.93	0.75	0.75

Source: Frontier Economics





**Table 8** presents a breakdown of the NPVs by theme for the best and worst performing scenarios (in terms of the benefit-cost ratio) under the central case. A complete set of NPVs by theme are presented in Appendix A.

For the best performing scenario (NON-RES 1, ESD Policy), the Operational Energy, and sustainable transport themes have positive NPVs while the remaining themes have negative NPVs. The key cost streams relate to external shading and green cover.

For the worst performing scenario (NON-RES 2, ESD Policy), Circular Economy has a positive NPV, the operational energy, Sustainable Transport and Indoor Environment Quality have a negative NPV and green infrastructure has a very negative NPV. The Green Cover cost is the driver of the very negative NPV for the green infrastructure theme. The key benefits in this scenario relate embodied carbon reduction.

**Table 8:** Breakdown of Net Present Value by theme for best and worst performing scenarios (in dollars)

Typology	Best performing	Worst performing
	NON-RES 1, ESD Policy base case	NON-RES 2, ESD Policy base case
OPERATIONAL ENERGY NPV	95,222	-314
SUSTAINABLE TRANSPORT NPV	11,936	-9,537
INTEGRATED WATER MANAGEMENT NPV	- 15,000	
INDOOR ENVIRONMENT QUALITY (IEQ) NPV	- 84,850	-18,800
CIRCULAR ECONOMY NPV	- 6,301	5,875
GREEN INFRASTRUCTURE (GI) NPV	- 164,856	-219,328

### 3.2 Sensitivity results

Sensitivity analysis looks at how results change with different key assumptions. **Table 9** and **Table 10** present the sensitivity results for the best and worst performing scenarios (from a benefit-cost ratio). A complete set of sensitivity results are presented in Appendix A.

It is no surprise to see that the sensitivities with low discount rate and higher benefits improve the results. A low discount rate means that the benefits which accrue over time are less heavily discounted in the analysis, which makes the benefits look better when compared to costs which are incurred upfront. The high benefits simply inflate the valuation factors which also make the benefits look better when compared to the costs. The opposite effect occurs in the high discount rate and lower benefits.



Notably, for both the best and worst performing scenarios, interpretation of the results does not change in the different sensitivity analyses. That is to say, both have a negative NPV and BCR less than 1 in all the sensitivities.

**Table 9:** Sensitivity results – best performing scenario (NON-RES 1, ESD Policy base case)

	4% discount rate	10% discount rate	Lower benefits - 50%	Higher benefits +50%	Residual values
<b>TOTAL BENEFITS (\$)</b>	392,144	234,160	154,362	434,925	303,425
<b>TOTAL COSTS (\$)</b>	512,383	424,191	372,029	544,956	458,493
<b>NET PRESENT VALUES (\$)</b>	- 120,238	-190,031	- 217,667	-110,032	-155,068
<b>BENEFIT-COST RATIO</b>	0.77	0.55	0.41	0.80	0.66
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.49	1.34	1.26	1.47	1.41

**Table 10:** Sensitivity results – worst performing scenario (NON-RES 2, ESD Policy base case)

	4% discount rate	10% discount rate	Lower benefits - 50%	Higher benefits +50%	Residual values
<b>TOTAL BENEFITS (\$)</b>	33,205	16,932	12,165	33,616	31,994
<b>TOTAL COSTS (\$)</b>	265,036	264,967	264,929	265,059	264,994
<b>NET PRESENT VALUES (\$)</b>	-231,831	-248,035	-252,764	-231,443	-233,000
<b>BENEFIT-COST RATIO</b>	0.13	0.06	0.05	0.13	0.12
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.23	0.63	0.45	1.25	0.85



### 3.3 Break-even analysis

As discussed above, reductions in urban heat leading to reduced urban-heat related disease burden is a potential benefit of the scenarios assessed as part of this CBA, and in particular for the IEQ and GI themes. Mitigating the range of damaging effects of the urban heat island effect is a rising policy and broader sustainability priority in Victoria and across Australia.

While the urban heat island effect can negatively impact a range of outcomes valued by the community, arguably the most critical of these is the impact of soaring temperatures on human health. There is now strong scientific evidence that high temperatures and heatwaves are driving substantial costs on society by causing heat-related disease and death. There are also direct financial costs to the health system associated with this impact, such as the cost of ambulance call-outs and emergency department treatments to address heat-related illness.

This suggests there may be merit in exploring the potential for alternative building standards to contribute to limiting the UHI effect by promoting or mandating the use of materials that do not add to urban heat or can reduce ambient temperatures. As discussed in Box 4, if alternative building standards can drive reductions in peak temperatures on very hot days and during heatwaves, then this temperature reduction can be linked to reductions in heat-related deaths and reductions in costs to the health system.

#### **Box 4:** Valuing the health benefits associated with a reduction in urban heat

- The first step is to understand the extent to which alternative building designs, materials, or other urban typology interventions can drive reductions in peak urban temperatures on hot days and during heatwaves. First it must be shown that this causal link exists, and then the magnitude of the impact must be measured.
- The second step is to understand the relationship between each degree of temperature reduction on a very hot day, the prevalence of heat-related illness and death, *and* the assumed population characteristics of the intervention area (ie. in the community where the alternative urban typologies or building standards are applied)
- If we can reasonably and robustly:
  1. assume that the urban typology intervention does drive reductions in temperature
  2. understand how much temperature reduction is likely
  3. assume that the surrounding population that experiences that temperature reduction is sufficiently large and sufficiently similar to the general population, then, we can link urban temperature reduction to reductions in heat-related illness and heat-related death, and then can place a monetary value on the avoided deaths and on the avoided costs to the health system.

*Source: Frontier Economics*

#### 3.3.1 Findings of our break-even analysis

Given the availability of information, our analysis:



- assumes interventions are capable of driving down peak ambient temperature on very hot days and during heatwaves to a sufficient extent such that interventions can be causally linked to avoided heat-related deaths
- only considers scenarios that are likely to affect the population most vulnerable to heat-related illness and death – the elderly and the young
- is based on larger scale residential scenarios only
- assumes that, if scaled, the local population has the same age and disease burden characteristics as the general population
- accounts for uncertainty of scenario design and typology impact – including a 50% additional buffer around scenario costs to ensure potentially additional costs of urban cooling are not excluded
- calculates the total value of additional urban cooling benefits, including the avoided social cost of death and the avoided financial cost to the health system associated with ambulance call-outs and emergency department treatments, required to achieve a BCR of 1 or NPV of zero for each scenario. This assumes all impacts are incremental to the base case

As shown in **Table 13**, the break-even analysis indicates that changes under the IEQ and GI themes could deliver value to the community (i.e. incremental benefits outweigh incremental costs), if the investments assessed reduced the rate of urban-heat related deaths by between 0.07 and 1.5 people over the modelling period (depending on the scenario assessed).

**Table 11:** Results of breakeven analysis: Indicative incremental avoided deaths notionally required to reach a scenario BCR of 1

Scenario	Additional avoided deaths required over 20 year modelling period to achieve BCR of 1 <sup>11</sup>	Monetised benefit <sup>12</sup>
<b>RES 1 - Inner Urban ESD Policy</b>	0.78 – 1.5	\$1,305,517 - \$2,496,916
<b>RES 1 - Suburban Non-ESD Policy</b>	0.76 – 1.5	\$1,269,121 - \$2,494,743
<b>RES 4 - Suburban ESD Policy</b>	0.10 – 0.2	\$164,271 - \$331,471
<b>RES 4 - Suburban Non-ESD Policy</b>	0.07 – 0.14	\$112,603 - \$240,210

Source: Frontier Economics.

<sup>11</sup> Figures assume each avoided death is incremental to the base case and that the profile of avoided deaths is constant over the 20 year modelling period

<sup>12</sup> In \$2020-21, discounted at 7%



**However, it should be noted that this analysis does not purport to identify whether the scenarios assessed are likely to reduce the burden of urban heat related diseases to this extent.**

As discussed above, whether this outcome is achievable (i.e. whether the option could deliver value) will depend on a range of site-specific characteristics, such as the scale of the investment, the affected population – in some cases options may deliver a significant enough reduction in urban heat to deliver the required reduction in disease burden (and thus deliver benefit to the community), in others they may not.

While further site-specific analysis is required to identify whether these projects can deliver significant urban-heat related benefits to the community, given our experience applying this framework to projects elsewhere, we note that:

- These benefits are most likely to be realised in areas that already suffer from high temperatures – the UHI and the potential impact of alternative building materials or additional tree canopy for urban cooling is highly site specific and sensitive to microclimate, prevailing wind patterns, and a large range of other factors.
- The analysis draws on previous studies that considered the combination of changes to urban building materials *in combination with* very large-scale planting of broad-leaf urban canopy to drive reductions in temperature, rather than just the impact of alternative urban typologies alone.
- Benefits will only be realised at scale, for a number of key reasons:
  - Only very large developments are likely to be able to influence the ambient temperature – this cannot robustly be a consistent, ongoing impact attributed to a single (even large building). Sophisticated modelling can determine the extent to which quite a large development can reliably lower the peak temperature.
  - Benefits analysed rely on the statistical comparability of the local population assumed to benefit from (ie. live amongst) the alternative urban typologies/building standards and the general population both in terms of the age distribution and the burden of disease. The benefits therefore can only be considered achievable at the scale of an entire community and not any individual building or cluster of buildings.



## 4 Conclusion

### 4.1 Summary of key results

A key finding of this CBA for the Sustainability Planning Scheme Amendment is that the quantified costs exceeded the quantified benefits across each typology.

Importantly, the identified value of these options does not consider the broad range of unmonetised social and environmental impacts. Our breakeven analysis indicates that these projects may deliver value to the community (i.e. incremental benefits outweigh incremental costs) where sufficient scale is achieved.

### 4.2 Lessons and potential next steps

The key lessons from this project are:

- Overall, the size of benefits (especially those related to reducing disease burden) are likely to be more achievable for larger projects (i.e. scale matters). While a 1.5 person reduction in disease burden per building may appear like a small change, in practice, given overall disease burden, achieving this reduction on a building by building approach may be difficult.
- The size of the benefit in practice will be dependent on a range of site-specific characteristics, including population affected, urban temperature, whether there is pre-existing infrastructure (for example bicycle paths).
- Dollar benefits are likely to be higher when a larger population is involved. The primary driver of the difference between the case study results is the number of people that they affect.
- In considering which types of impacts to quantify, more effort should be expended on those impacts which are likely to be more significant given the circumstances of each case (e.g. urban heat effects in hot regions) and for which there is a sound evidence base.

Importantly, this analysis has been undertaken for a range of indicative projects, rather than for individual projects with site-specific characteristics. In practice, the value of these options is likely to vary significantly depending on the specific intervention and its location. As such there is likely to be value in undertaking further, place-based analysis to identify the value of individual projects. In considering the development of individual projects, key lessons from this project would suggest there is benefit in:

- Undertaking further research on the site-specific value of benefits. This could include site-specific analysis of the change in outcomes or a site-specific study of the community's willingness to pay for improvements in environmental and social outcomes (for example, the willingness to pay for improved biodiversity).
- Broadening the scale of the project - i.e rather than undertake an assessment of a development by development basis, broaden the assessment to development-wide or precinct-wide if possible.
- Focusing on areas where projects can make a large difference, for example, those where:
  - Urban heat is a large problem, so reductions in urban heat are likely to have a comparatively larger impact



- There is a large number vulnerable population (e.g. urban heat diseases impact the elderly and very young, and so reductions in urban heat diseases are most beneficial in areas with vulnerable populations)
- There are constraints in the supply of services, such as energy, water and waste (e.g. there isn't space for the next landfill, so deferring the need for the next landfill site is likely to be more beneficial, than in an area where there is significant space for landfill)
- Identifying the distribution of costs and benefits, to aid in the funding of these investments. It is important to recognise that quantification of benefits does not equate to funding for those investments. While broader benefits may present opportunities to generate additional funding, such projects will not be dependent on securing such funding.

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## A Detailed results





**Net Present Value by theme**

**Table 12:** Breakdown of Net Present Value by theme – ESD Policy base case (in dollars)

Typology	Note	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>OPERATIONAL ENERGY NPV</b>		88,506	95,222	-9,548	-314	-16,026	9,809	23,187
<b>SUSTAINABLE TRANSPORT NPV</b>		-37,841	11,936	1,149	-9,537	-1,230	4,265	6,060
<b>INTEGRATED WATER MANAGEMENT NPV</b>		-44,799	-15,000			734	1,405	1,359
<b>INDOOR ENVIRONMENT QUALITY NPV</b>	(No benefits quantified)	-929,187	-84,850	-17,904	-18,800	-1,910	-10,360	2,926
<b>CIRCULAR ECONOMY NPV</b>		133,325	-6,301	2,463	5,875	9,662	3,159	-17,283
<b>GREEN INFRASTRUCTURE NPV</b>	(No benefits quantified)	-515,520	-164,856		-219,328	-109,560	-133,820	-180,520



**Table 13:** Breakdown of Net Present Value by theme – Non-ESD Policy base case (in dollars)

Typology	Note	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>OPERATIONAL ENERGY NPV</b>		109,704	118,864	-9,141	-5,004	-2,605	9,043	-8,508	-6,462
<b>SUSTAINABLE TRANSPORT NPV</b>		-265,744	5,160	-1,466	-5,614	-976	-6,213	13,492	8
<b>INTEGRATED WATER MANAGEMENT NPV</b>		-53,220	20,260	3,357	-5,499	2,967	-19,023	156	
<b>INDOOR ENVIRONMENT QUALITY NPV</b>	(No benefits quantified)	-929,187	-292,200	-19,808	-18,800	-1,910	-26,560	-24,674	-9,921
<b>CIRCULAR ECONOMY NPV</b>		323,887	83,954	7,565	28,810	9,662	12,504	-51,030	3,935
<b>GREEN INFRASTRUCTURE NPV</b>	(No benefits quantified)	-454,560	-410,856	-45,400	-292,928	-111,560	-119,060	-42,040	0



**Sensitivity analysis**

**Table 14:** Cost-benefit results for low discount rate sensitivities – ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	1,587,383	392,144	33,551	33,205	45,447	41,334	235,152
<b>TOTAL COSTS</b>	2,502,678	512,383	46,929	265,036	154,698	159,192	355,324
<b>NET PRESENT VALUES</b>	-915,295	-120,238	-13,378	-231,831	-109,251	-117,857	-120,172
<b>BENEFIT-COST RATIO</b>	0.63	0.77	0.71	0.13	0.29	0.26	0.66
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.50	1.49	1.16	1.23	1.05	2.75	1.33



**Table 15:** Cost-benefit results for low discount rate sensitivities – Non-ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>TOTAL BENEFITS</b>	1,644,524	590,136	40,311	65,074	53,658	65,723	192,559	7,495
<b>TOTAL COSTS</b>	2,562,107	1,008,945	97,072	364,681	146,298	217,668	289,622	20,086
<b>NET PRESENT VALUES</b>	-917,583	-418,809	-56,761	-299,607	-92,640	-151,945	-97,062	-12,591
<b>BENEFIT-COST RATIO</b>	0.64	0.58	0.42	0.18	0.37	0.30	0.66	0.37
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.40	1.93	1.27	1.23	1.63	0.91	0.86	0.74

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**Table 16:** Cost-benefit results for high discount rate sensitivities – ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	780,960	234,160	17,056	16,932	26,356	24,288	131,398
<b>TOTAL COSTS</b>	2,310,152	424,191	46,929	264,967	154,698	154,315	321,196
<b>NET PRESENT VALUES</b>	- 1,529,192	-190,031	-29,873	-248,035	-128,342	-130,027	-189,798
<b>BENEFIT-COST RATIO</b>	0.34	0.55	0.36	0.06	0.17	0.16	0.41
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	0.9	1.34	0.59	0.63	0.61	2.4	0.91



**Table 17:** Cost-benefit results for high discount rate sensitivities – Non-ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>TOTAL BENEFITS</b>	914,800	354,087	23,424	44,082	30,347	37,993	112,154	5,354
<b>TOTAL COSTS</b>	2,383,835	905,070	97,072	363,767	146,298	193,259	234,182	20,086
<b>NET PRESENT VALUES</b>	-1,469,035	-550,983	-73,647	-319,685	-115,951	-155,266	-122,029	-14,732
<b>BENEFIT-COST RATIO</b>	0.38	0.39	0.24	0.12	0.21	0.20	0.48	0.27
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	0.91	1.75	0.74	0.85	0.92	0.8	0.66	0.53

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**Table 18:** Cost-benefit results for high benefits – ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	1,375,906	434,925	31,273	33,616	46,769	43,004	238,823
<b>TOTAL COSTS</b>	2,543,875	544,956	46,929	265,059	154,698	161,359	365,972
<b>NET PRESENT VALUES</b>	-1,167,969	-110,032	-15,656	-231,443	-107,929	-118,355	-127,149
<b>BENEFIT-COST RATIO</b>	0.54	0.80	0.67	0.13	0.30	0.27	0.65
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.25	1.47	1.08	1.25	1.08	2.5	1.27



**Table 19:** Cost-benefit results for high benefits – Non-ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>TOTAL BENEFITS</b>	1,566,286	647,680	42,256	74,303	54,102	64,862	193,831	8,374
<b>TOTAL COSTS</b>	2,601,722	1,040,108	97,072	364,715	146,298	220,328	302,634	20,086
<b>NET PRESENT VALUES</b>	-1,035,436	-392,427	-54,816	-290,412	-92,196	-155,466	-108,803	-11,712
<b>BENEFIT-COST RATIO</b>	0.60	0.62	0.44	0.20	0.37	0.29	0.64	0.42
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.29	1.92	1.33	1.4	1.65	0.87	0.82	0.82



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**Table 20:** Cost-benefit results for low benefits – ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	778,655	154,362	14,904	12,165	19,823	18,337	101,431
<b>TOTAL COSTS</b>	2,221,721	372,029	46,929	264,929	154,698	151,065	302,825
<b>NET PRESENT VALUES</b>	-1,443,065	-217,667	-32,025	-252,764	-134,875	-132,728	-201,394
<b>BENEFIT-COST RATIO</b>	0.35	0.41	0.32	0.05	0.13	0.12	0.33
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.0	1.26	0.51	0.45	0.46	2.66	0.8



**Table 21:** Cost-benefit results for low benefits – Non-ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4	RES 5
<b>TOTAL BENEFITS</b>	797,962	237,222	16,822	29,363	23,506	31,425	91,388	3,884
<b>TOTAL COSTS</b>	2,300,767	850,158	97,072	363,477	146,298	184,113	207,792	20,086
<b>NET PRESENT VALUES</b>	-1,502,805	-612,936	-80,250	-334,114	-122,792	-152,688	-116,403	-16,202
<b>BENEFIT-COST RATIO</b>	0.35	0.28	0.17	0.08	0.16	0.17	0.44	0.19
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	0.87	1.61	0.53	0.57	0.72	0.82	0.64	0.38

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**Table 22:** Cost-benefit results for residual values – ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	1,132,234	303,425	23,705	31,994	37,484	35,523	177,028
<b>TOTAL COSTS</b>	2,382,798	458,493	46,929	264,994	154,698	156,212	334,398
<b>NET PRESENT VALUES</b>	-1,250,563	-155,068	-23,224	-233,000	-117,214	-120,689	-157,370
<b>BENEFIT-COST RATIO</b>	0.48	0.66	0.51	0.12	0.24	0.23	0.53
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.15	1.41	0.8	0.85	0.77	2.55	1.09

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**Table 23:** Cost-benefit results for residual values – Non-ESD Policy base case (in dollars)

Typology	RES 1	NON-RES 1	RES2	NON-RES 2	RES 3	NON-RES 3	RES 4
<b>TOTAL BENEFITS</b>	1,234,747	468,564	31,890	63,750	43,069	53,051	145,272
<b>TOTAL COSTS</b>	2,451,244	945,133	97,072	364,096	146,298	202,220	255,213
<b>NET PRESENT VALUES</b>	-1,216,497	-476,569	-65,182	-300,346	-103,229	-149,170	-109,941
<b>BENEFIT-COST RATIO</b>	0.50	0.50	0.33	0.18	0.29	0.26	0.57
<b>BENEFIT-COST RATIO (IEQ &amp; GI EXCLUDED)</b>	1.11	1.83	0.93	0.99	1.18	0.85	0.75



## B More information on benefit valuation

This appendix provides further information on our approach to valuing benefits in the CBA.

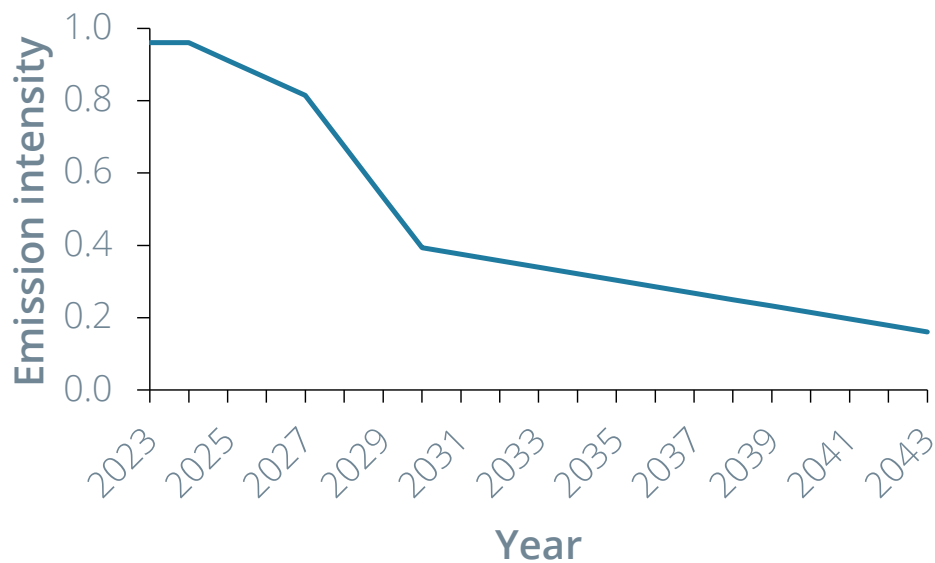
### Avoided GHG emissions

#### Forecast emission intensity

As discussed in section 2.4, to estimate the value of avoided GHG emissions we have applied a forecast of the emission intensity of the Victorian electricity grid. The emission intensity of the grid is expected to fall over time as more renewable energy enters the market.

We have derived our forecasts from the Victorian Government’s Victorian Energy Upgrades (VEU) program.<sup>13</sup> The VEU published forecast 10-year average emission intensity estimates. For example, the 10-year average emission intensity estimate for 2025 is 0.393 tonnes CO<sub>2</sub>-e/MWh. We have assumed this represents a reasonable point estimate for 2030. From 2030, we have assumed emission intensity tends towards zero in 2050 in line with the net zero commitment. Our forecast emission intensity is summarised in **Figure 5** below.

**Figure 5:** Forecast emission intensity (tCO<sub>2</sub>-e/MWh)



Source: Frontier Economics, based on Victorian Government commitments.

<sup>13</sup> See, <https://engage.vic.gov.au/victorian-energy-upgrades/targets>, accessed 29 October 2021.



## Reduction in energy use

In valuing reduced energy consumption, it is sometimes considered that the value should be based on the reduction in retail electricity bills experienced by customers as a result of reduced consumption. However, this conflates economic benefits with distributional impacts. For instance, because many retail costs of energy are fixed (i.e. don't vary with the volume of energy consumed), reducing these costs for some customers results in them being redistributed to other customers.

Our approach to valuing benefits from reduced energy use is based on the estimated resource cost savings for society. These include:

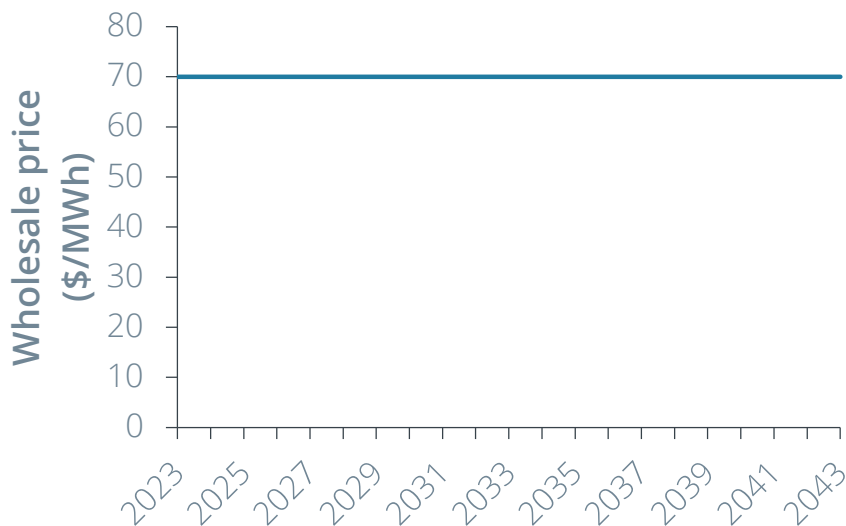
- variable costs avoided (estimated through wholesale market prices) and
- reduced capacity needed in the long run for electricity and gas network infrastructure.

Our approach is in line with guidance provided to the Australian Government for residential energy efficiency regulatory impact studies.<sup>14</sup>

### Wholesale market prices

We have projected the wholesale electricity price will remain stable at \$70/MWh (\$0.07/kWh) as summarised **Figure 6**.

**Figure 6:** Wholesale electricity price projection (\$/MWh)



Source: Frontier Economics

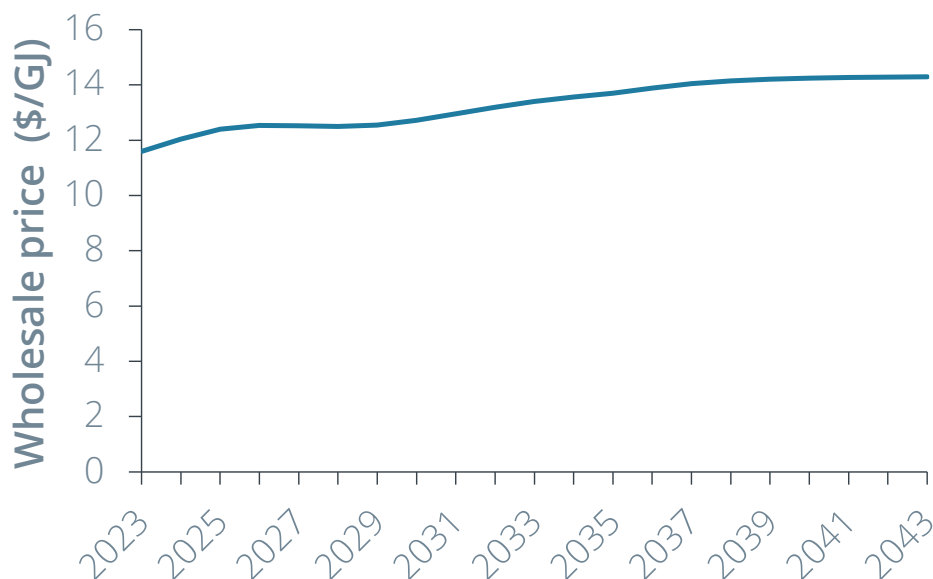
Our forecast wholesale gas price is shown in **Figure 7** below. Our forecast derives from the Australian Energy Market Operators (AEMO's) 2022 Integrated System Plan (ISP). The ISP includes

<sup>14</sup> Houston Kemp, *Residential Buildings Regulatory Impact Statement Methodology – Report to the Department of Environment and Energy*, 6 April 2017, pp13-14.



a modelling assumptions workbook with generator fuel prices. We have applied prices for new combined cycle gas turbine (CCGT) generation in Victoria, as individual generator prices may reflect some view on their legacy contracts. We consider that CCGT is closer to the system profile for gas demand, compared to open cycle gas turbine (OCGT).

**Figure 7:** Wholesale gas price projections (\$/GJ)



Source: AEMO, 2022 Integrated System Plan – Modelling assumptions workbook

### Network costs

A reduction in energy use means that over the longer run investment in new generation capacity may be deferred or avoided. The change in costs as a consequence of small changes in electricity or gas consumption are known as the long run marginal costs (LRMC). LRMC is a forward-looking concept and amounts to a measure of the additional cost incurred as a result of a relatively small increase in output, assuming all factors of production are able to be varied.

Estimates of LRMC are available for electricity network businesses in Victoria as part of their Tariff Structure Statements.<sup>15</sup> We converted residential LRMC (\$/kilowatt/pa) into a single rate LRMC by dividing by the number of hours in a year. This produced an estimate of around \$0.01/kWh.

For deferred gas network costs, we have adopted an estimate of \$4.50/GJ based on a recent Consultation RIS undertaken by ACIL Allen. This estimate is based on forecast capital expenditure on augmentations in the most recent revenue determinations for each gas distributor and the forecast growth in demand from new connections.

<sup>15</sup> For example, see [https://jemen.com.au/documents/electricity/2021-2026\\_tariff-structure-statement.aspx](https://jemen.com.au/documents/electricity/2021-2026_tariff-structure-statement.aspx)



## Avoided health costs of electricity generation

Electricity generation produces air pollution containing particulate matter, nitrogen oxides, sulphur dioxide, as well as other emissions. These can cause health problems such as respiratory illness and can also affect local economies.

We estimated the health benefits of reduced coal and gas-fired electricity using the studies referred to by ACIL Allen in the Consultation RIS for the National Construction Code 2022<sup>16</sup>. This resulted in avoided health damage costs of:

- \$2.58/MWh for coal-fired generation
- \$0.93/MWh for gas generation

We applied a weighted average of these values reflecting the share of coal (67.7%) and gas fired (4.5%) electricity generation in Victoria in 2020 (\$1.78/MWh), declining over time as the rate as emission intensity discussed above.

## Reduction in potable water use

We have valued reductions in potable water use brought about by elevated ESD standards based on LRMC. LRMC represents the cost of changing the capacity of a water supply system by building a permanent new supply source (such as a dam or a desalination plant). Water utilities use LRMC to decide if a water conservation activity is cheaper or more expensive than the cost of building a permanent augmentation to the water supply system. The LRMC applied in our analysis (\$2,450/ML) is based on advice from Melbourne Water.

## Avoided landfill / increased recycling

Estimates of reduced construction and demolition waste to landfill (tonnes) were multiplied by the full economic cost of landfill. To estimate the economic cost of landfill we:

- Reviewed published landfill gate fees for commercial and industrial waste and determined an indicative fee of \$250/tonne (we placed more weight on metro rates given this is where most volume would be generated)
- Subtracted the current waste levy for industrial waste (\$100/tonne) – average of metro and rural representing a financial transfer
- Added an estimate of externality costs of landfill representing visual disamenity (\$1/tonne)<sup>17</sup>
- Subtracted an estimated recovery and processing cost for mixed concrete \$43/tonne (including transport)<sup>18</sup>

<sup>16</sup> ACIL Allen, National Construction Code 2022 Consultation Regulation Impact Statement for a proposal to increase residential building energy efficiency requirements, 20 September 2021, pp 90-21 [https://acilallen.com.au/uploads/projects/377/ACILAllen\\_RISProposedNCC2022\\_2021.pdf](https://acilallen.com.au/uploads/projects/377/ACILAllen_RISProposedNCC2022_2021.pdf)

<sup>17</sup> This estimate derives from the BDA Group, The full cost of landfill disposal in Australia, July 2009, see: <https://www.awe.gov.au/sites/default/files/documents/landfill-cost.pdf>

<sup>18</sup> The estimate derives from Synergies Economic Consulting, Cost-benefit analysis of the implementation of landfill disposal bans in Queensland, November 2014, pp 27-29 <https://www.synergies.com.au/wp-content/uploads/2019/09/cost-benefit-analysis-landfill-disposal-bans.pdf>



Sustainability Planning Scheme Amendment – Cost-Benefit Analysis

Final



- Added an estimated value of recovered materials for mixed concrete of \$18/tonne)<sup>19</sup>

This approach provides an estimate of the avoided cost of landfill and value of recovered materials of \$125/tonne.

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<sup>19</sup> Ibid

Sustainability Planning Scheme Amendment – Cost-Benefit Analysis

Final



## C Literature review



**Table 24:** Literature review

Source	Topic	Key findings	Location
<b>JONES, R. N., SYMONS, J. AND YOUNG, C. K. (2015) ASSESSING THE ECONOMIC VALUE OF GREEN INFRASTRUCTURE: GREEN PAPER. CLIMATE CHANGE WORKING PAPER NO. 24. VICTORIA INSTITUTE OF STRATEGIC ECONOMIC STUDIES, VICTORIA UNIVERSITY, MELBOURNE</b>	Defining Green Infrastructure	Definitions of Green Infrastructure encompasses "blue" infrastructure, some definitions are linked to the functions of the Green infrastructure.	Australia, Victoria
	Value of Green Infrastructure	<p>Non-use values are intangible values that have strong ethical component. They are important because once Green Infrastructure is removed, it is very hard to replace.</p> <p>Social benefits cover physical benefits (e.g. green infrastructure has been found to increase opportunities for recreation), social (e.g. green infrastructure has been found to reduce crime rates and improves patient recovery) and psychological and community-related benefits (e.g. green infrastructure has been found to enhance comfort).</p>	Australia, Victoria
	Economic monetisation: Overview of methods	Some of the largest criticisms of individuals' willingness to pay approaches have come from behavioural economics. When asking what people would pay to gain, or not to lose or to gain a particular thing, Kahneman and Tversky, 1979, found that people valued the loss of something about twice as much as they valued obtaining the same thing. This was developed into prospect theory which states that people make decisions based on the potential value of losses and gains rather than the final outcome, and that people evaluate these losses and gains using certain heuristics, or rules of thumb.	Australia, Victoria



**SYMONS, J., JONES, R.N.,  
YOUNG, C.K. AND  
RASMUSSEN, B. (2015)  
ASSESSING THE  
ECONOMIC VALUE OF  
GREEN INFRASTRUCTURE:  
LITERATURE REVIEW.  
CLIMATE CHANGE  
WORKING PAPER NO 23.  
VICTORIA INSTITUTE OF  
STRATEGIC ECONOMIC  
STUDIES, VICTORIA  
UNIVERSITY, MELBOURNE**

Economic monetisation: Applying these methods	Existing studies can be used (transferred) to estimate the economic value of changes stemming from other programmes or policies. In conducting an economic valuation with a benefits transfer, it is important to find the most appropriate studies to use in the benefits transfer exercise. However, the technique can also misjudge values by a factor of over 100% if not carried out with care (Rosenberger and Stanley, 2006).	Australia, Victoria
Defining Green Infrastructure	There is no generally agreed definitions for Green Infrastructure. Some definitions are geared towards functionality of the Green Infrastructure and can be detailed to varying extents.	Australia, Victoria
Value of Green Infrastructure	Identifies human well-being benefits as those arising from better access to green spaces increasing physical activity levels, increase in transport walking due land-use mix, better mental health due to regular contact with nature, etc.  Environmental benefits include reductions in the urban heat island effect, carbon sequestration/storage and avoided emissions, air quality improvement, water cycle modification, flow control and flood reduction and water quality improvement and protection of Biodiversity (species diversity and population viability; habitat and corridors).	Australia, Victoria
Economic monetisation: Applying these methods	A more sophisticated approach called the transfer function approach where the results from one study are adapted and modified to make it more suitable to another situation – for example making adjustments for location or socio-economic factors. However, the validity of the benefit transfer approach depends upon the rigour of the original study upon which it is based (ECOTEC, 2008) and the suitability of the target area for the transfer.	Australia, Victoria



<p><b>BADIU, D., ET AL. (2019). "DISENTANGLING THE CONNECTIONS: A NETWORK ANALYSIS OF APPROACHES TO URBAN GREEN INFRASTRUCTURE"</b></p>	<p>Defining Green Infrastructure</p>	<p>Green Infrastructure definitions evolved over time from the concept of green spaces meant especially to improve the aesthetics of cities, before being associated with health and environmental benefits with the capacity to be connected and to provide several functions. Now, Green Infrastructure is part of larger concepts, such as ecosystem services and is a key element for providing a more healthier environment, for tackling challenges such as climate change, air pollution, water management and social injustice. The concepts associated with Green Infrastructure are determined by their relationship with society.</p>	<p>Global</p>
<p><b>WORLD HEALTH ORGANISATION (2016). "URBAN GREEN SPACES AND HEALTH: A REVIEW OF EVIDENCE"</b></p>	<p>Defining Green Infrastructure</p>	<p>There is no universally accepted definition of urban green space, with regard to its health and well-being impacts. Urban green spaces may include places with 'natural surfaces' or 'natural settings', but may also include specific types of urban greenery, such as street trees, and may also include 'blue space' which represents water elements ranging from ponds to coastal zones.</p>	<p>Global</p>
<p><b>TRANSPORT FOR NEW SOUTH WALES (TFNSW). "COST BENEFIT ANALYSIS GUIDE", (2019)</b></p>	<p>Benefit valuation: Valuation is more than monetisation of outcomes</p>	<p>Provides guidance on measuring benefits relating to active transport and environmental externalities.  TfNSW publishes a set of economic parameters which reveals the estimated value of walking and cycling (in \$/km) relating to various factors from accident cost to air pollution.</p>	<p>Australia, NSW</p>
<p>Value of Green Infrastructure</p>	<p>Green infrastructure can be associated with exposure to air pollutants, risk of allergies and asthma, exposure to pesticides and herbicides, exposure to disease vectors and zoonotic infections, accidental injuries, excessive exposure to UV radiation, vulnerability to crime. However, these detrimental effects are associated with poor maintenance of Green Infrastructure, and thus, can be reduced or prevented through proper planning, organisation and maintenance.</p>	<p>Global</p>	



<p><b>NSW HEALTH. "GUIDE TO COST BENEFIT ANALYSIS OF HEALTH CAPITAL PROJECTS", (2018)</b></p>	<p>Benefit valuation: Valuation is more than monetisation of outcomes</p>	<p>Prescribes guidance on measuring health benefits by service stream/scope and improvements in health outcomes, such as the use of the concept known as the disability-adjusted life year (DALY) to quantify health impact, as well as the valuing of health impact via reduced mortality or reduced morbidity.</p>	<p>Australia, NSW</p>
<p><b>NSW TREASURY. "GUIDE TO COST BENEFIT ANALYSIS", (2017)</b></p>	<p>Benefit valuation: Valuation is more than monetisation of outcomes</p>	<p>Sector-specific guidance on cost benefit analysis exists for coastal management, energy efficiency and mining and coal seam gas proposals.</p>	<p>Australia, NSW</p>
<p><b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ENVIROATLAS 18; URBAN ATLAS IN THE EUROPEAN UNION, 2011</b></p>	<p>Defining Green Infrastructure</p>	<p>A narrower approach defines Green Infrastructure as "all vegetated land, including agriculture, lawns, forests, wetlands, and gardens. Barren land and impervious surfaces such as concrete and asphalt are excluded." This is similar to "public green areas used predominantly for recreation such as gardens, zoos, parks, and suburban natural areas and forests, or green areas bordered by urban areas that are managed or used for recreational purposes"</p>	<p>USA</p>
<p><b>GHOFRANI ET AL., "A COMPREHENSIVE REVIEW OF BLUE-GREEN INFRASTRUCTURE CONCEPTS", (2017); HAMMER ET AL., "CITIES AND GREEN. GROWTH: A CONCEPTUAL FRAMEWORK", (2011)</b></p>	<p>Defining Green Infrastructure</p>	<p>Many sources consider Green Infrastructure in conjunction with Blue Infrastructure as an interconnected network of natural and designed landscapes. This includes waterways, wetlands, wildlife habitats greenways, parks, working farms, forests, which provide multiple functions. This definition is also extended in cases to include cemeteries, squares and plazas, and pathways and greenways.</p>	<p>Australia</p>



<p><b>VICTORIA STATE GOVERNMENT. “A FRAMEWORK FOR PLACE-BASED APPROACHES”, (2020)</b></p>	<p>Economic monetisation methods: Economic monetisation</p>	<p>The idea of a place-based understanding or approach is one that targets the specific circumstances of a place and engage local people as active participants in development and implementation, requiring government to share decision-making. Place-based approaches can complement the bigger picture of services and infrastructure. They engage with issues and opportunities that are driven by complex, intersecting local factors and require a cross-sectoral or long-term response.</p>	<p>Australia, Victoria</p>
<p><b>INFRASTRUCTURE AUSTRALIA. “PLANNING LIVEABLE CITIES”, (2018)</b></p>	<p>Economic monetisation methods: Economic monetisation</p>	<p>Cities require a greater focus on the holistic needs of communities and places, rather than on the services provided by individual sectors. This is particularly true in precincts where growth is occurring rapidly. Governments should therefore develop ‘place-based’ planning frameworks to ensure that the full range of infrastructure communities require, across sectors, is considered when planning for growth.</p>	<p>Australia</p>
<p><b>LOOMIS, J., (2011) “WHAT’S TO KNOW ABOUT HYPOTHETICAL BIAS IN STATED PREFERENCE VALUATION STUDIES?” JOURNAL OF ECONOMIC SURVEYS, 25, 363-370</b></p>	<p>Economic monetisation: Overview of methods</p>	<p>Stated and revealed preferences methods may work in market-like situations, but they cannot readily be extended to public goods, where the gain/loss bias increases up to 3:1.</p>	<p>General</p>



**GSOTTBAUER AND VAN DEN BERGH, "ENVIRONMENTAL POLICY THEORY GIVEN BOUNDED RATIONALITY AND OTHER-REGARDING PREFERENCES", (2011)**

Economic monetisation: Overview of methods

Provides a useful and comprehensive survey of behavioural economics and environmental regulation summarising many of these issues. One study that asked people for their willingness to pay for services in urban green spaces and also asked for their perceived gains in wellbeing found that the results were mutually consistent (Dallimer et al., 2014), suggesting that such methods can be reliable when assessing personal benefit.

General

**GILES-CORTI, B., ET AL. (2005). "INCREASING WALKING: HOW IMPORTANT IS DISTANCE TO, ATTRACTIVENESS, AND SIZE OF PUBLIC OPEN SPACE?" AMERICAN JOURNAL OF PREVENTIVE MEDICINE 28(2): 169-176.**

Improved natural environments and active recreation

Found that access to proximate and large public open space with attractive attributes such as trees, water features and bird life is associated with higher levels of walking.

Individuals with 'very good access' to public open space were 2.05 times as likely to use than those with very poor access.

Those who used POS were 2.66x as likely to achieve recommended levels of physical activity (30min for 5 days).

While accessibility was not significantly associated with achieving overall sufficient levels of activity, those with very good access to attractive and large public open space were 1.24-1.5 times more likely to achieve high levels of walking.

Australia, WA, Perth





**BALL, K., ET AL. (2001).  
"PERCEIVED ENVIRONMENTAL AESTHETICS AND CONVENIENCE AND COMPANY ARE ASSOCIATED WITH WALKING FOR EXERCISE AMONG AUSTRALIAN ADULTS." PREVENTIVE MEDICINE 33(5): 434-440.**

Improved natural environments and physical activity

Those reporting a moderately aesthetic environment were 16% less likely, and those reporting a low aesthetic environment were 41% less likely to walk for exercise relative to high aesthetic.  
Similarly – for moderately convenient 16% less likely and low convenience were 36% less likely to walk for exercise

Australia, NSW

**GRIGSBY-TOUSSAINT, D. S., ET AL. (2011). "WHERE THEY LIVE, HOW THEY PLAY: NEIGHBORHOOD GREENNESS AND OUTDOOR PHYSICAL ACTIVITY AMONG PRESCHOOLERS." INTERNATIONAL JOURNAL OF HEALTH GEOGRAPHICS 10(1): 66.**

Improved natural environments and physical activity

Higher levels of neighbourhood greenness as measured by the Normalized Difference Vegetation Index (NDVI) was associated with higher levels of outdoor playing time among preschool-aged children in our sample. Specifically, a one unit increase in neighbourhood greenness increased a child's outdoor playing time by approximately 3 minutes.

USA, Chicago, Illinois



**BARTON, J. AND M. ROGERSON (2017). "THE IMPORTANCE OF GREENSPACE FOR MENTAL HEALTH." BJPSYCH. INTERNATIONAL 14(4): 79-81.**

Physical activity and health outcomes

Incorporating green spaces into building architecture, healthcare facilities, social care settings, homes and communities will encourage physical activity (PA), which may lead to greater social interaction and wellbeing.  
Extra weekly use of the natural environment for PA reduces the risk of poor mental health by 6%

United Kingdom

**ZAPATA-DIOMEDI, B., ET AL. (2018). "A METHOD FOR THE INCLUSION OF PHYSICAL ACTIVITY-RELATED HEALTH BENEFITS IN COST-BENEFIT ANALYSIS OF BUILT ENVIRONMENT INITIATIVES." PREVENTIVE MEDICINE 106: 224-230.**

Physical activity and health outcomes  
Health outcomes and economic outcomes

They estimated the change in population level of PA attributable to a change in the environment due to the intervention. Then, changes in population levels of PA were translated into monetary values.  
Improvements in neighbourhood environments conferred estimated annual physical activity related health benefit worth up to \$70 per person.  
Improving neighbourhood walkability was estimated to be worth up to \$30 and improvements in sidewalk availability up to \$22 per adult resident.  
Value of physical activity health related benefits of walking and cycling is \$0.98 and \$0.62 per kilometre respectively.

Australia



**MARSELLE, M. R., ET AL. (2013). "WALKING FOR WELL-BEING: ARE GROUP WALKS IN CERTAIN TYPES OF NATURAL ENVIRONMENTS BETTER FOR WELL-BEING THAN GROUP WALKS IN URBAN ENVIRONMENTS?" INTERNATIONAL JOURNAL OF ENVIRONMENTAL RESEARCH AND PUBLIC HEALTH 10(11): 5603-5628.**

Exposure to green space and mental health outcomes

Walking participants who frequently attended in green corridor spaces (-2.81) recorded significantly lower stress scores than those who walked in urban space.

England

**BERMAN, M. G., ET AL. (2012). "INTERACTING WITH NATURE IMPROVES COGNITION AND AFFECT FOR INDIVIDUALS WITH DEPRESSION." JOURNAL OF AFFECTIVE DISORDERS 140(3): 300-305.**

Exposure to green space and mental health outcomes

Working-memory capacity and positive affect improved to a greater extent after the nature walk relative to the urban walk. Interestingly, these effects were not correlated, suggesting separable mechanisms.

USA, Michigan

**GILL, S. E., ET AL. (2007). "ADAPTING CITIES FOR CLIMATE CHANGE: THE ROLE OF THE GREEN INFRASTRUCTURE." BUILT ENVIRONMENT 33(1): 115-133.**

Improved natural environments and UHI effect

The magnitude of the urban heat island effect can vary across time and space as a result of meteorological, locational and urban characteristics.

Global



**NGIA (2012). MITIGATING EXTREME SUMMER TEMPERATURES WITH VEGETATION, NURSERY PAPERS 5, NURSERY AND GARDEN INDUSTRY AUSTRALIA. AVAILABLE AT: <HTTPS://WWW.NGIA.COM.AU/ATTACHMENT?ACTION=DOWNLOAD&ATTACHMENT\_ID=1451>**

Improved natural environments and UHI effect

Suburban areas are predicted to be around 0.5 degrees Celsius (C) cooler than the CBD, while a relatively leafy suburban area may be around 0.7 degrees C cooler than the CBD.  
 A parkland (such as grassland, shrub-land and sparse forest) or rural area may be around 1.5 to 2 degrees C cooler than the CBD.  
 Doubling the CBD vegetation coverage may reduce 0.3 degrees C ASDM temperature.

Australia, VIC, Melbourne

**ADAMS, M. P. AND P. L. SMITH (2014). "A SYSTEMATIC APPROACH TO MODEL THE INFLUENCE OF THE TYPE AND DENSITY OF VEGETATION COVER ON URBAN HEAT USING REMOTE SENSING." LANDSCAPE AND URBAN PLANNING 132: 47-54.**

Improved natural environments and UHI effect

Found that overall, increasing tree cover reduces average surface temperatures more dramatically than mixed vegetation cover.  
 In a combined model of vegetation and other environmental factors, increase in 1 foliage projection cover (% of area covered by trees) decreases LST by 0.113 degrees C.

Australia, NSW, Sydney



<p><b>CRCWSC (2016), IMPACTS OF WATER SENSITIVE URBAN DESIGN SOLUTIONS ON HUMAN THERMAL COMFORT, &lt;HTTPS://WATERSENSITIVECITIES.ORG.AU/WP-CONTENT/UPLOADS/2016/07/TMR_B3-1_WSUD_THERMAL_COMFORT_NO2.PDF&gt;</b></p>	<p>Improved natural environments and UHI effect</p>	<p>Research found trees can lower the Urban Thermal Climate Index by up to 10 degrees C reducing heat stress from 'very strong' to 'strong'.</p>	<p>Australia</p>
<p><b>SUSCA, T., ET AL. (2011). "POSITIVE EFFECTS OF VEGETATION: URBAN HEAT ISLAND AND GREEN ROOFS." ENVIRONMENTAL POLLUTION 159(8-9): 2119-2126.</b></p>	<p>Improved natural environments and UHI effect</p>	<p>The study monitored the urban heat island in four areas of New York City and found an average of 2 degrees C difference of temperatures between the most and the least vegetated areas, ascribable to the substitution of vegetation with man-made building materials.</p>	<p>United States, New York City</p>



<p><b>BOWLER, D. E., ET AL. (2010). "URBAN GREENING TO COOL TOWNS AND CITIES: A SYSTEMATIC REVIEW OF THE EMPIRICAL EVIDENCE." LANDSCAPE AND URBAN PLANNING 97(3): 147-155..</b></p>	<p>Improved natural environments and UHI effect</p>	<p>The average temperature reduction in the day was 0.94 degrees C between the urban temperature and the park temperature.</p>	<p>Spain, Italy, Mexico, Japan, Taiwan, Singapore, Sweden, Botswana, USA, Germany, Israel, Russia, Canada, UK and Greece</p>
<p><b>OLIVEIRA, S., ET AL. (2011). "THE COOLING EFFECT OF GREEN SPACES AS A CONTRIBUTION TO THE MITIGATION OF URBAN HEAT: A CASE STUDY IN LISBON." BUILDING AND ENVIRONMENT 46(11): 2186-2194.</b></p>	<p>Improved natural environments and UHI effect</p>	<p>Park cool island (PCI) effect was a median 1.5 degrees C difference between the surrounding atmospheric environment and the garden (ranging from 1 - 2.6 degrees C).</p>	<p>Portugal, Lisbon</p>



<p><b>VOELKER, S., ET AL. (2013). "EVIDENCE FOR THE TEMPERATURE-MITIGATING CAPACITY OF URBAN BLUE SPACE—A HEALTH GEOGRAPHIC PERSPECTIVE." ERDKUNDE: 355-371.</b></p>	<p>Improved natural environments and UHI effect</p>	<p>Concluded that the bluespaces studied could provide a cooling effect of 2.5 K on average. Wetlands showed the strongest effect (<math>\Delta T=5.2</math> K, min=4.8 K, max=5.6 K, n=2) and ponds the least (<math>\Delta T=1.6</math> K, min=0.4 K, max=4.7 K, n=6). Rivers showed a <math>\Delta T</math> of 2.1 K (min=0.6 K, max=4 K, n=8), the unspecified urban blue space type "water" 2.5 K (min=0.5 K, max=3.4 K, n=5).</p>	<p>Portugal, Japan, Germany, China, Canada</p>
<p><b>SUN, R. AND L. CHEN (2017). "EFFECTS OF GREEN SPACE DYNAMICS ON URBAN HEAT ISLANDS: MITIGATION AND DIVERSIFICATION." ECOSYSTEM SERVICES 23: 38-46.</b></p>	<p>Improved natural environments and UHI effect</p>	<p>When there was green expansion minor decreases in LST were recorded at -1.11degrees C to -0.67 degrees C. Major increases in LST were recorded in areas of green loss (1.64-2.21 degrees C)</p>	<p>China, Beijing</p>
<p><b>GILL, S. E., ET AL. (2007). "ADAPTING CITIES FOR CLIMATE CHANGE: THE ROLE OF THE GREEN INFRASTRUCTURE." BUILT ENVIRONMENT 33(1): 115-133.</b></p>	<p>Improved natural environments and UHI effect</p>	<p>Using the conurbation of Greater Manchester, investigation found that green infrastructure, specifically green rooftops, reduced surface temperature by 6.6 degrees between 1961-1990, making it an effective strategy to keep surface temperatures below the baseline level. Less vegetated surface areas will decrease evaporative cooling, whilst an increase in vegetative surface sealing results in increased surface runoff.</p>	<p>United Kingdom</p>



**ADAMS, M. P. AND P. L. SMITH (2014). "A SYSTEMATIC APPROACH TO MODEL THE INFLUENCE OF THE TYPE AND DENSITY OF VEGETATION COVER ON URBAN HEAT USING REMOTE SENSING." LANDSCAPE AND URBAN PLANNING 132: 47-54.**

Improved natural environments and UHI effect

Increasing tree covers reduces average surface temperature significantly more than mixed vegetation cover. If an area with no vegetation was to be replaced by a typical parkland, land surface temperature would be reduced by 3.48 degrees C

Australia  
Sydney





**NSW OFFICE OF ENVIRONMENT AND HERITAGE (2015). URBAN GREEN COVER IN NSW: TECHNICAL GUIDELINES, NSW GOVERNMENT. AVAILABLE AT: <HTTPS://CLIMATECHANGE.ENVIRONMENT.NSW.GOV.AU/-/MEDIA/NARCLIM/FILES/SECTION-4-PDFS/URBAN-GREEN-COVER-TECHNICAL-GUIDELINES.PDF?LA=EN&HASH=C7FCADABE417DD2DF67461F067463054D9408E2F>**

Improved natural environments and UHI effect

Dark, impervious surfaces can absorb solar energy, causing the temperature of the city to rise as much as 10-20 degrees C higher than surrounding air temperatures. Every 10% increase in tree cover can reduce land surface temperatures by more than 1 degree Celsius. This means that a 14% increase in tree cover would offset this thermal loading effect

Australia, NSW



**LOUGHNAN, M. E., ET AL.  
(2010). "THE EFFECTS OF  
SUMMER TEMPERATURE,  
AGE AND  
SOCIOECONOMIC  
CIRCUMSTANCE ON  
ACUTE MYOCARDIAL  
INFARCTION ADMISSIONS  
IN MELBOURNE,  
AUSTRALIA."  
INTERNATIONAL JOURNAL  
OF HEALTH GEOGRAPHICS  
9(1): 41.**

UHI effect and  
health outcomes

Positive association between AMI admission to hospital and age and socioeconomic inequality.  
Residents from highest or lowest socioeconomic standing more likely to be admitted for AMI; younger people most likely to be admitted.

Australia,  
Melbourne



**PHUNG, D., ET AL. (2016).  
"AMBIENT TEMPERATURE  
AND RISK OF  
CARDIOVASCULAR  
HOSPITALIZATION: AN  
UPDATED SYSTEMATIC  
REVIEW AND META-  
ANALYSIS." SCIENCE OF  
THE TOTAL  
ENVIRONMENT 550: 1084-  
1102.**

UHI effect and  
health outcomes

The pooled results suggest that for a change in temperature condition, the risk of cardiovascular hospitalization increased 2.8% for cold exposure, 2.2% for heatwave exposure, and 0.7% for an increase in diurnal temperature. No association was observed for heat exposure.

Effects did change when incorporating variation of effect sizes: 7.8% for cold exposure, 1% for heat exposure, 6.1% for heatwave exposure, and 1.5% for an increase in diurnal temperature.

Germany,  
South Korea,  
Greece, UK,  
Taiwan,  
Australia,  
China,  
Portugal,  
Japan, USA,  
Vietnam,  
Mozambique,  
Czech  
Republic,  
Denmark,  
Thailand,  
Italy,  
Lithuania,  
Slovenia,  
France and  
Russia



**MUELLER, N., ET AL. (2016). "URBAN AND TRANSPORT PLANNING RELATED EXPOSURES AND MORTALITY: A HEALTH IMPACT ASSESSMENT FOR CITIES." ENVIRONMENTAL HEALTH PERSPECTIVES 125(1): 89-96.**

UHI effect and health outcomes

Reducing heat by 4 degrees prevents 376 deaths, increasing life expectancy by 34 days.

Barcelona, Spain

**YE, X., ET AL. (2011). "AMBIENT TEMPERATURE AND MORBIDITY: A REVIEW OF EPIDEMIOLOGICAL EVIDENCE." ENVIRONMENTAL HEALTH PERSPECTIVES 120(1): 19-28.**

UHI effect and health outcomes

The majority of studies reported a significant relationship between ambient temperature and total or cause-specific morbidities. However, there were some inconsistencies in the direction and magnitude of nonlinear lag effects.  
The majority of studies reported detrimental effects of heat on the same day or up to the following 3 days.

USA, Canada, Japan, Taiwan, Australia, Greece, Spain, South Korea, UK, Switzerland and Italy



**XU, Z., ET AL. (2012).  
"IMPACT OF AMBIENT  
TEMPERATURE ON  
CHILDREN'S HEALTH: A  
SYSTEMATIC REVIEW."  
ENVIRONMENTAL  
RESEARCH 117: 120-131.**

UHI effect and  
health outcomes

The existing literature indicates that very young children, especially children under one year of age, are particularly vulnerable to heat-related deaths. Hot and cold temperatures mainly affect cases of infectious diseases among children, including gastrointestinal diseases and respiratory diseases. Pediatric allergic diseases, like eczema, are also sensitive to temperature extremes. During heat waves, the incidences of renal disease, fever and electrolyte imbalance among children increase significantly.

Peru, Malta,  
Japan,  
Germany,  
UK,  
Bangladesh,  
Burkina  
Faso,  
Australia,  
Spain,  
Greece,  
Taiwan, USA,  
Cameroon  
and  
Singapore

**CENTER FOR DISEASE  
CONTROL AND  
PREVENTION (2006), HEAT  
ISLAND IMPACTS, VIEWED  
JANUARY 2018,  
<[HTTPS://WWW.EPA.GOV/  
HEAT-ISLANDS/HEAT-  
ISLAND-IMPACTS#3](https://www.epa.gov/heat-islands/heat-island-impacts#3)>**

UHI effect and  
health outcomes

Estimates that from 1979–2003, excessive heat exposure contributed to more than 8,000 premature deaths in the United States

United  
States



**KABISCH, N., ET AL. (2017).  
"THE HEALTH BENEFITS OF  
NATURE-BASED  
SOLUTIONS TO  
URBANIZATION  
CHALLENGES FOR  
CHILDREN AND THE  
ELDERLY-A SYSTEMATIC  
REVIEW."  
ENVIRONMENTAL  
RESEARCH 159: 362-373.**

UHI effect and  
health outcomes

Kabisch, van den Bosch and Laforzezza (2017) found that urban trees and other vegetation provides cooling through shade and evapotranspiration, which reduce the impact of the UHI on hot summer days

Global

**KJELLSTROM, T. AND H. J.  
WEAVER (2009). "CLIMATE  
CHANGE AND HEALTH:  
IMPACTS, VULNERABILITY,  
ADAPTATION AND  
MITIGATION." NEW  
SOUTH WALES PUBLIC  
HEALTH BULLETIN 20(2):  
5-9.**

UHI effect and  
health outcomes

Heat island effect contributes to greater heat exposure, which is positively associated with morbidity and mortality; mortality increases at temperatures above 28 degrees C, particularly amongst people 65+ years.

Australia,  
ACT



**PERČIČ, S., ET AL. (2018). "NUMBER OF HEAT WAVE DEATHS BY DIAGNOSIS, SEX, AGE GROUPS, AND AREA, IN SLOVENIA, 2015 VS. 2003." INTERNATIONAL JOURNAL OF ENVIRONMENTAL RESEARCH AND PUBLIC HEALTH 15(1): 173.**

UHI effect and health outcomes

People over 75 years and those with pre-existing acute circulatory diseases are most heavily impacted by heatwave.  
 Risk factors of hypertension include being overweight and sedentary lifestyle.  
 Older people with physiological cardiovascular impairment are more sensitive to heat waves

Slovenia

**SMITH, K. R. AND P. J. ROEBBER (2011). "GREEN ROOF MITIGATION POTENTIAL FOR A PROXY FUTURE CLIMATE SCENARIO IN CHICAGO, ILLINOIS." JOURNAL OF APPLIED METEOROLOGY AND CLIMATOLOGY 50(3): 507-522.**

UHI effect and urban environments

Widespread adoption of vegetated roofs could reduce localised temperatures up to 3 degrees C, but the effect is similar to other technologies (e.g. white roofs).  
 The green roof approach also has several limitations including that the reduced temperature reduces natural circulation at the warmest times. Though this could reduce pollutants in the city, it also reduces natural cooling.

USA

**ZANDER, K. K., ET AL. (2015). "HEAT STRESS CAUSES SUBSTANTIAL LABOUR PRODUCTIVITY LOSS IN AUSTRALIA." NATURE CLIMATE CHANGE 5(7): 647.**

Health outcomes and economic outcomes

Estimated productivity may decrease by 11-27% in hot regions by 2080, and by 20% globally in hot months by 2050.  
 Annual economic burden estimated to be US\$6.2b for Australian workforce.

Australia



**KJELLSTROM, T. AND H. J. WEAVER (2009). "CLIMATE CHANGE AND HEALTH: IMPACTS, VULNERABILITY, ADAPTATION AND MITIGATION." NEW SOUTH WALES PUBLIC HEALTH BULLETIN 20(2): 5-9.**

Health outcomes and economic outcomes	Positive association between direct heat exposure and labourer’s ability to carry out physical work, increased absenteeism and reduced labour productivity	Australia, ACT
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**GREEN BELT (2015). THE IMPACT OF GREEN SPACE ON HEAT AND AIR POLLUTION IN URBAN COMMUNITIES: A META-NARRATIVE SYSTEMATIC REVIEW. THE DAVID SUZUKI FOUNDATION. AVAILABLE AT: <HTTPS://DAVIDSUZUKI.ORG/WP-CONTENT/UPLOADS/2017/09/IMPACT-GREEN-SPACE-HEAT-AIR-POLLUTION-URBAN-COMMUNITIES.PDF>**

Improved natural environments and UHI effect	Among the identified studies on green space and air pollution, 92% reported pollution mitigating effects, Among studies on heat mitigation, 98% reported urban cooling effects associated with green space	USA, China, Japan, UK, Italy, Greece, Germany, Canada
Improved natural environments and air quality		





<p><b>VAN DEN BOSCH, M. AND Å. O. SANG (2017). "URBAN NATURAL ENVIRONMENTS AS NATURE-BASED SOLUTIONS FOR IMPROVED PUBLIC HEALTH—A SYSTEMATIC REVIEW OF REVIEWS." ENVIRONMENTAL RESEARCH 158: 373-384.</b></p>	<p>Improved natural environments and all health risk factors  All health risk factors and health outcomes</p>	<p>Increase in natural green space accessibility strongly associated with increased physical activity, with greatest benefit being reduced cardio-vascular disease (CVD) risk and related mortality. Inconclusive association between obesity as an outcome of physical inactivity but strong evidence of association between obesity and CVD, and obesity and mental disorders. Strong association between physical activity and reduced levels of anger and sadness.</p> <p>Association between excess heat and disease susceptibility due to reduced 'adaptation capacity of human thermoregulation' (may exacerbate existing chronic conditions).</p> <p>Moderate to strong evidence of positive association between green space and all-cause mortality</p>	<p>Global</p>
<p><b>OFFICE OF BEST PRACTICE REGULATION (2014). BEST PRACTICE REGULATION GUIDANCE NOTE VALUE OF STATISTICAL LIFE. AUSTRALIAN GOVERNMENT DEPARTMENT OF THE PRIME MINISTER AND CABINET. AVAILABLE AT: &lt;HTTPS://WWW.PMC.GOV.AU/SITES/DEFAULT/FILES/PUBLICATIONS/VALUE_OF_STATISTICAL_LIFE_GUIDANCE_NOTE.PDF &gt;</b></p>	<p>Health outcomes and economic outcomes</p>	<p>WTP method is most appropriate for measuring the value of statistical life (reductions in the risk of physical harm). WTP involves identifying how much a consumer would pay for products that reduce/mitigate the risk of death or serious injury</p>	<p>Global</p>



<p><b>ABELSON, P. (2008). ESTABLISHING A MONETARY VALUE FOR LIVES SAVED: ISSUES AND CONTROVERSIES. OFFICE OF BEST PRACTICE REGULATION. AVAILABLE AT: &lt;HTTPS://WWW.PMC.GOV.AU/SITES/DEFAULT/FILES/PUBLICATIONS/WORKING_PAPER_2_PETER_ABELSON.PDF&gt;</b></p>	<p>Health outcomes and economic outcomes</p>	<p>VSL from studies ranged from A\$3m to A\$15m. Paper suggests that public agencies in Australia adopt a VSL of \$3.5m for avoiding an immediate death of a healthy individual in middle age (about 50) or younger; a constant VLY of \$151 000 which is independent of age; and age-specific VSLs for older persons equal to the present value of future VLYs of \$151,000 discounted by 3% per annum.</p>	<p>Australia</p>
<p><b>ACCESS ECONOMICS (2007). THE HEALTH OF NATIONS: THE VALUE OF STATISTICAL LIFE. AUSTRALIAN SAFETY AND COMPENSATION COUNCIL. AVAILABLE AT: &lt;HTTPS://WWW.SAFEWORKAUSTRALIA.GOV.AU/SYSTEM/FILES/DOCUMENTS/1702/THEHEALTHOFNATIONS_VALUE_STATISTICALIFE_2008_PDF.PDF&gt;</b></p>	<p>Health outcomes and economic outcomes</p>	<p>While VSL is somewhat flawed as a concept to capture the value of health life, WTP approach to valuing human life have been the focus of the literature in this area since the 1960s. Revealed preference studies are generally considered superior to stated preference methods in revealing WTP as they are based on real world empirical binding market transactions. A literature review suggests a mean VSL in Australia of \$5.7m and a median of \$2.9m.</p>	<p>Global</p>



**ORGANISATION FOR ECONOMIC COOPERATION & DEVELOPMENT 2012, THE VALUATION OF MORTALITY RISK, MORTALITY RISK VALUATION IN ENVIRONMENT, HEALTH AND TRANSPORT POLICIES, OECD PUBLISHING. AVAILABLE AT: <HTTP://WWW.OECD.ORG/ENVIRONMENT/MORTALITYRISKVALUATIONINENVIRONMENTHEALTHANDTRANSPORTPOLICIES.HTM>**

Health outcomes and economic outcomes

While in some cases, a new primary valuation study, tailored for the specific policy in question, might be needed in order to carry out an appropriate CBA, in many situations benefit transfer (where VSL values that have been estimated in one context are– with appropriate adjustments – used in policy assessments in another context) will generally be less time- and resource-consuming. Average adult VSL for OECD countries ranges between US \$1.5m-4.5m, with a base value of US \$3m.

Global

**VISCUSI, W. K. AND J. E. ALDY (2003). "THE VALUE OF A STATISTICAL LIFE: A CRITICAL REVIEW OF MARKET ESTIMATES THROUGHOUT THE WORLD." NATIONAL BUREAU OF ECONOMIC RESEARCH WORKING PAPER SERIES 9487.**

Health outcomes and economic outcomes

Median value of VSL of prime-aged workers is \$7m  
Income elasticity of VSL ranges from 0.5 to 0.6

USA



<p><b>JORDAN. H, DUNT ET. AL (UNDATED). MEASURING THE COST OF HUMAN MORBIDITY AND MORTALITY FROM ZONOTIC DISEASES. AUSTRALIAN CENTRE OF EXCELLENCE FOR RISK ANALYSIS. AUSTRALIA. AVAILABLE AT: &lt;HTTPS://CEBRA.UNIMELB.EDU.AU/_DATA/ASSETS/PDF_FILE/0008/2220875/1002B0ID1FR.PDF&gt;</b></p>	<p>Health outcomes and economic outcomes</p>	<p>Must consider burden of disease as when measuring consequences of illness; must consider single or multi-criteria approach, use of data, time and resources available, contribution of modelling and equity consideration when measuring economic costs</p> <p>WTP method may be warranted if intangible costs are important. Review recommends use of Cost of Illness method to measure economic costs of human morbidity and mortality</p>	<p>Australia</p>
<p><b>MARKEYVCH, I., ET AL. (2017). "EXPLORING PATHWAYS LINKING GREENSPACE TO HEALTH: THEORETICAL AND METHODOLOGICAL GUIDANCE." ENVIRONMENTAL RESEARCH 158: 301-317.</b></p>	<p>Improved natural environments and health outcomes</p>	<p>Green spaces have 3 functions: reducing harm (air pollution, noise reduction, heat reduction), restoring capacities (attention and focus restoration) &amp; building capacities (encouraging physical activity &amp; facilitating social cohesion). These functions may lead to improving physical health &amp; wellbeing (self-perceived health, higher birth weight, lower BMI, lower risk of depression and cardiovascular disease)</p>	<p>Global</p>

Source: Frontier Economics

Sustainability Planning Scheme Amendment – Cost-Benefit Analysis

Final



**Frontier Economics**

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*Elevating ESD Targets Planning Policy Amendment – Stage 2– Memorandum of Understanding*

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## **ELEVATING ESD TARGETS PLANNING POLICY AMENDMENT – STAGE 2**

### **MEMORANDUM OF UNDERSTANDING**

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For support and resources associated with **Stage 2** of the **Elevating ESD Targets Planning Policy Amendment** Project ('the Project').

**DATE**     **TBC May 2021**

**BETWEEN**

The Municipal Association of Victoria (MAV) of Level 12, 60 Collins St, Melbourne on behalf of Council Alliance for a Sustainable Built Environment (CASBE)

**(Referred to as 'CASBE')**

**AND**

Moreland City Council, 90 Bell Street, Coburg VIC 3058

**AND**

Yarra City Council, 333 Bridge Road, Richmond VIC 3121

**(Referred to, collectively, as the 'Initiating Councils')**

**AND**

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**(Referred to, collectively, as the 'Participating Councils')**

**(Both, 'Initiating Councils' and 'Participating Councils' may collectively be referred to as 'Councils' where relevant)**

**(All, collectively, referred to as the 'Parties' or a 'Party' to this Memorandum of Understanding (MoU) where relevant)**



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*Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding*


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**1. INTRODUCTION**


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- 1.1. The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria. It is incorporated by the *Municipal Association Act 1907* (Vic), which defines the MAV's purpose and how the organisation operates. The MAV is governed by a State Council comprised of representatives of member councils.
- 1.2. The Council Alliance for a Sustainable Built Environment (CASBE) is a collective of Victorian municipal governments committed to the creation of a more sustainable built environment both within and beyond their municipalities. CASBE is auspiced by the MAV as an unincorporated governance system. A key strategic goal for CASBE is to elevate environmental targets for new development.
- 1.3. Moreland City Council is a local government authority in Victoria. Moreland City Council has committed to Achieve Zero Carbon in the Planning Scheme. This is reflected in Moreland City Council's Zero Carbon Moreland – Climate Emergency Strategy and Action Plan, Councillor Motions and Executive decision making, as well as, the submission of a statutory climate change pledge pursuant to the *Climate Change Act 2017* (Vic).
- 1.4. Yarra City Council is a local government authority in Victoria. Through the adoption of its first Climate Emergency Plan, Yarra City Council committed to working with local and state government partners to amend the Planning Scheme to introduce zero carbon standards for new commercial and residential developments. Yarra City Council is a key CASBE member working with partner councils to develop a zero-carbon development framework and build a strong evidence-base and strategic justification for zero carbon building standards.
- 1.5. The Participating Councils are local government authorities in Victoria.
- 1.6. An invitation to participate in Stage 1 of this Project was extended to all Victorian councils in April 2021.
- 1.7. Participation in Stage 2 of the Project is subject to a council being a member of CASBE and having participated in Stage 1 of the Project. Membership to CASBE and participation in Stage 1 of the Project are/were formalised by separate Memorandum of Understandings (MoUs), respectively.
- 1.8. The Project draws upon the previous success of Stage 1 of the Project, as well as, local government collaboration to bring about a local Environmentally Sustainable Development (ESD) Policy in a number of municipal Planning Schemes in Victoria. A brief account of the historical milestones and rationale for pursuing such a Planning Scheme Amendment has been provided in **Annex A – Original Background**.
- 1.9. The entirety of the Project is proposed in 2 stages:

**Stage 1 – Finalise the evidence base for proposed policy objectives and standards**

Entailed the preparation of a draft amendment and background evidence documentation. Stage 1 was completed in early 2022. This included the appointment of a consortium to undertake several technical studies and the preparation of a draft planning tool for the Councils to utilise and seek a Planning Scheme Amendment to include in their Planning Scheme.

*Stage 1 was subject to an earlier understanding between the relevant parties at the time, with such MoU remaining separate from this MoU.*

**Stage 2 – Planning Scheme Amendment process**

Entails the Planning Scheme Amendment process itself and associated works. Stage 2 will be conducted as a group/joint Planning Scheme Amendment process. The process for Stage 2 is intended to be similar to that of the joint amendment process that was undertaken in 2014 for the original local ESD Policy.

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***This MoU pertains to the Stage 2 component of the Project.***

## **2. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING**

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- 2.1. The purpose of this MoU is to provide a general framework for a collaborative and cooperative partnership between the Parties in the development and delivery of Stage 2 of the Project that introduces objectives and standards for zero carbon development and elevates ESD targets that seek to deliver sustainable, resilient and healthy buildings.
- 2.2. The purpose is also to define the governance of the Project, including operational activities, financial contributions and the decision-making framework.
- 2.3. Specifically, this MoU has been prepared to establish:
  - 2.3.1. A Party's commitment to the Project; and
  - 2.3.2. The roles and responsibilities of each Party.

## **3. SUPPORT OF PARTIES FOR THE MEMORANDUM OF UNDERSTANDING**

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- 3.1. The Parties acknowledge and support this MoU and further acknowledge and agree that they will work in a co-operative manner with the common intention of achieving the Project's objectives in accordance with the principles described in this MoU.

## **4. KEY PRINCIPLES OF THE MEMORANDUM OF UNDERSTANDING**

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- 4.1. The key principles of the MoU are as follows:
  - 4.1.1. The Parties will work collaboratively to achieve the desired outcomes and objectives;
  - 4.1.2. The Parties will monitor the success or otherwise of the initiatives entered into as a result of the MoU;
  - 4.1.3. The Parties will work collaboratively to solve problems as they arise; and
  - 4.1.4. The Parties will make every effort to respond and action items as required to ensure the expedient delivery of the Project.

## **5. PROJECT OBJECTIVES**

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- 5.1. The key objectives of the Project are as follows:
  - 5.1.1. The **Primary Objective** of the Project – to pursue a collective, group/joint Council, Planning Scheme Amendment that introduces objectives and standards for zero carbon development and elevates ESD targets through a suitable planning tool that is implemented within a Councils' Planning Scheme;
  - 5.1.2. To enable a collective contribution towards achieving CASBE's Strategic Plan – Goal 1 '*Elevate environmental standards for new development*';

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- 5.1.3. To support each Council's emission reduction targets and associated ESD policies, action plans, pledges, strategies or agendas, as well as, climate change emergency declarations, where relevant; and
- 5.1.4. To facilitate consistency and harmony between Councils' Planning Schemes throughout the State.

## 6. PROJECT COMPONENTS

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- 6.1. This MoU relates to Stage 2 of the Project being the *Planning Scheme Amendment Process*.
- 6.2. The Project components of Stage 2 will generally include:
  - 6.2.1. Seeking authorisation from the Minister for Planning to prepare a group/joint Planning Scheme Amendment to Councils' Planning Scheme and/or requesting that the Minister for Planning establish a Ministerial Advisory Committee to advise on the Project;
  - 6.2.2. Undertaking further supporting researching. For example, a Financial analysis or similar.
  - 6.2.3. Undertaking further advocacy, industry and community awareness raising, as well as, the preparation of further material to support the Planning Scheme Amendment and/or Ministerial Advisory Committee process, as required;
  - 6.2.4. Undertaking the Planning Scheme Amendment process which may include the need for a Planning Panel and/or a Ministerial Advisory Committee, as well as, the appointment of legal representation and expert witnesses;
  - 6.2.5. Refining and preparing relevant materials as an outcome or recommendation from the Planning Scheme Amendment and/or Ministerial Advisory Committee process; and
  - 6.2.6. The Minister for Planning deciding whether to approve the changes, as proposed by the intention and Primary Objective of the Project, within a Councils' Planning Scheme.
- 6.3. A list of key Project Milestones may include:

**Milestone 1 –**

All Councils submit to the Minister for Planning to prepare a group/joint Planning Scheme Amendment to Councils' Planning Scheme and/or request that the Minister for Planning establish a Ministerial Advisory Committee to advise on the Project's Primary Objective.

**Milestone 2 –**

Parties complete additional research including for example a financial analysis of similar.

**Milestone 3 –**

Parties advocate the Project in the lead up to the State government election, including awareness raising of the project with community and industry .

**Milestone 4 –**

Authorisation granted by the Minister for Planning to proceed with a Planning Scheme Amendment or the appointment of a Ministerial Advisory Committee.

**Milestone 5 –**

Completion of the Planning Scheme Amendment and/or Ministerial Advisory Committee process, which includes addressing relevant recommendations made by either the Planning Panel or Ministerial Advisory Committee.

**Milestone 6 –**

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The Minister for Planning deciding to approve the Planning Scheme Amendment and/or relevant recommendations that align with the Primary Objective and intentions of this Project.

- 6.4. The Parties intend to complete and/or achieve the Project's milestones between the 2022-2023 calendar year.
- 6.5. The Parties acknowledge the political sensitivities, timelines and formalities that take place during a State government election year and thereafter with a new government which may delay achieving the key Project Milestones.

## **7. OPERATIONAL ARRANGEMENTS**

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### **7.1. Representatives of the Parties**

- 7.1.1. The Parties agree to nominate a representative(s) for the Project, which may change from time to time.
- 7.1.2. A representative(s) of each of the Parties will form part of a committee known as the Project Group. Refer to Annex B in relation to the Terms of Reference for the Project Group.

### **7.2. Decision making**

- 7.2.1. The decision-making forum for the Project will be undertaken by the Project Group involving a single representative for each of the Parties.
- 7.2.2. Day to day management of the Project will be delegated to a subset of the Project Group being the Working Group. Refer to Annex C in relation to the Terms of Reference for the Working Group.
- 7.2.3. The Working Group will comprise of representatives from the MAV, the Initiating Councils, and at least four additional representatives from the Participating Councils.
- 7.2.4. Nominations for the four additional representatives of the Working Group will be sought from the Project Group. Representatives will be selected by the Project Group.

### **7.3. Funding arrangements**

- 7.3.1. Stage 2 of the Project will be jointly funded by contributions made by the Parties.
- 7.3.2. The MAV, through the CASBE Executive Officer, and in consultation with the Project Group, will collect, manage and dispense with the Project funds, as appropriate, on behalf of the Parties and in accordance with the Terms of Reference outlined within Annex B.
- 7.3.3. Financial contribution will be sought for tasks, projects and associated items in relation to Stage 2 of the Project that have commenced on or after 1 June 2022.
- 7.3.4. The financial contribution will be retrospectively applied, regardless of a Party's effective signing date, with adjustments made between the Parties or as otherwise agreed. This includes adjusting a Party's contribution to account for a Party's potential entitlement to remaining funds from Stage 1 of the Project or where funds were otherwise provided, at an earlier date, for the benefit of Stage 2 of the Project.
- 7.3.5. The Project Group will determine the division of the financial contributions made by each Party.

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7.3.6. An early budgetary amount, including estimates and assumptions, as well as, indicative contribution from each Party; contingent upon the number of Parties signing this MoU, is provided within Annex D.

7.3.7. The MAV will not contribute funds towards Stage 2 of the Project, other than funding from the CASBE budget as agreed by the CASBE Steering Committee.

**7.4. In-kind support**

7.4.1. The Parties will make every effort to provide in-kind support for the Project. This support may include the provision of technical expertise and assistance with tasks associated with achieving the Project outcomes and objectives.

**7.5. Reporting requirements**

7.5.1. The Working Group will report back to the Project Group monthly for the duration of this MoU, or on an alternative timeframe as determined and agreed to by the Project Group.

7.5.2. The MAV, through the CASBE Executive Officer, will provide quarterly Project financial reports to the Project Group.

**7.6. Commencement and duration**

7.6.1. The MoU will commence from the date specified on the cover of this MoU.

7.6.2. The MoU may be extended, as agreed, by mutual consensus between the Parties.

7.6.3. The MoU will be deemed completed ('Completion Event') when:

7.6.3.1. The Primary Objective of the Project is achieved; or

7.6.3.2. The Parties determine, by mutual consensus, that the Project is otherwise completed.

7.6.4. The MoU will be deemed terminated ('Termination Event') when:

7.6.4.1. The Parties determine, by mutual consensus, that the Project should be terminated; or

7.6.4.2. The Project is frustrated, as determined by mutual consensus, between the Parties.

For example, a non-exhaustive list may include:

- Councils' position to seek authorisation from the Minister for Planning to prepare an amendment to their Planning Schemes or for the establishment of a Ministerial Advisory Committee to advise on the Project's Primary Objective is not supported and unable to lawfully proceed; or
- The outcomes from a Planning Panel and/or Ministerial Advisory Committee process are highly unfavourable that compromises and undermines the Primary Objective of the Project; or
- The Minister for Planning does not support the recommendations made by the Planning Panel and/or Ministerial Advisory Committee and would otherwise compromise and undermine the Primary Objective of the Project.

**7.7. Distribution of remaining funds**

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- 7.7.1. When a Completion Event or Termination Event occurs and Project funds remain, the balance of the Project funds will be:
- 7.7.1.1. Firstly, paid to satisfy any accounts payable and other Project creditors (e.g. Planning Panel and Ministerial Advisory Committee costs, advocacy and consultancy fees, and any other invoices or costs, as deemed appropriate and associated, with the Project); and
- 7.7.1.2. Secondly, the remaining balance is returned to the Parties based upon their commensurate contribution amount when requested to provide funds towards Stage 2 of the Project.

## **8. RIGHTS AND OBLIGATIONS OF THE PARTIES**

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### **8.1. Councils' rights**

- 8.1.1. The Councils have the right to receive timely communication from the MAV and be allowed adequate time for considerations around decision making.
- 8.1.2. The Councils have the right to publish Project Group approved public information regarding the Project.

### **8.2. Councils' obligations**

- 8.2.1. The Councils agree to cooperate in carrying out the Project and to use their best endeavours to ensure that work is performed.
- 8.2.2. The Councils agree to maintain an up to date contact for their Project Group representative to whom all notices and communications are sent.
- 8.2.3. The Councils agree to pay their financial contribution to the Project as determined by the Project Group.

### **8.3. MAV and Initiating Councils' rights**

- 8.3.1. The Working Group will consist of three permanent members that includes the MAV and the Initiating Councils.

### **8.4. MAV and Initiating Councils' obligations**

- 8.4.1. The MAV, through the CASBE Executive Officer, and the Initiating Councils agree to cooperate with the Parties in carrying out the Project and to use their best endeavours to ensure that work is performed.
- 8.4.2. The MAV agrees to issue invoices to councils and receive a Party's financial contribution(s).
- 8.4.3. The MAV agrees to manage the Project funds in accordance with MAV procedures. Any interest on the Project funds in holding will be retained by the MAV.

## **9. SUPPORT AND OPENNESS BETWEEN THE PARTIES**

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- 9.1. The Parties acknowledge and support the objectives to ultimately achieve and deliver the Project.
- 9.2. The Parties will:

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- 9.2.1. Exercise their rights and perform their obligations with the common intention to support the objectives under this MoU in a co-operative, consultative and transparent manner;
  - 9.2.2. Work together to operate with regard to the undertakings specified in this MoU;
  - 9.2.3. At all times act in good faith in their dealings with each other; and
  - 9.2.4. Work openly and constructively to resolve any differences which emerge, recognising that the views and objectives of the Parties may not always coincide.
- 9.3. The Parties will aim, where reasonably possible, to share information relevant to achieving the Project. In the normal course of events, the Parties will work on the assumption that information should be freely exchanged.

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**10. INTELLECTUAL PROPERTY**

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- 10.1. During the course of the Project, materials will be created. The Intellectual Property (IP) of materials will be as follows:
- 10.1.1. The IP created by external consultants will rest with the Party that engages the consultant.
  - 10.1.2. The IP of materials created by a Party will rest with that Party.
- 10.2. All Parties that own materials created for the Project from **1 June 2022** grant the other Parties a non-exclusive, royalty-free licence (including the right to sub-license) for the duration of this MoU to use, copy or adapt materials solely for the purpose of supporting the Project.
- 10.3. Each Party represents and warrants that the use by the other Party of any IP generated prior to this MoU will not breach the Intellectual Property Rights of any third party; and all information and material provided to the other party under this MoU will be correct, complete and not misleading.

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**11. PUBLIC AND MEDIA RELATIONS**

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- 11.1. The Initiating Councils and the CASBE Executive Officer will all be the primary contacts for any public or media enquiries relating to the Project work.
- 11.2. The Initiating Councils and the CASBE Executive Officer must inform and seek input from the Participating Councils of any public or media enquires relating to the Project work prior to engaging with respective public or media authorities to ensure consistent messaging and communications.
- 11.3. Participating Councils can communicate publicly about their role in the Project.
- 11.4. Any planned media events, media releases or correspondence will be prepared in consultation with the Parties.

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**12. CONFIDENTIALITY**

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- 12.1. The Parties must not:
- 12.1.1. Use, or permit any person to use, confidential information for any purpose other than for purposes agreed to by the Parties which is in accordance with this MoU.

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- 12.1.2. Disclose or in any way communicate to any other person any confidential information except as authorised by a Party who has disclosed the confidential information.
- 12.1.3. Make, or assist any person to make, any unauthorised use of confidential information.
- 12.1.4. Confidential information means any information provided by one Party to another Party pursuant to the MoU, which that Party specifies as being confidential, or if disclosed, would be contrary to the public interest or would damage the commercial interests of the Party which provided the information.

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**13. DISPUTE RESOLUTION**

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- 13.1. The Parties agree to resolve disputes efficiently to minimise delay to the work of the Project.
- 13.2. If any dispute arises between the Parties and/or their representative(s) (collectively, 'the disputing Parties'):
  - 13.2.1. The disputing Parties must meet within 5 business days of being notified in writing of a dispute to endeavour to resolve the matter promptly;
  - 13.2.2. If the matter cannot be resolved between the disputing Parties and remains unresolved within two weeks of notification of a dispute, the matter may be referred to an independent mediator at the request of either disputing Party;
  - 13.2.3. An independent mediator will be selected by agreement of the disputing Parties but if such agreement is not obtained, then the MAV will, after consultation with the disputing Parties, select the mediator;
  - 13.2.4. If the matter cannot be resolved by mediation and remains unresolved within two weeks of mediation, the matter may be referred to an independent arbiter;
  - 13.2.5. An independent arbiter will be selected by agreement of the disputing Parties but if such agreement is not obtained, then the MAV will, after consultation with the disputing Parties, select the arbiter; and
  - 13.2.6. The decision of the arbiter will be binding on the disputing Parties.

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**14. WITHDRAWAL**

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- 14.1. If a Party wishes to cease being a Party to this MoU, they will notify the Parties in writing of their intention to exit from the MoU, providing 28 days' notice.
- 14.2. In the event that a Party withdraws from the MoU, any due but unpaid funding contributions will be payable but no future funding contributions will be payable.
- 14.3. In the event that a Party withdraws from the MoU, the withdrawing Party will fulfil any obligations committed to up until the time of exit and provide the remainder of the Parties with the information required to fulfil any obligations beyond the time of exit.

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**15. INDEMNITY**

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*Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding*

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- 15.1. If third parties, such as ESD, planning, technical, financial or legal consultancies or firms, are sought to provide services with the delivery of the objectives, such third parties will be obligated to indemnify the Parties and their staff against all liability, particularly with respect to any breach of contract or in negligence under statute or common law, by a third party or in any way connected with the performance or purported performance of the services required.

**16. AMENDMENT**

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- 16.1. This MoU may only be amended, varied or replaced by a document as agreed to by the Parties.

**17. LEGAL EFFECT**

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- 17.1. The Parties acknowledge and agree that this MoU is not legally binding on any Party.

*Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding*

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**18. SIGNATORIES**

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*Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding*

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**ANNEX A – ORIGINAL BACKGROUND**

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**The Current ESD Policy**

- A.1. In 2009, several Victorian councils commenced coordinating their efforts to develop and introduce a consistent Environmentally Sustainable Development (ESD) local planning policy ('ESD Policy') into their respective Planning Scheme.
- A.2. In November 2015, six councils consisting of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra (the 'Joint Councils') were successful in having their ESD Policy gazetted as a part of their Planning Scheme. A joint Planning Panel and Advisory Committee was established for a combined set of amendments to streamline and effectuate the process.
- A.3. Since 2015, emanating from the success of the Joint Councils, 13 other councils gazetted an ESD Policy within their respective Planning Scheme which has since resulted in a total of 19 councils having an ESD Policy within their Planning Scheme as of February 2021.

**ESD Policy Review**

- A.4. In 2019, the Council Alliance for a Sustainable Built Environment ('CASBE') with Moreland City Council coordinated work for planning experts to undertake a review of Councils' common ESD Policy. The planning experts found that the consistent approach to a Council's ESD policy was having a positive cultural shift on ESD issues at the Victorian Civil and Administrative Tribunal (VCAT) and within the development industry. This was notwithstanding the shortfalls identified that would improve development outcomes. Constraints were subject but not limited to quantitative, well-articulated and expressed objectives associated with each of the thematic ESD categories within a Council's ESD Policy and the need to align with industry changes evidenced through global, State and Local Government objectives, transitioning towards a zero carbon economy.
- A.5. The ESD Policy shortfalls that were identified, as well as, the impetus for State and Local Government Authorities, including industry, to address relevant climate change objectives, motivated several Councils to pursue a Planning Scheme Amendment that elevates the ESD requirements and targets. The amendment is sought to update several Councils' current ESD Policy within their respective Planning Scheme, as well as, enable zero carbon development and foster a zero carbon economy.

**Elevating ESD Targets and Achieving Zero Carbon within the Planning Scheme**

- A.6. In 2019, CASBE established an Elevating Environmental Targets Working Group ('Working Group') for Councils to work collaboratively to review their current ESD Policy and to establish the necessary Planning Scheme ESD objectives and standards that will enable both elevated ESD targets and zero carbon development. The outcomes achieved by the Working Group also align with Goal 1, 'Elevate environmental standards for new development', of the CASBE Strategic Plan that was agreed upon by CASBE member Councils.
- A.7. In 2020, several Councils, a part of the Working Group, participated in discussions, workshops and consultations with members of the CASBE Network Group and Steering Committee to expedite outcomes. The outcomes assist with a future Planning Scheme amendment to ensure the delivery of zero carbon development, as well as, incorporate aspects of Climate Resilience, Social Sustainability and Innovation as a regenerative set of principles that aim to redefine and affirm the meaning of 'Best Practice' articulated within the existing ESD Policy framework – hence, collectively termed, Elevating ESD Targets.

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**ANNEX B – PROJECT GROUP TERMS OF REFERENCE**

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**Elevating ESD Targets Planning Policy Amendment PROJECT GROUP****Terms of Reference**

Date: **May 2022**

Revision: \*

**Purpose**

To govern **Stage 2** of the **Elevating ESD Targets Planning Scheme Amendment Project** (the **Project**).

**Role of the Project Group**

To provide a decision-making forum for the Project, including but not limited to:

- Defining, reviewing and guiding the implementation of the Project;
- Reviewing the Project finance strategy budget;
- Working collaboratively to achieve the desired outcomes and solve problems as they arise.
- Monitoring the success or otherwise of initiatives entered into.
- All material provided for discussion and consideration is confidential unless otherwise agreed by the Project Group.

**Membership and Decision making**

- Each Party to the *Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding* (the 'MoU') must nominate one representative.
- Each Party has one vote of equal weighting. A Party may designate in writing, another party to cast their vote by proxy.
- To achieve quorum, at least 33% of the Parties are to be present in the room or in attendance via video conferencing. Quorum may include votes made by proxy.
- Decision making at meetings will be made by majority vote of the Parties present and proxies received prior to meeting.
- For an Out of Session decision to be passed, at least 33% of Parties must respond in writing, and of those who have responded, a majority vote reached. Out of Session decisions can be made on financial variations up to \$10,000 ex GST. Expenditure on financial variations made by Out-of-Session decisions must be reported to the next Project Group meeting.
- Members are encouraged to engage in decision making processes expeditiously.
- Members of the Project Group must comply with MAV's policies, including Conflict of Interest Policy.

**Meeting Frequency and Location**

- The Project Group will meet monthly for the duration of the MoU, or as otherwise agreed to by the Project Group.
- Notice of meetings to be at least 10 business days.
- Agenda documentation must be circulated at least 7 business days prior to the meeting.
- Special meetings for particular purposes may be convened from time to time.
- Meetings will be conducted online or face to face at the MAV or other locations as agreed by parties.
- Participants other than parties may be invited to attend the meetings from time to time as the need arises.

**Review**

- The Project Group will review its progress annually.
- The Project Group will conclude following a Completion Event or Termination Event that includes the distribution and receipt of remaining Project funds, if required, as outlined within the MoU.
- This Terms of Reference is to be reviewed on an as needs basis.

**Secretariat and Chair**

- The Project Group will be convened by a member of the Working Group.
- Agendas and meeting notes will be provided through the Working Group.
- Meetings will be chaired by a member of the Working Group.

**Reporting**

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- The Project Group will report to the CASBE Steering Committee at each CASBE Steering Committee meeting for the duration of the MoU.

**ANNEX C – Elevating Targets WORKING GROUP TERMS OF REFERENCE**

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**Elevating ESD Targets Planning Policy Amendment WORKING GROUP****Terms of Reference**

Revision: \*

Date: **May 2022**

**Purpose**

To collectively manage the implementation of **Stage 2** of the **Elevating ESD Targets Planning Scheme Amendment Project** (the **Project**).

**Role of the Working Group**

- To provide recommendations to the Project Group and implement all aspects of the Project, including but not limited to:
  - Engaging and liaising with consultants.
  - Engaging and liaising with stakeholders.
- The Working Group will communicate on an agreed social media platform.
- The Working Group will provide recommendations to the Project Group on the Project's strategic direction, finance strategy and budget.
- Members of the Working Group must comply with MAV's policies, including Conflict of Interest Policy.

**Membership**

- The Working Group is to be a subset of the Project Group.
- Membership of the Working Group will comprise of a representative of the MAV, the Initiating Councils, and at least four additional representatives from the Participating Councils. Each member will have one vote of equal weighting.
- A member may designate another member to cast their vote by proxy.

**Meeting Frequency and Location**

- The Working Group will meet on an agreed scheduled basis.
- To achieve quorum, at least 50% of members are to be present.
- Special meetings for particular purposes may be convened from time to time.
- Meetings will be conducted online or face to face at the MAV or other locations as agreed by Parties.
- Participants other than Parties may be invited to attend the meetings from time to time, as the need arises.

**Review**

- The Working Group will review its progress annually.
- The Working Group will conclude following a Completion Event or Termination Event that includes the distribution and receipt of remaining Project funds, if required, as outlined within the MoU.
- This Terms of Reference is to be reviewed on an as needs basis.

**Secretariat and Chair**

- The Working Group will be convened by a member of the *Elevating Targets Working Group*.
- Agendas and meeting notes will be provided through the *Elevating Targets Working Group*.
- Meetings will be chaired by a member of the *Elevating Targets Working Group*.

**Reporting**

- The Working Group will report back to the Project Group monthly.



*Elevating ESD Targets Planning Policy Amendment – Stage 2 - Memorandum of Understanding***ANNEX D – INDICATIVE EARLY BUDGET AND FINANCIAL CONTRIBUTION TOWARDS STAGE 2**

- D.1. The following content is to be treated as indicative and for guidance purposes only to support with identifying the potential costs and contribution from Councils involved with Stage 2 of the Project.
- D.2. Similar to Stage 1 of the Project, the financial contributions for Councils participating in Stage 2 will be in flux until the number of Councils are determined.
- D.3. The Working Group will provide estimated costs of involvement per Council which will depend on the number of Councils involved.
- D.4. Estimated Stage 2 costs were included in the original information sheet distributed in March 2021 in relation to the Project. The information is reproduced below however has been updated to include additional financial analysis and contingency estimates.
- D.5. ***Please note, the estimates provided do not include the amendment fees for each individual Council, internal resourcing, nor any costs associated with local community engagement and sundry items (e.g. mail outs, printing and exhibition collateral).***

ITEM	DETAIL/ COMMENT	STAGE 2 ESTIMATED COSTS
Statutory Costs	Advisory Committee/ Planning Panel	\$ 120,000 *
Representation at Panel	Legal Representation	\$ 100,000 **
Expert Witnesses	Planning and ESD Representation	\$ 80,000 **
Supporting Studies	Financial Analysis (including Climate Risk Analysis)	\$ 60,000 **
Contingency	Approx. 10% contingency (over-run for any of the above estimates or unforeseen project needs)	\$ 40,000
<b>TOTAL</b>		<b>\$ 400,000</b>

\* Whilst yet to be discussed, DELWP may also provide financial support towards the Statutory (Advisory Committee/ Panel Costs) as experienced previously with the original ESD Policy. Speculative contribution has not been included as a part of such estimated costs.

\*\* CASBE is not a part of the Planning Scheme Amendment process. However, in support of Councils, CASBE may provide key personnel or financial resources for assistance. This will be subject to CASBE Steering Committee approval.

- D.6. In order to provide assistance to Councils with the budgeting process and internal requirements, the below estimate is based upon the number of Councils that could be involved in Stage 2 of the Project.
- D.7. ***Please note that such figures are indicative only.***

COUNCIL INVOLVEMENT (depending on the amount of Councils involved)	STAGE 2 ESTIMATED COSTS
2 Councils involved (Moreland and Yarra only)	\$ 200,000 each
3 Councils involved	\$ 133,000 each
4 Councils involved	\$ 100,000 each
6 Councils involved	\$ 66,000+ each
8 Councils involved	\$ 50,000+ each
10 Councils involved	\$ 40,000+ each
15 Councils involved	\$ 26,000+ each
18 Councils involved	\$ 22,000+ each
20 Councils involved	\$ 20,000+ each

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<b>TOTAL</b>	\$ 400,000
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- D.8. The intention is to apply the CASBE pricing principles based on CASBE membership level. As such, contributions will be tiered based on CASBE membership level (i.e. Level 1-3 Councils). This is indicative of the same process that was undertaken as a part of Stage 1 of the Project.
- D.9. If Councils have allocated funding this financial year (Financial Year 2021/22), upon request, the MAV may invoice Councils this financial year for their contribution towards Stage 2 of the Project.
- D.10. ***Confirmation on the amount that a Council is required to contribute towards Stage 2 of the Project will be confirmed via separate, email, correspondence and will take into consideration relevant adjustments as outlined within the MoU.***

## XX PLANNING SCHEME

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**53.XX ELEVATED ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT****Purpose**

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To ensure that new buildings and significant alterations and additions are planned and designed in a manner which incorporate environmentally sustainable development (ESD) principles, mitigates and adapts to climate change, protects the natural environment, reduces resource consumption and supports the health and wellbeing of future occupants.

**53.xx-1****Application**

--/20--

This clause applies to an application under a provision of a zone to construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Transport Zone 2, Transport Zone 3, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone or Urban Floodway Zone.
- A VicSmart application.
- An application to construct or carry out works associated with one dwelling on a lot.
- An application for development associated with the use of land for agriculture or earth and energy resources industry.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 1000 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application lodged before the approval date of Amendment **XX**.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment **XX**.

For the purpose of this provision:

**Other non-residential uses** includes development associated with the following uses:

- Education Centre
- Leisure & Recreation
- Place of Assembly
- Hospital

**Net zero carbon emissions** means the amount of carbon emissions associated with the building's operational energy on an annual basis is zero or negative.

**Operational energy use** means any energy required to facilitate the day-to-day operations of the development.

**Residual operational energy** means any additional energy required by the development to operate which remains after accounting for energy efficiency and onsite renewable energy infrastructure.

**Green Infrastructure** means planned elements of building and landscape design that are designed and managed to deliver a wide range of ecosystem services, generally in the form of vegetation.

## XX PLANNING SCHEME

**EV enabled** means development that has been constructed to include the enabling infrastructure for EV charging facilities through the installation of end point charging infrastructure to be provided at a future point in time.

**Equivalent standard development** means a development which shares similar characteristics to the proposed development but has only undertaken the minimum steps to meet any applicable targets or requirements of relevant regulatory controls.

**53.xx-2 Operation**

--/120--

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains requirements to meet the objective. A standard should normally be met.

**53.xx-3 Requirements**

--/120--

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.XX-4 to 53.XX-11.
- Should meet all the Standards or performance measures specified in this clause. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

An application must be accompanied by details of proposed environmentally sustainable development measures, including a response to the Standards of this clause, in a Sustainability Management Plan.

**53.xx-4 Operational Energy**

--/120--

**Objectives**

To ensure new development achieves net zero carbon emissions from operational energy use.

To support the inclusion of renewable energy generation and ensure a transition to renewable energy sources.

To ensure higher levels of energy efficiency and reduce pressure on energy networks.

To support effective energy load management and storage.

To support development that demonstrates innovation in the delivery of carbon positive emission outcomes.

**Standards**Standard A1

All residential developments should achieve an average 7 Star NatHERS rating.

## XX PLANNING SCHEME

Standard A2

All developments should provide the following minimum requirements for onsite renewable energy generation:

DEVELOPMENT	REQUIREMENT
Single dwelling, Two or more dwellings on a lot (multi- dwellings other than apartments)	A 3kW minimum capacity solar photovoltaic (PV) system should be installed for each 1-2 bedroom dwelling and an additional 1.0kW per bedroom for each bedroom there-after.
Apartment development	Provide a solar PV system with a capacity of at least 25W per square metres of the development's site coverage,  OR 1kW per dwelling.
Office, Retail, Place of Assembly.	Provide a solar PV system with a capacity of at least 25W per square metres of the development's site coverage.
Industrial & Warehouse	A solar PV system that is sized to meet the energy needs of the building(s) services (lighting, air-conditioning, industrial processes). When no industrial process is proposed, minimum 1.5kW per tenancy plus 1kW for every 150m <sup>2</sup> of gross floor area must be provided,  OR Where an energy intensive industrial process is likely, maximised based on the available unencumbered roof area.

*Note: Alternative renewable energy sources where it can be established that the generation would be equal or greater than that generated by solar PV on site are acceptable.*

Standard A3

All development should be designed to reflect the following hierarchy in achieving net zero carbon emissions from all operational energy use:

1. Design buildings to be all electric;
2. Design building orientation, envelope and openings to increase energy efficiency;
3. Selection of energy efficient systems, equipment and appliances;
4. Onsite generation of renewable energy;
5. Purchase of offsite renewable energy.

Standard A4

All new development should be designed to avoid consumption of natural gas or other onsite fossil fuels.

Standard A5

All developments should prioritise the use of passive design to maximise thermal comfort while minimising energy consumption for heating and cooling, including through the following:

- Optimising building siting and orientation.
- Optimising building envelope design to access winter warming sun, limit summer solar heat gain and access dominant cooling breezes.
- Managing wall to glazing ratios.
- External design which uses elements such as wingwalls, balconies, external shading devices to provide effective external shading of glazing in habitable rooms from summer solar heat loads.

## XX PLANNING SCHEME

- Design which allows for containment of spaces that are artificially heated and cooled.

Standard A6

All development should be designed to minimise energy use including:

- Provision of clotheslines to allow natural drying of clothes and bedlinen, that do not impact the amenity of external secluded private open space, or internal room function.
- Provision of appropriate energy management systems (such as load management) to support use of renewable energy generated onsite and efficient energy consumption throughout the day.

Standard A7

All development should maximise potential utilisation of solar energy and where appropriate, wind, through the following measures:

- Ensuring electrical systems are designed to optimise the onsite consumption of generated electricity.
- Optimising roof form, pitch and orientation for photovoltaic arrays and/or solar air or water heating.
- Minimising shading and obstructions.
- Designing for appropriate roof structure to accommodate and access equipment.
- Consider spatial requirements for future renewable energy storage or other energy management systems.

Standard A8

All residual operational energy should be 100% renewable, purchased through government accredited off-site Green Power, power purchasing agreement or similar.

**53.xx-5 Embodied Carbon****Objectives**

To encourage development that considers the lifecycle impacts of resource use and supports lower carbon emissions.

**Standards**Standard B1

Development should reduce the impact of embodied carbon emissions in materials used through a combination of the following measures:

- Reusing all, or part, of existing buildings.
- Use of reclaimed or repurposed materials where appropriate.
- Use of new materials with a recycled content.
- Identifying opportunities to substitute high impact materials, such as concrete or steel, with materials with lower embodied carbon.
- Selecting materials from sources which have undertaken offsetting of any carbon emissions.

Standard B2

Development should demonstrate consideration of the potential for future adaptation and / or alternate uses where relevant, in the design of buildings.

## XX PLANNING SCHEME

Standard B3

Development should contribute to the reduction in future embodied carbon through careful material selection, including:

- Utilising materials that are durable, reducing need for replacement.
- Utilising materials and construction methods which facilitate future recycling of materials.
- Considering the application of 'design for disassembly' principles.

**53.xx-6 Sustainable Transport****Objectives**

To ensure development supports sustainable and equitable transport patterns through the provision of transport infrastructure that prioritises active transport.

To support and encourage zero emissions transport.

To support development that is designed to encourage behavioural changes to reduce transport related emissions and congestion.

To ensure that development is designed to accommodate the expected increase in use of lower emission modes of transport through the provision of infrastructure that is efficient and can adapt to meet changing needs and innovations in transport technology.

## XX PLANNING SCHEME

**Standards**Standard C1

All development should provide the following rates of bicycle parking:

DEVELOPMENT	REQUIREMENT
New residential development	A minimum of one secure undercover bicycle space per dwelling. Where a lesser provision of bicycle parking is proposed, development should demonstrate how additional space (i.e. car parking spaces) could be repurposed for bicycle parking should demand arise.  A minimum of one visitor bicycle space per 4 dwelling.
New retail development	A minimum of one secure undercover employee bicycle parking space per 100 sqm net leasable area.  Visitor bicycle spaces equal to at least 5% of the peak visitors capacity.
New development associated with a Place of Assembly	A minimum of 2 secure staff bicycle spaces per 1500 sqm of a place of assembly.  A minimum of four visitor spaces for the first 1500 sqm and 2 additional spaces for every 1500 sqm thereafter.
New office development	A minimum of one secure undercover staff bicycle parking space per 100 sqm net leasable area of office.  A minimum of one visitor space per 500 sqm net leasable area of office.
For all other non-residential uses	Provide bicycle parking equal to at least 10% of regular occupants.

Standard C2

All non-residential developments should provide:

- One shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.
- Personal lockers are to be provided with each bicycle space required if 10 or more employee bicycle spaces are provided.
- If more than 30 bicycle spaces are required, then a change room should be provided with direct access to each shower. The change room may be a combined shower and change room.



## XX PLANNING SCHEME

Standard C3

All development should be designed to support the use of electric vehicles through the provision of:

DEVELOPMENT	REQUIREMENT
Single dwellings / Two or more dwellings on a lot	Appropriate infrastructure and cabling to support at least moderate speed, efficient EV charging (with / without the EV charger unit) in each garage / carport.
Apartment development	Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to all car parking spaces.  Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed for example, distribution boards, power use metering systems, scalable load management systems, and cable trays or conduit installation.
Non-residential development under 5,000 sqm gross floor area	Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to 20% of all staff car parking spaces (or a minimum of one space).  Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed, for example, distribution boards, power use metering systems, scalable load management systems, and cable trays or conduit installation.
Non-residential development over 5,000 sqm gross floor area	Installed EV charging infrastructure complete with chargers and signage to 5% of all car parking spaces.  Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to 20% of all staff car parking spaces (or a minimum of one space).  Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed for example, distribution use metering systems, scalable load management systems, and cable trays or conduit installation.

Standard C4

All bicycle parking facilities should be designed for convenient access, including:

- Locating the majority of bicycle parking facilities for occupants at ground level, where this does not compromise other relevant objectives.
- For bicycle parking not at ground level, providing the majority within 10 metres of vertical pedestrian access ways (i.e. lifts, stairs).
- Providing safe access to bicycle parking facilities in basement car parks via a separate line of travel or by clearly signalling cycle priority through surface treatments and to facilities accessed via lanes by providing suitable lighting and surveillance.
- Ensuring any lifts used to access bicycle parking areas are at least 1800mm deep.
- Ensuring at least 20% of residential bicycle parking facilities are of a type which support equitable access through a combination of well-spaced ground level facilities to

## XX PLANNING SCHEME

support ease of use and provision of parking spaces to accommodate a diverse range of bicycles (such as cargo bikes or three wheeled bikes).

Standard C2

All car parking facilities should be designed to support the charging of shared or visitor vehicles through:

- The provision of a minimum of one EV enabled shared parking space if visitor or shared parking spaces are proposed.
- Locating shared EV charging space(s) in highly visible, priority locations.
- Providing clear signage indicating that EV charging is available at the shared space(s).

Standard C3

All car parking facilities should be designed to support the charging of motorcycle, moped, electric bicycle or scooters through:

- Providing electrical capacity for appropriate charging outlets at the parking / storage area.
- Providing a general power outlet for every six vehicle parking spaces to support charging.

Standard C4

All development should be designed to support modal shift to more sustainable forms of transport through:

- Locating low and zero emission vehicles in a prominent, accessible locations within parking facilities.
- Designing car parking facilities to be adaptable to other uses.
- Adopting flexibility in the allocation of car parking spaces to facilitate adaptable uses or transfer of ownership.

**53.xx-7 Integrated Water Management****Objectives**

To support development that minimises total operating potable water use.

To support development that reduces the amount of stormwater runoff on site, and improves its quality of stormwater, and impacts for stormwater that leaves a development.

To ensure development considers and addresses the impact of future climate conditions in the management of water resources.

To encourage development that supports innovation in the use and reuse of water

**Standards**Standard D1

All development should be designed to reduce potable water use on site by at least 30% in interior and irrigation uses, in comparison to an equivalent standard development, with use of roof harvested rainwater supply prioritised in the delivery of reductions.

## XX PLANNING SCHEME

Standard D2

Design developments to use water resources efficiently through a range of measures, including;

- Collection of rainwater from above ground catchments, and appropriate filtering for on-site use for toilet flushing as a minimum, and additional uses such as laundry, irrigation, wash down facilities, etc.
- Capture of fire-test water for on-site reuse.
- Collection of stormwater for on-site reuse.
- Considering opportunities for onsite recycling of wastewater through the installation of approved greywater or blackwater systems.
- Reducing potable water use for irrigation by selection of drought tolerant landscaping, design for passive irrigation, and selection of efficient irrigation systems where needed.
- Connecting to a precinct scale Class A recycled water source if available and technically feasible (including a third pipe connection to all non-potable sources).
- Providing water efficient fixtures, fittings and equipment.

Standard D3

Reduce the volume and flow of stormwater discharging from the site by appropriate on-site detention and on-site retention strategies, consistent with catchment scale IWM objectives and targets.

Standard D4

Improve the quality of stormwater discharging from the site by meeting best practice urban stormwater standards.

**53.xx-8 Green Infrastructure****Objectives**

To deliver development that protects existing landscape values on and adjoining the development site, including canopy, vegetation, and habitat for biodiversity.

To deliver development that increases vegetation, particularly indigenous and native vegetation, and enhances existing landscape values, connects biodiversity corridors and increases the resilience of ecosystems.

To ensure landscaping proposed as part of development will be resilient to future climate conditions and supports integrated water management and energy efficiency outcomes.

To support development that increases amenity, improves connections to surrounding natural landscapes and supports health and wellbeing.

To encourage development that provides opportunities for on-site food production.

## XX PLANNING SCHEME

**Standards**Standard E1

All new development should achieve a Green Factor score of 0.55 (0.25 for industrial and warehouse uses)

OR

A minimum of at least 40% of the total site coverage area (20% for Industrial or Warehouse) must comprise green cover (external landscaping) that delivers at least one of the following:

- A minimum of 65% of the required green cover area as new or existing canopy planting and a minimum of 35% as understory planting. Canopy planting and understory planting can overlap.
- Species selection and associated planting arrangement comprising native and / or indigenous species which provides habitat for native fauna.
- Green cover which is located to provide maximum benefit in relation to the cooling of the adjoining public realm. Green walls or facades under this pathway must benefit the public realm and be on the lower levels of the building.

Standard E2

Green infrastructure should:

- Support the creation of complex and biodiverse habitat.
- Provide a layered approach, incorporating both understory and canopy planting.
- Provide either native, indigenous and/or climate change resilient exotic plants that provide resources for native fauna.
- Support the creation of vegetation links between areas of high biodiversity through planting selection and design.
- Ensure species selection is appropriate to address expected future climate conditions.

Standard E3

Siting of buildings should seek to retain existing mature canopy trees (excluding invasive species) or significant areas of other green cover which contribute to biodiversity corridors and habitat.

Standard E4

Development should ensure appropriate measures are integrated to support the establishment and ongoing maintenance of landscaping

**53.xx-9 Climate Resilience****Objectives**

To improve the resilience of the built environment to climate change related hazards and natural disasters.

To deliver development that reduces the urban heat island effect.

## XX PLANNING SCHEME

**Standards**Standard F1

Provide at least 75% of the development's total site area with a combination of the following elements to reduce the impact of the urban heat island effect:

- Green infrastructure.
- Roof and shading structures with cooling colours and finishes that have a solar reflectance index (SRI) of:
  - For roofing with less than 15 degree pitch, a SRI of at least 80.
  - For roofing with a pitch of greater than 15 degrees, a SRI of at least 40
- Water features or pools.
- Hardscaping materials with SRI of minimum 40.

Standard F2

New development should demonstrate that future climate impacts have been considered and addressed in any design response.

Standard F3

Pedestrian pathways should be designed with thermal comfort in mind. This includes incorporating landscaping (tree canopy and other vegetation), shading and covered structures.

**53.xx-10 Indoor Environmental Quality****Objectives**

To support development that achieves safe and healthy indoor environments, specifically addressing:

- Thermal comfort.
- Thermal safety.
- Access to clean, fresh air.
- Access to daylight and sunlight.
- Harmful indoor air pollutants.

To deliver development that considers the impact of future climate conditions on indoor environment quality.

## XX PLANNING SCHEME

**Standards**Standard G1

Buildings should be designed to be able to provide appropriate levels of thermal comfort without reliance on mechanical heating and cooling systems, as follows:

DEVELOPMENT	REQUIREMENT
Single dwellings  Two or more dwellings on a lot (other than apartments)	All habitable rooms should be cross ventilated.
Apartment development  Residential Buildings	60% of all apartments should be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination  At least 40% of apartments on every floor to be cross ventilated.
Non-Residential development	All regular use areas of non-residential spaces should be effectively naturally ventilated; or commensurate mechanical measures provided.

Standard G2

Buildings should achieve a daylight level across the entirety of every habitable room of 100 lux and of 50 lux across the entirety of any other regularly occupied space.

Standard G3

Internal spaces in buildings should utilise natural light to minimise the use of artificial lighting during daylight hours, unless the proposed use of the room is contrary to the provision of glazing.

Standard G4

Primary living areas of at least 70% of all dwellings in a development should achieve direct sunlight for 2 hours on the 21<sup>st</sup> day of June to at least 1.5m deep into the room through glazing.

Standard G5

Development should include openable external windows to circulation corridors and lift lobbies to facilitate natural ventilation for residential development below six storeys.

## XX PLANNING SCHEME

Standard G6

Development should use materials which are low toxicity in manufacture and use, and that do not cause harm to people or ecosystems.

**53.xx-11 Waste and Resource Recovery****Objectives**

To facilitate development that supports functional waste recovery and management.

To enable the continuous improvement of sustainable waste management and resource recovery.

**Standards**Standard H1

Development should include:

- Adequate waste and recycling infrastructure to manage the waste demand of the development in a sustainable manner and to support recycling, such as an appropriate number of bins, waste chutes, and cleaning facilities.
- Waste and recycling infrastructure and enclosures which are:
  - Adequately ventilated.
  - Integrated into the design of the development.
  - Located and designed for convenient access by occupants and made easily accessible to people with limited mobility
  - Signposted to support recycling and reuse.
- Adequate facilities or arrangements for bin washing.

Standard H2

Development should be designed to facilitate:

- Collection, separation and storage, and where appropriate, opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage, and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Collection and storage of glass recycling
- Collection and storage of containers under any Container Deposit Scheme as appropriate for the proposed use and scale.
- The provision of adequate circulation space on site to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Waste and recycling separation, storage and collection designed and managed in accordance with an approved Waste Management Plan, if required by the responsible authority.
- For apartment development, the provision of space for communal storage of additional waste streams including E waste, hard waste and textiles.

Standard H3

An application should demonstrate through the provision of a Construction / Demolition Waste Management Plan, if required by the Responsible Authority, that all practical and feasible practices and activities to minimise waste and increase resource recovery will be implemented.

## XX PLANNING SCHEME

**53.xx-12 Decision guidelines**

-1-20-

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The extent to which the development meets the objectives and requirements of this policy from the design stage through to construction and operation.*
- *Whether alternative design responses to the identified Standards would achieve greater alignment with precinct specific objectives related to environmental sustainability.*
- *Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints.*
- *The response to any other matters relating to environmentally sustainable development outlined in this planning scheme.*
- *Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.*
- *The contribution the development makes to mitigation of the urban heat island effect and adaptation to changing climatic conditions.*
- *The feasibility and approach to maintenance of proposed green infrastructure.*
- *The quality of the integrated water management approach proposed for the development.*
- *The impact of the removal of any mature canopy trees or vegetation which contributes to natural ecosystems and the measures proposed to mitigate these impacts.*



*Planning and Environment Act 1987*

## BALLARAT PLANNING SCHEME

### AMENDMENT Ctbc

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the City of Ballarat, which is the planning authority for this amendment.

The amendment has been made at the request of City of Ballarat.

##### Land affected by the amendment

The amendment applies to all land in the municipality of City of Ballarat.

##### What the amendment does

The amendment introduces a new Particular Provision relating to Environmentally Sustainable Development (ESD) into the planning scheme and makes changes to existing local policy. The Particular Provision contains ESD Objectives and Standards which implement measures that facilitate best practice ESD and support zero carbon development outcomes.

The ESD Objectives and Standards address:

- Operational Energy (energy efficiency, performance and greenhouse gas emission reduction)
- Embodied Carbon (greenhouse gas emission reduction and resource efficiency)
- Sustainable Transport (electric vehicles and bicycles)
- Integrated Water management (water efficiency and integration)
- Green infrastructure (lot scale vegetation and urban ecology)
- Climate resilience (climate change adaptation, urban heat mitigation)
- Waste & Resource Recovery (recycling and waste management)

The amendment includes the following changes to the planning scheme:

	Brief description/overview of the proposal	List of the proposed changes to the planning scheme
Insert	<ul style="list-style-type: none"> <li>• Insert a new Elevated Environmentally Sustainable Development particular provision into the planning scheme containing Objectives and Standards relevant to the delivery of ESD.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Clause 53 to insert the new ESD Objectives and Standards.</li> </ul>
Insert	<ul style="list-style-type: none"> <li>• Insert a new Background Document titled "<i>Guidelines for Sustainable Building Design</i>" in the planning scheme to assist in understanding the rationale behind the proposed Standards and to support application of the proposed Decision Guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Clause 72.08 to include the <i>Guidelines for Sustainable Building Design</i> as a Background Document within the planning scheme.</li> </ul>
Amend	<ul style="list-style-type: none"> <li>• Amend the Municipal Strategic Statement to identify municipal outcomes which provide the basis for ESD requirements and the facilitation of zero carbon development in the planning scheme.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend 21 to include Objectives, Strategies and Policies related to ESD requirements, net zero outcomes and climate change adaptation.</li> </ul>

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

#### ***Function and intent***

The amendment introduces ESD planning measures into the planning scheme. The measures notably include a series of Objectives and Standards that are detailed within a stand-alone clause within the Particular Provisions of a council's planning scheme.

No new permit triggers are proposed as part of this amendment. Existing permit triggers provide the basis for a planning permit application that is then assessed against the proposed Objectives and Standards outlined within the Particular Provision.

This includes new development incorporating ESD measures that further enhance energy efficiency and performance, water efficiency and integrated water management, low carbon and sustainable transport, circular economy, materials and sustainable waste management, urban greening, biodiversity and green infrastructure, and climate resilience and adaptation.

With a development incorporating the ESD measures in order to meet the detailed objectives and standards, a development should also be able to demonstrate and achieve a reduction in overall greenhouse gas emissions, a response to climate resilience and risk minimisation, and a pathway towards achieving zero carbon development exercised via the planning framework.

#### ***Existing environmental and sustainability requirements***

This amendment improves existing environmental and sustainability requirements within the planning scheme.

The existing requirements are detailed primarily within the Victoria Planning Provisions, directed towards residential development (i.e. ResCode), and the Planning Policy Framework more broadly.

In order to facilitate clearer and more precise development outcomes, the ESD requirements have been articulated within the Victoria Planning Provisions, Particular Provisions of the planning scheme.

This is to also ensure that all ESD requirements are consolidated and detailed within a specific and tailored area of the planning scheme which supports user familiarity and efficient navigation to the respective requirements.

#### ***Net community benefit***

The amendment delivers a net community benefit ensuring that planning achieves positive environmental, societal and economic outcomes through:

- Providing direct and indirect community benefits which address climate change mitigation and adaptation through building climate resilience and future proofing future development and housing;
- Reducing greenhouse gas emissions and the management of climate change risk within the built environment system;
- Cost savings by improving climate resilient housing now, rather than retrofitting later at a higher cost;
- Ensuring that 'best practice' policies and expectations continue to be addressed over time, with the 'elevation' of ESD policy requirements that may already exist throughout the scheme;
- Providing greater certainty, consistency and delivery of ESD outcomes and towards net zero carbon development;

This amendment in conjunction with proposed NCC 2022 changes supports energy efficiency and the Victorian State government's proposed 7-star energy efficiency rated homes by:

- Maximising the benefits of solar panels;
- Supporting all-electric homes; and
- Facilitating economic, health and climate benefits from ambitious energy efficiency standards.

This amendment delivers outcomes that support and align with Local and State government climate change pledges, the State Climate Change Strategy, and Adaptation Action Plans pursuant to Part 5 of the *Climate Change Act 2017* (Vic). Furthermore, this amendment supports council's obligation under the *Local Government Act 2020* (Vic) and the overarching governance principle to ensure economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

These legislative requirements are necessary for council to support and promote net community benefit.

### **Purpose**

This amendment has been prepared and pursued for the following reasons with particular respect to the built environment:

- To support council's endorsed and seriously entertained collection of Environmental, Sustainability and/or Climate Change Strategies, Policies and Action Plans.
- To address council's climate emergency declaration including municipal emission reduction targets involving zero carbon commitments and frameworks that address climate risk to minimise private and public liability;
- To enable council, in the performance of its statutory role, to have appropriate and demonstrated regard to economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks pursuant to the overarching governance principles under the *Local Government Act 2020* (Vic);
- To ensure that ESD requirements within the planning system are continually reviewed to align with and articulate best practice industry measures for development to address;
- To assist Victorian government frameworks that require reducing greenhouse gas emissions and preparing for climate change impacts, that result from and affect, the built environment. This acknowledges that, within Australia, the built environment accounts for approximately 20% of the nation's emissions (Australia's Emissions Projections 2018 (Department of the Environment and Energy, 2018)). The Victorian government framework requires that the State address an overarching emissions reduction target of carbon neutrality by 2050;
- To aid the Victorian government's sustainable transport directives which includes the uptake of zero emission vehicles (ZEVs), active transport and supporting infrastructure. This also entails supporting further reforms to make new buildings ZEV-ready and setting a target of 50% of new light vehicle sales to be zero emissions by 2030 (Victoria's Zero Emissions Vehicle Roadmap (Department of Environment, Land, Water and Planning, 2021));
- To promote the Victorian government's circular economy directives that seek to divert waste from landfill and ensure resource recovery and efficiency (Recycling Victoria – A New Economy (Department of Environment, Land, Water and Planning, 2020));
- To complement the Victorian government's framework towards urban greening, cooling and enhancing biodiversity; and

To further appropriate practices in waste avoidance, reduction, and recycling, the management and treatment of stormwater including integrated water management, and reduce emissions to air from development and associated activities. This includes having regard to the Environmental Reference Standard (ERS), environmental values, beneficial uses and community impacts in support of the General Environmental Duty (GED) and environment protection principles outlined under the *Environment Protection Act 2017* (Vic).

### **Strategic studies and reports**

Several studies were commissioned to inform and support the development of the objectives and standards included within this amendment. A list of the relevant studies and reports and accompanying synopses include:

Study/ Report	Synopsis
Sustainability Planning Scheme Amendment Background Research – Part A: Technical ESD and Development Feasibility (Hip v. Hype Partnership, 2021)	A technical analysis that tests each proposed standard on various development typologies to determine their practical suitability and functionality and indicative capital cost impact.
Sustainability Planning Scheme Amendment Background Research – Part B: Planning Advice (Hansen Partnership, 2021)	An urban planning review of the proposed objectives and standards which takes into consideration the technical feasibility and cost-benefit viability studies. Recommendations were also put forward to ensure the standards are fit for planning purposes within the Victorian planning framework.
Sustainability Planning Scheme Amendment – Cost-Benefit Analysis (Frontier Economics, 2021)	A cost-benefit analysis of the standards that have been incorporated as part of this amendment. This includes direct costs as well as a preliminary review of direct and indirect economic and societal benefits.
Moreland City Council Renewable Energy Standard (Low Impact Development, 2021)	A study conducted into the development of metrics and standards for new development to incorporate minimum amounts of solar photovoltaic systems and relevant design considerations. The metrics and standards have been adopted as a part of this amendment.
Moreland City Council Low Emissions and Electric Vehicles Standard (Low Impact Development, 2021)	A study conducted into the development of metrics and standards for new development to incorporate electric vehicle infrastructure and relevant design considerations. The metrics and standards have been adopted as a part of this amendment.
The Advisory Committee and Panel Report for Environmentally Efficient Design Local Policies (Planning Panels Victoria, 2014)	<p>The Advisory Committee and Panel report for the original planning scheme amendment that introduced a local ESD Policy within the planning scheme of six councils in Victoria.</p> <p>Since this planning scheme amendment, several councils have used this report to serve as the evidentiary basis to support the introduction of their own local ESD Policy within their planning scheme. A total of 20 councils throughout Victoria have a local ESD Policy within their planning scheme.</p>
Greenhouse Alliance Planning and Environment Act Report	<p>An independent report commissioned by the Victorian Greenhouse Alliances and CASBE has identified a raft of reform opportunities for Victoria's planning system, to ensure it is aligned with the State's legislated emission reduction targets and supports climate resilient communities. It also identifies opportunities to ensure the delivery of zero-carbon infrastructure, building on Victoria's leadership role on taking action on climate change. The report –Climate Change and Planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change-recommends a suite of reforms that:</p> <ul style="list-style-type: none"> <li>- Recognise the fundamental role the Planning Scheme and Planning and Environment Act 1987 play in guiding decision-makers, and their weight as statutory law instruments</li> </ul>

Study/ Report	Synopsis
	<ul style="list-style-type: none"> <li>- Ensure that the scheme and its application of controls is consistent with the scientific evidence base on climate change and best practice</li> <li>- Focus on changes that will assist in getting the fundamentals of future development areas right</li> </ul>

### ***Appropriate jurisdiction***

The appropriateness of addressing ESD considerations within the planning framework have been well established.

Six councils originally pursued a planning scheme amendment to incorporate a local ESD Policy within each council's planning scheme. The Advisory Committee and Panel Report for Environmentally Efficient Design Local Policies (Planning Panels Victoria, 2014) resolved that the planning framework, as distinct from the building framework, is suitable and equipped to require that development incorporate ESD measures through the planning permit application process. The original six local ESD Policies were gazetted in 2015.

Since the gazettal of the original six local ESD Policies, a total of 20 councils throughout Victoria have a local ESD Policy within their respective planning scheme.

Additional planning scheme amendments have also been successfully pursued that require the integration and adoption of ESD outcomes within development proposals. For example, Amendment C190more Better Outcomes for Two Dwellings on a Lot whereby ESD requirements serve as a part of the City of Moreland's VicSmart application process, and Amendment GC81 whereby detailed, precinct wide, ESD measures are required for development within Fishermans Bend, located within the City of Port Phillip and the City of Melbourne.

In addition, the Victoria Planning Provisions have also introduced heightened ESD measures within the planning framework beyond that of the standard ResCode requirements. This is primarily demonstrated through the introduction of the Better Apartments Design Standards (BADS) in 2017. Performance measures detailed within BADS, in relation to energy efficiency and cooling load requirements for apartments, similarly cover thermal performance requirements detailed within the National Construction Code (NCC) that is administered under the building framework.

With the planning framework serving as a precursor to the building framework, the Objectives and Standards outlined within this amendment continue to affirm ESD's fundamental role ensuring resilient future development. ESD considerations should be embedded as a part of the initial design process within the planning framework, prior to undertaking detailed design as occurs within the building phase. This is to ensure ESD benefits can be maximised by embedding holistic design considerations early in the design process rather than retrofitting ESD at a later stage in the development process. The benefits of this approach include:

- This process aims to limit increased costs by having clear ESD expectations for the development at the commencement of the development process and as a part of planning process.
- ESD outcomes are optimised, as ESD measures are considered alongside development site constraints and limitations are carefully considered and integrated into the initial design, avoiding costly retrofits at a later stage.

Whilst the NCC is tailored towards establishing the minimum energy efficiency requirements for a development to address, the ESD requirements detailed within the planning framework and as a part of this amendment include much broader coverage of ESD. The amendment has been carefully drafted to continue to complement the NCC through higher order planning framework requirements rather than conflict with the building framework for complementary aspects. This enables the building framework to continue to administer detailed design elements, building services and construction techniques.

In addition to energy efficiency, the ESD measures within the planning framework and part of this amendment address thematic categories such as integrated water management, indoor environmental quality, sustainable transport, green infrastructure, waste and resource recovery, climate resilience, embodied carbon. These thematic categories are not covered in detail within the NCC or building instruments. The planning framework has been recognised as the more suitable and established jurisdiction that has successfully been endorsed by authorities as the appropriate arena to 'cover the field' with respect to holistically address ESD requirements.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria given that ESD fundamentally addresses key foundational principles of sustainability which underpin the objectives of planning. ESD requires consideration of the triple-bottom-line – environmental, societal and economic impacts, as well as, balancing the needs of the present with that of future generations; particularly when determining environmental impact by applying the precautionary principle.

The delivery of more robust ESD outcomes through the planning scheme strongly align with the objectives of planning in Victoria which include:

- To provide for the development of land with fair, orderly, economic and sustainability considerations (see Section 4(1)(a) of the *Planning and Environment Act 1987* (Vic) ('*P&E Act*'). This includes considering the equity of planning decisions, economic and societal functions as well as matters regarding the inherent sustainability of development. It is noted that the facilitation of development in Victoria is only supported where in alignment with specified objectives.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity, noting the current threats to these resources and processes posed by climate change and the contribution that improved ESD outcomes can make to the protection of resources and ecological processes (see Section 4(1)(b) *P&E Act*).
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria, noting specific consideration of climate change adaptation and indoor environmental quality through this amendment (see Section 4(1)(c) *P&E Act*).
- Seeking the delivery of affordable housing, noting the application of affordability in its broadest sense, encompassing more than just the purchase price of an individual property, and including not only homeowners but also renters (see Section 4(1)(fa) *P&E Act*).
- Balancing the present and future interests of all Victorians, particularly regarding environmental impact and minimising greenhouse gas emissions, as well as, addressing climate resilience and the adaptability of new development within the built environment (see Section 4(1)(g) *P&E Act*).

More specifically, the objectives of planning in Victoria are supported in the following areas having regard to the Objectives and Standards included in this amendment:

- Energy and water efficiency, as well as, and waste and resource recovery Standards support waste minimisation, reduction, reuse and recycling and therefore promote the protection of natural and man-made resources (see Section 4(1)(b) *P&E Act*).
- Integrated Water Management and Green Infrastructure Standards support both the protection of natural resources and ecological processes, as well as, contributing to the delivery of a pleasant and safe environment for Victorians and visitors to Victoria (see Section 4(1)(b), (c) *P&E Act*).
- Improved energy efficiency through passive design standards and measures such as natural ventilation and promoting energy efficiency through a hierarchy. This hierarchy prioritises the importance of energy efficient design first and foremost through thermal performance and comfort, followed by onsite then offsite renewable energy generation. This fosters a pleasant, efficient and safe working, living and recreational environment within development (see Section 4(1)(c) *P&E Act*).

- Energy and water efficiency and the adoption of broader integrated water management measures, as well as, the utilisation of on-site renewable energy systems minimises the strain placed on public utilities and other assets given reduced resource and utility demand and promotion of a development's self-sufficiency. This also enables the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community (see Section 4(1)(e) *P&E Act*).
- Recognition and consideration of the capital cost expenditure involved in addressing the Standards as part of their development whilst also recognising the overall benefit with reduced operating costs of development experienced by future residents, owners or tenants having due regard to housing affordability matters (see Section 4(1)(fa) *P&E Act*).

#### **How does the amendment address any environmental, social and economic effects?**

The amendment enhances ESD requirements and importantly, ensures new development advances the ambitions of zero emissions outlined in Victoria's *Climate Change Act 2017 (Vic)*, ensuring the built environment contributes appropriately to the legislated target of zero emissions. It also assists council supporting its community by planning for the adaptation of these communities to climate changes, and the delivery of adopted and community endorsed council goals related to emissions reduction. Such measures deliver significant environmental benefits and effects, as well as direct and indirect social and economic outcomes.

The amendment included consideration of the economic effects in a number of ways. The Technical Assessment of the amendment tested the proposed Standards against a range of typologies and contexts to determine their practical suitability and functionality and indicative capital cost impact. The Cost Benefit Analysis focused on the direct costs associated with addressing the Standards against the same development typologies which was accompanied by a breakeven analysis to demonstrate value to the community.

The assessments considered the individual development costs and the potential impact on the purchase component of housing affordability. This was in conjunction with the broader economic development costs of delivering more sustainable development which addresses climate change adaptation and mitigation, as well as social effects; many of which require deeper analysis and investigation to quantify and measure at lot scale. The assessments underpinned a number of changes made to ensure that the Standards proposed did not impact on development viability.

The effects of this amendment were also tested through a series of internal and external consultation sessions. Internal consultation was scoped to include authorities comprising 31 councils throughout Victoria, the Municipal Association of Victoria (MAV) and the Council Alliance for a Sustainable Built Environment (CASBE) that collectively support this amendment. This included the authorities providing input and feedback to deliverables that serve this amendment. Officers that provided input and support from these authorities included individuals from multi-disciplinary teams and skillsets (e.g. strategic and statutory planning, urban context, sustainability, transport, waste, stormwater, and landscape).

External consultation was scoped to include key industry practitioners from architectural, ESD and urban planning backgrounds through targeted stakeholder engagement. This supported the consideration of effects from a wide variety of perspectives and resulted in further refinement of Standards as initially drafted.

#### **Environment effects**

Key environmental areas or thematic categories addressed via this amendment include a development directly responding to and incorporating:

- **Operation Energy** – which entails development prioritising energy efficiency initiatives in line with the following hierarchy:
  - Thermal performance and passive design measures;
  - Energy efficient systems (e.g. heating, cooling and ventilation) and appliances;
  - Onsite renewable energy generation;

- Offsite renewable energy purchasing and/or carbon offsets.

These measures address and aim to minimise a development's demand on the energy grid and peak energy, as well as, emissions to air through fossil fuel reduction which is attributed towards greenhouse gas emissions and climate change impacts.

- **Embodied carbon** – which entails the use and sourcing of materials and design techniques to reduce the amount of embodied carbon embedded in Victoria's buildings.
- **Sustainable transport** – which entails the adoption of sustainable transport and low emission vehicle measures such as electric vehicle infrastructure and car parking spaces, as well as, an increase in active transport and end of trip facilities such as bicycle parking and storage spaces;
- **Integrated water management** – which includes water efficiency and potable water demand reduction, as well as, the management to holistically address stormwater quantity and quality onsite prior to stormwater discharge from the development to local waterways;
- **Climate resilience** – which includes considering a development's risk to climate change impacts such as the urban heat island effect, flooding and the management of stormwater, as well as, peak energy and potable water demand
- **Green infrastructure** – which involves the implementation of green infrastructure design measures, including tree canopy retention, amelioration and planting of appropriate species, to positively contribute towards the ecological value, biodiversity, health, and public realm amenity of a development, as well as, societal and communal impacts;
- **Indoor environment quality** – which comprises thermal comfort and safety requirements, natural ventilation and access to clean, fresh, air, with minimal exposure to harmful indoor air pollutants, as well as, ensures that key areas of a development have access to daylight and sunlight to improve amenity, liveability and workability functions; and
- **Waste and resource recovery** – which entails the consideration and selection of appropriate materials which have limited environmental and transportation impact, as well as, support the waste hierarchy through waste avoidance, minimisation, reuse, recycling and recovery.

#### **Social effects**

In addition, the Objectives and Standards included within this amendment indirectly promote and number of outcomes which relate to social effects including:

- High quality and commensurate urban design and architecture outcomes;
- Greenhouse gas emission reduction, mitigation and adaptation approaches towards climate change impacts that respond to associated risks including societal, liveability, human health, financial and economic impediments;
- Self-sufficient and reliable development by reducing a development's demand on local utilities and associated infrastructure such as energy and water resources through the uptake of renewable energy systems, rainwater harvesting and stormwater treatment methods;
- A reduction in the operative and running costs for residents, owners, and tenants associated with the development. This also supports housing affordability and maintaining quality of living standards for low income or financially strained individuals. For example first home buyers, retirees and disadvantaged community members;
- Communal and societal benefits through the incorporation of green infrastructure design measures that enhances public realm amenity within development;
- The general health and wellbeing of occupants and users through increased consistency and levels in access to fresh air, natural ventilation, daylight and direct sunlight where appropriate;
- A cleaner energy mix in terms of Victoria's energy grid and transportation methods which is associated with a reduction in air quality emissions and supports broader community health benefits.



**Economic effects**

The requirement for development to address the Objectives and Standards detailed within this amendment supports economic development via:

- Value to the community when considered at a broader scale;
- Growth of specialised and skilled services;
- Knowledge and educational development in an already established yet rapidly growing market;
- Job creation and employment in new and emerging fields, including current workforce and youth employment prospects;
- Innovation and technology growth to support development with addressing the relevant objectives and standards where reasonable; and
- Holistically serving as a part of a local and whole of government COVID-19 / post COVID-19 response plan to support economic stimulus.

**Does the amendment address relevant bushfire risk?**

The amendment may apply to land within any areas covered by a Bushfire Management Overlay or within a designated bushfire prone area.

More broadly, it is noted that the proposed means of increasing green infrastructure on sites is through a tool (the Green Factor Tool) which includes inbuilt flexibility to allow an applicant to deliver green infrastructure in a manner which can respond to the constraints of a site, including bushfire risk, rather than through prescriptive measures. In addition, the current hierarchy of planning in Victoria is such that responses to bushfire risk, where relevant, would continue to have precedence over that proposed Standards.

The amendment however includes objectives and standards that supports and encourages development to address minimising greenhouse gas emissions and incorporate climate resilience and adaption design principles and/or measures. These measures are aimed at curtailing a development's direct and indirect societal risk to climate change sensitivities such as urban heat and climate change induced bushfire risk.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the following Ministerial Directions:

- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) *P&E Act*;
- Ministerial Direction No.9 Metropolitan Strategy (Plan Melbourne 2017-2050) under Section 12(2)(a) *P&E Act*;

Ministerial Direction No. 9 – Metropolitan Planning Strategy seeks to ensure that planning scheme amendments have regard to *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017) and *Plan Melbourne 2017-2050: Addendum 2019* (Department of Environment, Land, Water and Planning, 2019).

The amendment is in line with relevant directions within the strategy, in particular:

- Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services and goods to market
  - Direction 3.1 – Transform Melbourne's transport system to support a productive city with particular respect to cycling infrastructure

- Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity
  - Direction 4.3 – Achieve and promote design excellence
- Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods
  - Direction 5.2 – Create neighbourhoods that support safe communities and healthy lifestyles.
- Outcome 6: Melbourne is a sustainable and resilient city
  - Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050
  - Direction 6.2 – Reduce the likelihood and consequences of natural hazard events and adapt to climate change
  - Direction 6.3 – Integrate urban development and water cycle management to support a resilient and liveable city
  - Direction 6.4 – Make Melbourne cooler and greener
  - Direction 6.5 – Protect and restore natural habitats
  - Direction 6.6 – Improve air quality and reduce the impact of excessive noise
  - Direction 6.7 – Reduce waste and improve waste management and resource recovery

Outcome 6 and the listed Directions are of significant relevance to the amendment.

- Ministerial Direction No.11 – Strategic Assessment of Amendments under Section 12(2)(a) *P&E Act*;

Ministerial Direction No. 11 – Strategic Assessment of Amendments seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this Explanatory Report.

- Ministerial Direction No.19 – Preparation and content of Amendments that may significantly impact the Environment, Amenity and Human Health under Section 12(2)(a) *P&E Act*;

Ministerial Direction No. 19 – Preparation and content of Amendments that may significantly impact the Environment, Amenity and Human Health requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The Direction does not specifically apply to an amendment to the Victoria Planning Provision however significantly and positively impacts the Environment, Amenity and Human Health. The proposed amendment seeks to promote waste avoidance, reduction, and recycling, improve the management and treatment of stormwater on development sites, and reduce emissions to air. This requires having regard to the Environmental Reference Standard (ERS), beneficial uses and community impacts in support of the General Environmental Duty (GED) principle and principles of environment protection, exercised under the *Environment Protection Act 2017* (Vic).

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and gives effect to the Objectives and Strategies of the Planning Policy Framework (PPF). The PPF at Clause 10 includes the following components of relevance:

- Clause 11 Settlement, whereby planning is to recognise the need for, and as far as practicable contribute towards a high standards of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, and protection of natural resources with Strategies including to provide for the development of sustainable and liveable areas;
- Clause 12 Environmental and landscape values, whereby planning should help to protect the health o ecological systems and the biodiversity they support, including its protection;
- Clause 13.01-1S Natural hazards and climate change, whereby the Objective includes to minimise the impacts of natural hazards and adapt to the impacts of climate change which requires the consideration of climate change risks in planning;
- Clause 15.02-1S Energy and resource efficiency, whereby the Objective seeks to eencourage land use and development that is energy and resource efficient and minimises greenhouse gas emissions via:
  - Improving energy, water and waste performance of buildings and subdivisions via ESD;
  - Reducing the urban heat island effect through retention of existing vegetation, and additional vegetation and greening in urban areas;
  - Facilitating a greater use of renewable energy technologies;
  - Support low energy forms of transport such as walking and cycling;
  - Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation;
  - Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.
- Clause 18.02-1S Sustainable personal transport, whereby the Strategies include development providing adequate bicycle parking and related facilities, as well as, encouraging the use of walking and cycling;
- Clause 19.01-2S Renewable energy, whereby the provision of renewable energy development is promoted and facilitated;
- Clause 19.03-3S Integrated water management, whereby the Objective involves managing water supply, water resources, drainage and stormwater through an integrated water management approach. This includes minimising stormwater quality and quantity related impacts; and
- Clause 19.03-5S Waste and resource recovery, whereby the Objective details to reduce waste and maximise resource recovery, diverting waste from landfills and in the process minimising environmental, community and public health impacts.

The amendment also supports the following policies released and adopted by the State government and associated authorities:

- The Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system (Department of Environment, Land, Water and Planning, 2021) ('ESD Roadmap') the details proposed ESD changes to the PPF;
- The State government's overall and interim greenhouse gas emission reduction targets, Climate Change Strategy, Sector Pledges, and Adaptation Action Plans that have been made pursuant to the *Climate Change Act 2017* (Vic);
- Victoria's Zero Emissions Vehicle Roadmap (Department of Environment, Land, Water and Planning, 2021) the supports further reforms to make new buildings ZEV-ready and setting a target of 50% of new light vehicle sales to be zero emissions by 2030);

- Victoria's Recycling Victoria – A New Economy policy (Department of Environment, Land, Water and Planning, 2020) that outlines the Victorian government's circular economy directives that seek to divert waste from landfill and ensure resource recovery and efficiency); and
- The fundamental General Environmental Duty principle detailed within the *Environment Protection Act 2017* (Vic) and further integrated within supporting instruments such as the Environment Reference Standard (ERS).

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

In answering this question consider:

- The amendment implements the Municipal Strategic Statement (MSS) by helping to manage the impacts of climate change as outlined at Clause 21.01-4.
- The amendment will deliver on the Objectives and Strategies at Clause 21.01-4 Sustainability and a changing climate.
- The amendment is consistent with strategic directions elsewhere in the MSS.
- The amendment will encourage more economically and environmentally sustainable development. It will not have a deleterious cumulative effect with other existing policies in the MSS, instead combining with environmental and economic strategic directions.

**Does the amendment make proper use of the Victoria Planning Provisions?**

A municipal council and/or planning authority is entitled to prepare an amendment, for authorisation by the Minister, to the Victoria Planning Provisions (VPP) that involves the inclusion of a provision in the State standard provisions (see Sections 4B(2), 10(1) *P&E Act*).

The amendment makes proper use of the VPP as the appropriate tool to achieve the ESD and zero carbon development outcomes.

The supporting studies and reports recommended that Council seek a single ESD Particular Provision in a new clause under Clause 53 of the planning scheme. A provision of this nature does not currently exist within the suite of the VPP, however, this is considered to be the most appropriate planning mechanism to implement the Elevated ESD Objectives and Standards.

In determining suitability and propose use of the VPP, a range of planning mechanisms were considered to implement the elevated ESD Standards including a Local Planning Policy and Design and Development Overlay (DDO).

A Local Planning Policy was not considered an appropriate tool as it cannot include detailed and mandatory requirements, does not move beyond the current policy approach and give greater statutory weight to elevated sustainability requirements.

A DDO was not considered an appropriate tool as they are generally designed to apply to specific locations within a municipality and are not the preferred tool for a requirement that applies across a whole municipality.

The Particular Provision, as the appropriate tool outlined in the amendment, provides for greater direction, certainty and clarity for the development community to address the expectations held for development. This is provided through a format that allows for mandatory Objectives and discretionary Standards, operational instructions and definition of key terms, as well as, a consistent and standardised format aligned with other Particular Provisions such as Clause 53.18 Stormwater Management in Urban Development.

The amendment is supported by Guidelines for Sustainable Building Design, a Background Document that will assist development to address the Objectives and Standards as a part of the amendment.

In preparation of the amendment, there has been adherence to Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) *P&E Act*.

**How does the amendment address the views of any relevant agency?**

Pre-amendment consultation was not undertaken. The views of relevant agencies will be formally considered as part of any exhibition process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any significant impact on the transport system.

The amendment however supports the objectives of the *Transport Integration Act 2010* (Vic) ('*TIA*'). This is in relation to the objectives and standards that are introduced by this amendment requiring development to incorporate electric vehicle infrastructure and low emission forms of transport, as well as, increase the amount of facilities for bicycles and other sustainable transport modes.

The *TIA* objectives of relevance to this amendment, by way of association with the 'physical components' of the transport system which include motor vehicles and bicycles, include:

- Environmental sustainability (see Section 10 *TIA*) through:
  - Protecting, conserving and improving the natural environment;
  - Avoiding, minimising and offsetting harm to the local and global environment, including through transport-related emissions and pollutants and the loss of biodiversity;
  - Promoting forms of transport and the use of forms of energy and transport technologies which have the least impact on the natural environment and reduce the overall contribution of transport-related greenhouse gas emissions;
  - Improving the environmental performance of all forms of transport and the forms of energy used in transport; and
  - Preparing for and adapting to the challenges presented by climate change.
- Integration of transport and land use (see Section 11 *TIA*) through:
  - Maximising access to residences, employments, markets, services and recreation;
  - Planning and developing the transport system more effectively;
  - Reducing the need for private motor vehicle transport and the extent of travel;
  - Facilitating better access to, and greater mobility within, local communities;
  - Having regard to the current and future impact on land use, development and operation of the transport system; and
  - Supporting the changing land use and associated transport demand.
- Economic prosperity through increasing efficiency, reducing costs, improving timeliness, and fostering competition by providing access and growth of new and innovative markets, particularly the electric vehicles sector, and, as a result, facilitating investment in Victoria that supports the financial sustainability and viability of such emerging markets (see Section 9 *TIA*); and
- Safety and health and wellbeing through promoting forms of transport and the use of forms of energy which have the greatest benefit for, and least negative impact on, health and wellbeing (see Section 13(2)(c) *TIA*).

In addition, the *TIA* decision making principles have been applied when preparing the objectives and standards related to this amendment. This includes:

- Integrated decision making with relevant internal and external government stakeholders including interdisciplinary transport, sustainability and planning departments, as well as, private industry through stakeholder engagement (see Sections 15 and 20 *TIA*);
- A triple bottom line assessment having considered environmental and cost-benefit outcomes through relevant studies (see Section 16 *TIA*);
- Consideration of equity and user perspectives across varying demographic profiles (see Section 17 and 18 *TIA*);
- The precautionary principle in relation to reducing vehicle and greenhouse gas emissions for the betterment of Victorians (see Section 19 *TIA*);

Additionally, this amendment aligns and assists with the commitments detailed within the Victorian Transport Sector emissions reduction pledge, which serves a part of Victoria's Climate Change Strategy, pursuant to Part 5 of the *Climate Change Act 2017 (Vic)*. Details within the pledge include the promotion of zero emission vehicles (ZEVs) and active transport throughout Victoria.

#### **Resource and administrative costs**

##### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to increase the number of planning permit applications as it does not propose to introduce any new planning permit triggers. However, the amendments require development applications to be assessed against the Objectives and Standards detailed within the Particular Provision.

The Particular Provision will apply to applications under a provision of a zone to construct a building, or construct or carry out works, with a few specified exemptions (including VicSmart applications, works associated with one dwellings on a lot and works associated with a relatively small floor area). Applications lodged prior to the approval date of any amendment that introduces the provision are exempt from assessment, including amendments to an existing planning permit. As such transitional provisions do apply.

Additionally, the amendment is not expected to unreasonably increase resource requirements or administrative costs for permit applicants to undertake ESD assessments. Supporting material is prepared to support this amendment that may reduce costs for some applicants. This is by providing easy to use guidelines and templates which allow for smaller development to more easily generate information required by council to respond to the Objectives and Standards detailed within the Particular Provision.

For example, the Guidelines for Sustainable Building Design will support applicants by providing consistency across councils applying the elevated ESD Standards. The Guidelines for Sustainable Building Design will be included as a Background Document within the planning scheme. This will provide more explicit technical information, appropriate alternatives for responding to performance criteria, real-life case studies/examples, standardised templates and application requirements.

The Guidelines for Sustainable Building Design are an important resource which will support better regulations and a consistent approach between councils. The guidance and supporting materials will clearly articulate expectations and ultimately reduce delays and costs for both applicants and councils; ensuring that the required information can be provided efficiently.

The Guidelines for Sustainable Building Design and accompanying templates will support council staff to convey and request upfront that the correct information is provided, reducing the need for Requests for Further Information. It will also assist applicants; particularly those who may not be frequent users of the planning system, to understand what information and support material needs to be provided to support council decision making. This will ultimately allow council to assess applications more efficiently.

Examples of these templates to support applicants include:

- Sustainable Design Assessments (SDAs) and Sustainability Management Plans (SMPs) templates that outline content and expectations of a SDA and SMP, including the level of detail required for different development typologies;
- Waste Management Plan (WMP) templates for smaller developments conveying 'best practice' to applicants and building capacity with effective ways for development to manage their waste. For larger scale developments more typical WMPs will still be required, with relevant updates and endorsement to follow as per planning permit requirements which is reflective of current practice; and
- Construction waste management templates that are similar to the approach for WMPs however will assist smaller developments, including tips for best practice.

The amendment also proposes the introduction of a requirement to deliver zero carbon emissions at operation stage. This will be achieved through Permit Conditions requiring Sustainability Certificates at Construction and Operational stages. The Sustainability Certificate – Operation is required once, 12 months after the occupation of the development. These certificates confirm that the requirements of the endorsed sustainability management plan are met. This approach provides consistency across all councils applying the Elevated ESD Standards.

It is anticipated that planning permit applications, that are required to address the Objectives and Standards included in this amendment, are assessed by council's planning officer/s and/or Environmental, Sustainability or ESD officer/s.

Opportunities exist for the funding and use of shared resources to support the provision of referral comments. Funding of such a role/s could also support increased capacity of planning staff to undertake relevant assessments independently.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the City of Ballarat website at <https://mysay.ballarat.vic.gov.au/>

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

- **PO Box 655 Ballarat, VIC, 3353.**

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received within a prescribed period once the Amendment goes on public exhibition.

A submission must be sent to:

Amendment C1bc	Or via email: <a href="mailto:strategicplanning@ballarat.vic.gov.au">strategicplanning@ballarat.vic.gov.au</a>
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#### **Panel hearing dates**

## 8.7. KOORIE ENGAGEMENT ACTION GROUP ADVISORY COMMITTEE TOR

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sophie Constable – Administration Officer Statutory Compliance

### PURPOSE

1. The purpose of this report is to provide Council with the updated Terms of Reference developed by the Koorie Engagement Action Group (KEAG) Advisory Committee for endorsement.

### BACKGROUND

2. The KEAG Advisory Committee recently reviewed their Terms of Reference at a group session on 25 March 2022 where the members provided their in-principal support.
3. The Committee's associated responsible Council Officers from the 'Engaged Communities' unit then provided this updated Terms of Reference to Governance for review and progression to Council to seek endorsement.

### KEY MATTERS

4. The following updates have been made to the previous KEAG Terms of Reference which was last endorsed at the 23 June 2021 Council Meeting (R126/21):
  - **3:2** Removed timeline for RAP – Replaced with *current* Reconciliation Action Plan.
  - **3.3** Removed word *enhance*.
  - **6.1** Membership – The Committee will consist of a maximum of 10 community members / representatives.
  - **6.1.2** Wadawurrung / Dja Dja Wurrung referenced as possible members.
  - **6.4** Membership – Council will run a full Expression of Interest process every two years for membership of the Committee. There is no limit to how long a community member can participate on the Committee. When Committee vacancies appear, positions can be filled at any time via an Expression of Interest up to the maximum of 10 community members (outside the full Expression of Interest process held every two years).
  - **7.2** Meetings - The group has decided to now meet every two months.
  - **7.4** Voting: Voting will be done in writing (or via email) prior to the meeting (if not attending) and by a show of hands at the meeting. Only members in attendance or those who have sent in written confirmation of their vote (to City of Ballarat Officers) are entitled to vote. A Chairperson shall have the casting vote in the event of equal votes.



## OFFICER RECOMMENDATION

### 5. That Council:

**5.1 Endorse the updated Terms of Reference for the Koorie Engagement Action Group Advisory Committee.**

**5.2 Revoke the Terms of Reference for the Koorie Engagement Action Group Advisory Committee endorsed by Council on 23 June 2021 by resolution R126/21.**

## ATTACHMENTS

1. Governance Review [8.7.1 - 2 pages]
2. Updated Draft TOR - Koorie Engagement Action Group Advisory Committee [8.7.2 - 8 pages]

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. This report aligns with the Council Plan Goal 2: 'A healthy, connected and inclusive community' as one of the Committees purposes in the Terms of Reference is to enhance the opportunities for Koorie residents of Ballarat to contribute, participate and benefit from Ballarat's community life.

**COMMUNITY IMPACT**

2. There are no community impact implications identified in this report.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified in this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified in this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified in this report.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no legal and risk considerations identified this report.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. The Council Officers responsible and associated with the Koorie Engagement Action Group Advisory Committee have liaised with the Committee to develop this updated Terms of Reference

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implications identified for the subject of this report.

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**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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# **Koorie Engagement Action Group (KEAG) Advisory Committee**

## **Terms of Reference**



## Contents

1.	Background .....
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## 1. Background

- 1.1. By this Terms of Reference document, the Ballarat City Council (Council) establishes the Koorie Engagement Action Group (KEAG) Advisory Committee (Committee).
- 1.2. Throughout this TOR and all other KEAG documentation, the term "Koorie" is used to refer to both Aboriginal and Torres Strait Islander people.
- 1.3. Council will establish from time to time various Advisory Committees. The purpose of the Committee is to provide Council with expertise in relevant matters to assist its decision making for the Ballarat Community.
- 1.4. The Unfinished Business Advisory Committee (UBAC) was established in April 2003 as an informal working group to enhance the opportunities for Koorie residents of Ballarat.
- 1.5. Re-launched in 2006, Council established UBAC as an Advisory Committee to Council with fixed membership to be appointed by Council. The re-launch provided Council with an opportunity to confirm its commitment to Aboriginal reconciliation by creating a formal relationship through a reconstituted committee.
- 1.6. Since 2006 there have been some notable achievements including:
  - The 'Welcome to Country' signage project.
  - The Windmill Playground initiative.
  - Acknowledgement of traditional owners at Council meetings and Civic receptions.
- 1.7. During 2009, Council worked with the local Koorie community on identifying a number of community issues and priorities as part of a Reconciliation Strategy review process. A central theme of the feedback provided was that UBAC was not representative of the local Koorie community and the Committee needed to operate within a different context.
- 1.8. At the UBAC meeting on 16 February 2010, the Committee unanimously endorsed a proposal to re-develop the group as the Koorie Engagement Action Group. The working group remains an Advisory Committee to Council.
- 1.9. The Committee is established by the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.10. These Terms of Reference are authorised by a resolution R126/21 of Council passed on 23 June 2021.



## 2. Purpose

The Committee is established for the purpose of:

- 2.1. Continuing the previous work of the UBAC
- 2.2. Enhancing the opportunities for Koorie residents of Ballarat to contribute, participate and benefit from Ballarat's community life

## 3. Objectives

The objectives of the Committee are:

- 3.1. Advise and provide recommendation to the City of Ballarat on matters of engagement for Koorie people in the region (not including cultural heritage issues).
- 3.2. Oversee the implementation of Council's current Reconciliation Action Plan (RAP).
- 3.3. Promote understanding within the Ballarat community of Koorie culture, society, and heritage.
- 3.4. Identify issues affecting the health and wellbeing of Koorie people and develop responses in collaboration with key partners, agencies, and other tiers of government.
- 3.5. Influence change processes in agencies providing services to Koorie people to assist in building cultural sensitivity and service integration that facilitates greater responsiveness to the needs of Koorie people.
- 3.6. Advocate for and support key elements of the existing current service and support infrastructure in Ballarat for Koorie people.

## 4. Roles and Responsibility

4.1. The role of the Committee is:

- 4.1.1 Implement Council's "Statement of Commitment";
- 4.1.2 Facilitate the operation of KEAG and ensure broad representation that provides relevant coverage for the items in these Terms of Reference.
- 4.1.3 Ensure all Council activities, practices, plans, decisions, and strategic directions are undertaken in a way that is responsive and inclusive of Koorie culture, issues, and community.
- 4.1.4 Advocate to other tiers of Government and key bodies and agencies regarding issues impacting on Koorie people living in Ballarat.
- 4.1.5 Influence and inform key policy directions of all tiers of Government on Koorie culture and issues relating to the Koorie Community in Ballarat.



4.2 The role of the Committee is to:

- 4.2.1 Work collaboratively with other KEAG members and their agencies to seek improved outcomes for Koorie people living in Ballarat.
  - 4.2.3 Increase the Ballarat community's level of awareness of Koorie issues.
  - 4.2.3 Advise and support the Council and broader Ballarat community in the recognition and celebration of Koorie culture
  - 4.2.4 Inform the Council of issues impacting on Koorie people living in Ballarat.
  - 4.2.5 Inform the Council of member agency activities and upcoming opportunities to progress Koorie culture and issues within Ballarat.
  - 4.2.6 Convene meetings.
  - 4.2.7 Keep confidential all sensitive, commercial, and personal information that the members encounter while being a member of the Committee.
- 4.3 Committee members are expected to keep confidential all sensitive, commercial, and personal information that the members encounter while being a member of the Committee.
- 4.4 Community members are expected to attend meetings whenever possible and provide a notice of apology prior to the meeting if not able to do so.
- 4.5 All Committee members will be issued a copy of Council's Committee Governance Manual. The manual will provide direction regarding the Code of Conduct for Committee members and detail a Complaints procedure.

## 5. Duties and Functions

- 5.1 Committee members are at all times expected to act in accordance with their responsibilities set out in Council's Committee Policy.



## 6. Membership

- 6.1. The Committee will consist of a maximum of 10 community members / representatives.
- 6.1.1 One (1) City of Ballarat Councillor (Co-Chair)
- 6.1.2 Members may come from the following fields:
- Community members
  - Justice
  - Education
  - Cultural Heritage
  - Arts
  - Health and/or wellbeing.
  - Registered Aboriginal Party (**RAP**) Wadawurrung/Dja Dja Wurrung
  - Local Aboriginal Network
  - Elders
  - Youth (18-26)
  - BADAC
- 6.2. The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 6.2.1 Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4. Council will run a full Expression of Interest process every two years for membership of the Committee. There is no limit to how long a community member can participate on the Committee. When Committee vacancies appear, positions can be filled at any time via an Expression of Interest up to the maximum of 10 community members (outside the full Expression of Interest process held every two years).
- 6.5. A Chairperson will be elected at the first meeting of the Committee after the full Expression of Interest process has been completed.
- 6.6. If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.7. Any Councillor can attend meetings of the Committee as an observer.



## 7. Meetings

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 7.1.1 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet every two months.
- 7.3 A quorum of the Committee will be half of the members plus one.
- 7.4 Voting will be done in writing (or via email) prior to the meeting (if not attending) and by a show of hands at the meeting. Only members in attendance or those who have sent in written confirmation of their vote (to City of Ballarat Officers) are entitled to vote. A Chairperson shall have the casting vote in the event of equal votes.
- 7.5 Sub committees may be appointed by the Committee and may meet between Committee meetings and as authorised or directed by the Committee.

## 8. Reporting

The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:

- 8.1 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.
- 8.2 In accordance with Council's Governance Rules, a Council Record of the matters discussed at meetings organised or hosted by Ballarat that involve Councillors and Council staff will be kept. The Record must be completed and sent to Statutory Compliance within 48 hours.

## 9. Creation and Dissolution

- 9.1 By these Terms of Reference, the:
  - 9.1.1 Committee is established
- 9.2 These Terms of Reference
  - 9.2.1 come into force immediately when the resolution of Council adopting them is made; and
  - 9.2.2 remain in force until Council determines to vary or revoke it.



9.3 The Committee must be dissolved by a resolution of Council.

9.4 The Terms of Reference will be reviewed as required.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

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## 8.8. HER MAJESTY'S THEATRE DELEGATED COMMITTEE MEMBERSHIP

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Jeff Johnson - Executive Manager Arts and Events

### PURPOSE

1. To resolve the appointment of the two (2) Her Majesty's Theatre Board nominated candidates, filling the allocation of the four (4) skills-based community member positions.

### BACKGROUND

2. The City of Ballarat has established Her Majesty's Theatre Board ('the Board') as a Delegated Committee pursuant to section 63 of the *Local Government Act 2020*. The Board was established to provide advice on matters relating to the performing arts in Ballarat and the management of Her Majesty's Theatre (HMT), specifically on;
  - a) The strategic direction of HMT,
  - b) Industry trends and focus within the performing arts,
  - c) Setting the priorities for performing arts activity at HMT and at other venues that will enhance Ballarat as a place for the performing arts.
3. Terms of Reference for the Board were authorised by resolution R205/20 of Council passed on 12 August 2020.
4. The full Board compliment has 12 voting members, based on the following representation;
  - a) Four (4) external, skills-based, community members; sought through public Expression of Interest,
  - b) Four (4) members nominated by the Royal South Street Society Inc,
  - c) One (1) User Group representative; nominated by consensus of local theatre user groups,
  - d) Three (3) City of Ballarat Councillors; appointed by the Ballarat Council (please note this is currently two (2) Councillor representatives on the Board).
5. The Board currently has two (2) external, skills-based, community member vacant positions. These positions became vacant during the 2017-2019 capital works and subsequent HMT closure. As the Board meetings were suspended through a large part of this works period it was agreed that the roles would be advertised and filled following the return to operations.
6. The recruitment for Board members mirrored the City of Ballarat staff recruitment process with the roles publicly advertised followed by an interview process by three (3) nominated Board members and a referee check. The candidates were interviewed to identify the following:
  - a) Competency and experience as a Board Member or senior executive in the public or private sector who understands the role and importance of boards,
  - b) Previous track record of creating value for stakeholders,
  - c) Experience against a required skill set,

- d) Ability to apply strategic thought processes to key issues,
- e) Preparedness to question, challenge, and critique,
- f) Understanding and commitment to the highest standards of governance,
- g) Proven leadership qualities,
- h) Ability to develop a clear vision for the theatre and monitor its implementation.

## KEY MATTERS

7. The roles were actively promoted through Public Notices and on City of Ballarat and HMT websites from September 2019. The impact of the COVID 19 pandemic saw the Theatre closed for concurrent years 2020 and 2021 and as a result, the Board recruitment process paused. The Theatre reopened in November 2021 at which time the recruitment process resumed.
8. Three (3) applications for the two (2) vacancies were received, and interviews were conducted by the HMT Board delegated panel.
9. The panel identified two (2) preferred candidates as follows:
  - a. Stephen Bigarelli
  - b. Bridget Aitchison
10. Following the recruitment and interview process a report was presented to the full Theatre Board, which subsequently adopted the motion to endorse the two (2) preferred applicants to Council to consider for formal appointment.
11. It is recommended that Council consider endorsing the two (2) candidates as proposed by the HMT Board.

## OFFICER RECOMMENDATION

### 12. That Council:

**12.1 Resolve to appoint Mr. Stephen Bigarelli to the Her Majesty's Theatre Delegated Committee (Board) as one of four (4) external, skills-based, community members.**

**12.2 Resolve to appoint Ms. Bridget Aitchison to the Her Majesty's Theatre Delegated Committee (Board) as one of four (4) external, skills-based, community members.**

## ATTACHMENTS

1. Governance Review [8.8.1 - 2 pages]
2. Her Majesty's Theatre Delegated Committee - TOR [8.8.2 - 6 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. This report aligns with the following Council plans and strategies;
  - Council Plan - An environmentally sustainable future, A healthy, connected and inclusive community, A city that fosters sustainable growth, A city that conserves and enhances our natural and built assets, A strong and innovative economy and city, A council that provides leadership and advocates for its community
  - Ballarat Prosperity Framework
  - Creative City Strategy
  - Creative Precinct Masterplan
  - Events Strategy
  - Traveller Experience Plan
  - Visitor Economy Strategy
  - Health and Wellbeing Plan 2021-2031

**COMMUNITY IMPACT**

2. A fully staffed and functioning Her Majesty's Theatre Board will assist the effective running of the theatre, support the ongoing development of Ballarat's performing arts scene, and provide community benefit through the provision of performance arts experiences.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate or environmental implications with this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications with this report.

**FINANCIAL IMPLICATIONS**

5. There are no direct financial implications with this report.
6. HMT is allocated an annual recurrent budget by Council and operates within that allocation. A fully staffed and functioning Her Majesty's Theatre Board will assist the financial management of the theatre.

**LEGAL AND RISK CONSIDERATIONS**

7. The HMT Board has followed appropriate governance throughout the recruitment and interview process for the two Board vacancies, as evidenced by the process outlined in this report and reflected in the HMT Board Minutes on the matter.
8. There are no legal or risk considerations with this report.

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#### **HUMAN RIGHTS CONSIDERATIONS**

9. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

#### **COMMUNITY CONSULTATION AND ENGAGEMENT**

10. Whilst there was no direct community consultation and engagement, the HMT Board actively advertised and promoted the Board vacancies via Public Notices and on City of Ballarat and HMT websites.

#### **GENDER EQUALITY ACT 2020**

11. There are no gender equality implications identified for the subject of this report.

#### **CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

12. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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OFFICIAL

# **Her Majesty's Theatre Board Delegated Committee**

## **Terms of Reference**





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## 1. Background

- 1.1. By this Terms of Reference document, the Ballarat City Council (Council) establishes the Her Majesty's Theatre Board Delegated Committee (Committee) pursuant to section 63 of the *Local Government Act 2020* (LGA). The Committee is established to provide advice on matters relating to the performing arts in Ballarat and the management of Her Majesty's Theatre.
- 1.2. The members of a Delegated Committee have the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.3. These Terms of Reference are authorised by a resolution (R205/20) of Council passed on 12 August 2020.

## 2. Purpose

The Committee is established for the purpose of providing advice to Council on:

- 2.1 the strategic direction regarding Her Majesty's Theatre;
- 2.2 industry trends and focus within the performing arts; and
- 2.3 setting the priorities for performing arts activities at Her Majesty's Theatre Ballarat and other venues that will enhance Ballarat as a place for the performing arts.

## 3. Objectives

The objectives of the Committee are:

- 3.1 Provide a critical link between Council, staff, the people of Ballarat, and the performing arts community;
- 3.2 Contribute advice from a skills-based perspective to ensure that Council's policies, strategies and programs are relevant to Her Majesty's Theatre and the performing arts;
- 3.3 Stimulate community dialogue and debate through raising contemporary issues with staff, patrons, users and consistent with all Council policies;
- 3.4 Advise on the development and implementation of a strategy for the Theatre that provides for a range of cultural experience that support Ballarat and district residents and stakeholders, including local theatre companies and Royal South Street Society;
- 3.5 Advise and advocate for the central importance of performing arts of the Ballarat community;
- 3.6 Provide advice and guidance around programming and events to ensure they are managed in a financially responsible manner; and



- 3.7 Support the City of Ballarat in its leadership role in the performing arts.

## 4. Roles and Responsibility

The role of the Committee is:

- 4.1 To exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation, for Her Majesty's Ballarat;
- 4.2 Provide strategic guidance to Council and Council officers on the management of Her Majesty's Theatre;
- 4.3 Advise on the Theatre operations to enhance the delivery of a safe and welcoming environment for staff, users and patrons consistent with all Council Policies;
- 4.4 Advise on the development and implementation of a strategy for Her Majesty's Ballarat that provides for a range of cultural experiences that support Ballarat and district residents and stakeholders, including local theatre companies and the Royal South Street Society;
- 4.5 Provide advice and recommendation to Council on the development of strategies, policies and projects pertaining to Her Majesty's Theatre and the performing arts in Ballarat;
- 4.6 Promote the participation of Her Majesty's Theatre and the performing arts in the strategic planning and development of activities within Ballarat;
- 4.7 Review and advise on how Theatre operates in a financially responsible manner and delivers good value to stakeholders; and
- 4.8 Support the work of Council in developing partnerships with the wider community and government sector to promote and development the performing arts within Ballarat.

## 5. Delegation of Powers, Duties and Functions

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the members of the Delegated Committee, pursuant to section 11(1)(a) of the *Local Government Act 2020*, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 22 July 2020 (R180/20) and attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Council's Governance Rules and the Committee Policy.



## 6. Membership

- 6.1. The Committee will consist of 12 (Twelve) members comprising:
  - 6.3.1 Four (4) external skills-based community members, sought through publicly Invited Expressions of interest;
  - 6.3.2 Four (4) members nominated by the Royal South Street Society Inc;
  - 6.3.3 One (1) User Group representative nominated by consensus of local user groups; and
  - 6.3.4 Three (3) Councillors appointed by the City of Ballarat.
- 6.2. Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4. Council will revise the membership and voting rights of each Committee member as it sees fit.
- 6.5. The Councillor appointed by the Council or the Mayor will be the Chairperson of the Committee in accordance with section 63(2)(a) of the *Local Government Act 2020*.
- 6.6. If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.7. All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the *Local Government Act 1989*.
- 6.8. Membership is for a three (3) year period, Board members have an option to reapply to the Board for a further 3-year term with the approval of Council with a limitation of 2 consecutive terms, with the exception of the Royal South Street Society CEO who may serve additional terms.
- 6.9. Terms of membership will expire in December on a triennial basis.

## 7. Meetings

- 7.1. Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 7.1.1 Council's Governance Rules;
  - 7.1.2 section 61 *Local Government Act 2020*; and
  - 7.1.3 the Committee's discretion, as exercised from time to time.
- 7.2. The Committee will meet at least six (6) times per year or as agreed by the Board from time to time.
- 7.3. A quorum of the Committee will be half of the members plus one.



- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.

## **8. Reporting**

- 8.1. The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 8.1.1 Council's Governance Rules;
  - 8.1.2 the Committee's discretion, as exercised from time to time;
  - 8.1.3 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.

## **9. Creation and Dissolution**

- 9.1 By these Terms of Reference, the:
- 9.1.1 Committee is established; and
  - 9.1.2 powers, duties and functions of the Committee members, as set out in the Instrument of Delegation, are delegated.
- 9.2 These Terms of Reference and the Instrument of Delegation:
- 9.2.1 come into force immediately when the resolution of Council adopting them is made; and
  - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee must be dissolved by a resolution of Council.
- 9.4 These terms of reference will be reviewed as required.

Dated: 12 August 2020.

## 8.9. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Lorraine Sendall – Executive Assistant Director Corporate Services

### PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meeting of this Committee held on 16 March 2022 one contract and one variation to a contract were approved by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to these Contracts.

### BACKGROUND

2. To ensure good governance and transparent decision making, minutes of meetings of the Delegated Committees are presented to Council and kept in accordance with the adopted Terms of Reference and Common Seal and Conduct at Meetings Local Law. This report advises that minutes of the Contracts Approval Delegated Committee (the Committee) are attached to this report for the meeting held on 16 March 2022.
3. The Committee has been established to more effectively facilitate Council's Capital Works Program. To that end, the Committee meets fortnightly, as required, in order to provide Council Officers with necessary decisions of Council to enable procurement processes to be completed.

### KEY MATTERS

4. Local Content

Contract	Awarded to	Value	Outcomes	Local Content Outcome
2021/22-298	Pipecon Pty Ltd	\$903,415.28 (excluding GST)	Langstaffe Drive Reconstruction	Yes

Variation to Contract	Awarded on 27/10/21 to	Value of Variation	Outcomes	Local Content Outcome
2020/21-497	SHAE Enterprises	\$118,120.40 (excluding GST)	Supply and installation of 115m of wind barrier and 15 umbrella sockets	Yes

## OFFICER RECOMMENDATION

### 5. That Council:

**5.1 Note, as per the *Local Government Act 2020* Section 66 that the material contained in the Contracts Approval Delegated Committee agenda has been designated confidential.**

**5.2 Receive the Contracts Approval Delegated Committee minutes of the meeting held on 16 March 2022.**

## ATTACHMENTS

1. Confirmed Contracts - Minutes of meeting held Wednesday 16 March 2022 [8.9.1 - 7 pages]



***CONTRACTS APPROVAL  
DELEGATED COMMITTEE***

***MINUTES***

***16 March 2022***



**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED  
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING  
ON WEDNESDAY 16 MARCH 2022 AT 12:30PM**

**Evan King  
(Chief Executive Officer)**

**MINUTES**

**ORDER OF BUSINESS:**

PRESENT

Cr Ben Taylor (Chair)  
Cr Mark Harris  
Cr Tracey Hargreaves

IN ATTENDANCE

Mr John Hausler (Director Corporate Services)  
Ms Bridget Wetherall (Director Infrastructure and Environment)  
Mr Vaughn Notting (Executive Manager Infrastructure)  
Ms Kelli Moran (Team Leader Economic Development)  
Mr Matthew Clark (Contracts Administrator)  
Mr Rod Leith (Manager, Revenue and Procurement)  
Mr Trevor Harris (Procurement Co-ordinator)  
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

**APPOINTMENT OF CHAIRPERSON**

Cr Taylor nominated Cr Hargreaves to chair the meeting on this occasion.

**ACKNOWLEDGEMENT TO COUNTRY**

Acknowledgement to Country was read by the Chair.

**DECLARATIONS OF INTEREST**

No conflicts of interest were recorded.

**CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the minutes of the Contracts Committee meeting held on 2 March, 2022 as circulated, be confirmed.**

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**

**SECTION 66 MATTERS**

**RESOLUTION:**

**That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council: -**

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**

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<b>6.1 UPDATE ON TENDER STATUS</b> (RO JOHN HAUSLER / TREVOR HARRIS)	<b>4</b>
<b>6.2 VARIATION TO CONTRACT 2020/21-497</b> <b>OUTDOOR DINING ACTIVATION SUPPLY AND INSTALL OF SMALL INFRASTRUCTURE</b> (RO NATALIE ROBERTSON / KELLI MORAN)	<b>5</b>
<b>6.3 TENDER 2021/22-298 LANGSTAFFE DRIVE RECONSTRUCTION</b> (RO BRIDGET WETHERALL / ROBIN HAND)	<b>6</b>

**6.1 UPDATE ON TENDER STATUS**  
(RO – John Hausler / Trevor Harris)

**SUMMARY**

1. This report outlines the status of tenders – planning, advertising, evaluating or reports being prepared for final approval.
2. This report is provided once per month to increase transparency regarding the status and progress of tenders.

**RESOLUTION**

3. **That the Contracts Approval Delegated Committee receive and note the tender status report.**

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**

## 6.2 VARIATION TO CONTRACT 2020/21-497 – OUTDOOR DINING ACTIVATION SUPPLY AND INSTALL OF SMALL INFRASTRUCTURE

(RO – Natalie Robertson / Kelli Moran)

### SUMMARY

1. This report is to report back to the Committee on a variation to the Contract.

### KEY MATTERS

2. This project has arisen directly from the State Government and Council's responses to supporting businesses through the Covid-19 Pandemic.
3. The scope of the project was to activate new spaces for outdoor dining across our City. This has been achieved through the provision of umbrella sockets and wind barriers.
4. Following a tender process, the Contracts Committee on 19 May 2021 resolved:-

*"That Council enter into Contract 2020/21 for the provision of Outdoor Dining Activation – Supply/Install small infrastructure (61 umbrella sockets and 316m Wind Barriers) with SHAE Enterprises for the total tendered price of \$292,593.15 (excluding GST). The Contract term is for six (6) months (May-Oct 2021)."*

5. On 27 October 2021, Council resolved to:
  - a. *"Allocate funds from the City of Ballarat's \$1 million Community and Business Support Package Grants Program, following the current round closure time, in the following manner – as a contribution towards a broader package of 2021/22 COVID Recovery support for Ballarat*
  - b. *\$135,000 for another round of footpath dining infrastructure (wind protection screens and umbrella sockets, estimated to assist more than 20 businesses)."*
6. A variation to the existing contract 2020/21-497 has been raised with SHAE Enterprises for \$118,120.40 (excluding GST), for the supply and installation of 115m of wind barrier and 55 umbrella sockets.
7. This contract variation of \$118,120.40, which in addition to the initially approved \$293,593.15 will be expended under the additional budget allocated by Council on 27 October, 2021.

### RESOLUTION

8. **That the Contracts Approval Delegated Committee:**

- 8.1 **review and note the above project variation report for its information.**

Moved Cr Mark Harris  
Seconded Cr Ben Taylor

**CARRIED**

**6.3 TENDER 2021/22-298 LANGSTAFFE DRIVE RECONSTRUCTION**  
(RO – Bridget Wetherall / Robin Hand)**SUMMARY**

1. This report recommended that the Contracts Approval Delegated Committee approve Council to enter into a contract for the provision of Langstaffe Drive road reconstruction.

**KEY MATTERS**

2. This project will see stage 2 of road reconstruction works completed. Stage 1 of works comprised reconstructing between Gillies Road and Molbray Street and was completed late 2021. This section of road will see approximately 400 metres of existing road pavement in Langstaffe Drive, between Molbray Street and Forest Street reconstructed with a new asphalt surface, concrete footpath and kerb and channel. Langstaffe Drive has pavement that is failing with areas of localised ponding and potholing with old brick footpaths which have significant movement.
3. Langstaff Drive is a highly trafficked residential street providing connection between Forest Street and Gillies Street with an approximate length of 830 metres. Langstaffe Drive serves as a public bus route and is frequently used by residents.
4. The project involves several components of work which were identified during the design stage including the following:
  - \* earthworks
  - \* minor drainage construction
  - \* kerb and channel works
  - \* road pavement reconstruction
  - \* asphalt road surfacing
  - \* line marking
  - \* raised pavement markers
  - \* signage and ancillary works.
5. Five (5) tender responses were received and evaluated in full.

**RESOLUTION****6. That the Contracts Approval Delegated Committee:**

- 6.1 Resolves to enter into Contract Number 2021/22-298 for the provision of Langstaffe Drive, Wendouree with Pipecon Pty Ltd for the total tendered price of \$903,415.28 (excluding GST).
- 6.2 Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**

**SECTION 66 MATTERS**

**RESOLUTION:**

**That the Committee resolves to come out of Section 66 and adopt the resolutions made therein.**

Moved Cr Mark Harris  
Seconded Cr Ben Taylor

**CARRIED**

**General Business**

No general business was discussed.

There being no further business, the Chairperson declared the meeting closed at 12:37pm

**Confirmed this 13th day of April, 2022**

**Cr Ben Taylor  
Chairperson**

## 8.10. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATIONS

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis - Statutory Compliance Officer

### PURPOSE

1. The report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Gert Bothma and Annie Fraser. The report is to also endorse the S11B Instrument of Appointment and Authorisation under the *Environment Protection 2017* to Gert Bothma.

### BACKGROUND

2. The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* and *Environment Protection Act 2017* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

### KEY MATTERS

3. Gert Bothma holds the position of Team Leader Compliance Parking, and the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.
4. Annie Fraser holds the position of Statutory Planner, and the *Planning and Environment Act 1987* requires Council to endorse the authorisation for the officer to undertake duties authorised by Council.

### OFFICER RECOMMENDATION

**5. That Council:**

**5.1 Exercise the powers conferred by s147(4) of the *Planning and Environment Act 1987* and the other legislation referred to in the attached instrument of appointment and authorisations (the instruments), and**

- a. **Gert Bothma and Annie Fraser be appointed and authorised as set out in the instruments.**
- b. **The instruments come into force immediately the Common Seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.**
- c. **The instruments be sealed.**

**5.2 Exercise the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, and resolves that:**

- a. **Gert Bothma be appointed and authorised as set out in the instruments.**
- b. **The instruments come into force immediately the Common Seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.**
- c. **The instruments be sealed.**

**ATTACHMENTS**

1. Governance Review [**8.10.1** - 2 pages]
2. S11A Gert Bothma [**8.10.2** - 2 pages]
3. S11B Gert Bothma [**8.10.3** - 2 pages]
4. S11 A Annie Fraser [**8.10.4** - 2 pages]



## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Instrument of Appointments and Authorisations are a statutory requirement of Council.

**COMMUNITY IMPACT**

2. Council will make the register of authorised officers available on Council's website in accordance with Council's Public Transparency Policy.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987* and the *Environment Protection Act 2017*.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.
9. The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

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OFFICIAL

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**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

11. Council officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

OFFICIAL



*S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

**Ballarat City Council**

**Instrument of Appointment and Authorisation**  
***(Planning and Environment Act 1987 only)***

OFFICIAL



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Gert Bothma**

**By this instrument of appointment and authorisation Ballarat City Council -**

- 1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Ballarat City Council on

**The Common Seal of Ballarat City Council**                     )  
 was affixed by authority of the Council in the                     )  
 presence of:   )

..... Mayor/Councillor

..... Chief Executive Officer

OFFICIAL



*S11B Instrument of Appointment and Authorisation  
(Environment Protection Act 2017)*

**Ballarat City Council**

**Instrument of Appointment and Authorisation  
(*Environment Protection Act 2017* only)**

OFFICIAL



**Instrument of Appointment and Authorisation  
(Environment Protection Act 2017)**

In this instrument "officer" means -

**Gert Bothma**

**By this instrument of appointment and authorisation, Ballarat City Council -**

under s 242(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officer to be **an** authorised officer for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

**It is declared that** this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Ballarat City Council on

**The Common Seal of Ballarat City Council** )  
was affixed by authority of the Council in the )  
presence of: )

..... Mayor/Councillor

..... Chief Executive Officer

OFFICIAL



*S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

**Ballarat City Council**

**Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

OFFICIAL



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Annie Fraser**

**By this instrument of appointment and authorisation Ballarat City Council -**

- 1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Ballarat City Council on

**The Common Seal of Ballarat City Council**                     )  
was affixed by authority of the Council in the                     )  
presence of:   )

..... Mayor/Councillor

..... Chief Executive Officer

OFFICIAL



## 8.11. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

### PURPOSE

1. To review and update the S6 Instrument of Delegation, Members of Staff for Council's consideration.

### BACKGROUND

2. It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff member. This means that the delegation will still apply to the position should there be a change in personnel or any staff acting in the role.
3. It is imperative that Council staff have the correct delegation for dealing with matters under the current Acts and Regulations.
4. The powers conferred on the Council under some legislative Instruments cannot be delegated through the Chief Executive Officer and must be delegated from Council.

### KEY MATTERS

5. Changes to the Instrument of Delegation since the last approved iteration include:
  - The inclusion of the new position of Sustainable Growth Planner (SGP).

### OFFICER RECOMMENDATION

**That Council:**

6. **Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:**
  - 6.1. **There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.**
  - 6.2. **The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.**
  - 6.3. **On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.**
  - 6.4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in**

**accordance with any guidelines or policies of Council that it may from time to time adopt.**

## **ATTACHMENTS**

1. Governance Review [8.11.1 - 2 pages]
2. S6 Instrument of Delegation Members of Staff [8.11.2 - 152 pages]
3. Delegations for Sustainable Growth Planner [8.11.3 - 33 pages]

## OFFICIAL

**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. The Instrument of Delegation is a statutory requirement of Council.

**COMMUNITY IMPACT**

2. There are no community impacts identified for the subject of this report.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no economic sustainability implications identified for the subject of this report.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications identified for the subject of this report.

**LEGAL AND RISK CONSIDERATIONS**

6. The endorsement of the revised S6 Instrument of Delegation ensures that the core operations functions of the Council are not impeded.
7. Council's delegations are constantly maintained and periodically monitored to ensure that appropriated Council officers have the power to carry out their duties lawfully.

**HUMAN RIGHTS CONSIDERATIONS**

8. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**COMMUNITY CONSULTATION AND ENGAGEMENT**

9. There has been consultation with the relevant managers to ensure the correct delegations have included in the Instrument of Delegation.

**GENDER EQUALITY ACT 2020**

10. There are no gender equality implications identified for the subject of this report.

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OFFICIAL

OFFICIAL

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

11. No Council Officers who have provided advice in relation to this report have a conflict of interest regarding the matter.

OFFICIAL



## **BALLARAT CITY COUNCIL**

### **INSTRUMENT OF DELEGATION**

#### **S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

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OFFICIAL

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## 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. record that references in the Schedule are as follows:

Abbreviation	Position
AOBS	Administration Officer Building Services
AOEH	Administration Officer Environmental Health
AOLLT	Administration Officer Local Laws and Traffic
AORS	Administration Officer Regulatory Services
AOSC	Administration Officer Statutory Compliance
CAEO	Compliance and Events Officer
CO	Compliance Officer
CAM	Coordinator Asset Management
CBS	Coordinator Building Services
CCPSC	Coordinator Compliance Parking and School Crossings
CEH	Coordinator Environmental Health
CID	Coordinator Infrastructure Delivery
CIT	Coordinator Integrated Transport

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<b>Abbreviation</b>	<b>Position</b>
CPG	Coordinator Parks and Gardens
CRC	Coordinator Risk and Compliance
CRM	Coordinator Road Maintenance
CSTP	Coordinator Statutory Planning
CP	Counter Planner
DCA	Development Contributions Accountant
DCS	Director Corporate Services
DDG	Director Development and Growth
DIE	Director Infrastructure and Environment
EHO	Environmental Health Officer
EMDF	Executive Manager Development Facilitation
EMEG	Executive Manager Economic Growth
EMGR	Executive Manager Governance and Risk
EMI	Executive Manager Infrastructure
EMO	Executive Manager Operations
EMPSFM	Executive Manager Property Services and Facilities Management

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Abbreviation	Position
EMRS	Executive Manager Regulatory Services
HSO	Health Services Officer
MSTP	Manager Statutory Planning
MSP	Manager Strategic Planning
MSG	Manager Sustainable Growth
MBS	Municipal Building Surveyor
Not Applicable	Not Applicable
Not Delegated	Not Delegated
PSO	Planning Support Officer
PP	Principal Planner
PSTP	Principal Statutory Planner
PSP	Principal Strategic Planner
POC	Project Officer Compliance
RMCS	Road Maintenance Contract Supervisor
RMS	Road Maintenance Scheduler
SASO	Senior Asset Surveillance Officer

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Abbreviation	Position
SSTP	Senior Statutory Planner
SCO	Statutory Compliance Officer
STP	Statutory Planner
SP	Strategic Planner
SPAO	Strategic Planning Administration Officer
SO	Subdivision Officer
SASU	Supervisor Asset Surveillance
SPD	Supervisor Pathways and Drainage
SRS	Supervisor Road Safety
SUSR	Supervisor Sealed Roads
SUR	Supervisor Unsealed Roads
SGO	Sustainable Growth Officer
SGP	Sustainable Growth Planner
SGTSO	Sustainable Growth Technical Support Officer
TLCP	Team Leader Compliance and Parking
TLEG	Team Leader Economic Growth

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Abbreviation	Position
TLEH	Team Leader Environmental Health
TLRSATS	Team Leader Regulatory Services Administration/Technical Support
TOBS	Technical Officer Building Services
TOEH	Technical Officer Environmental Health
TSODF	Technical Support Officer Development Facilitation

3. declares that:

3.1 this Instrument of Delegation is authorised by [#insert "a resolution" or "resolutions"#] of Council passed on [#date#] [#add "and [date]", if appropriate#]; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

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;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

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.

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The Common Seal of Ballarat City Council )  
was affixed by authority of the Council in the )  
presence of: )

..... Mayor/Councillor

..... Chief Executive Officer

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### **Delegation Sources**

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- 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

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### S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CPG, EMO, EMPSFM, DIE	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CPG, EMO, EMPSFM, DIE	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	CPG, EMO, EMPSFM, DIE	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CPG, EMO, EMPSFM, DIE	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 15(4)	Duty to keep records of delegations	DCS, EMGR, SCO, AOSC, CRC	
s 17(1)	Power to employ any persons necessary	EMPSFM, DIE	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CPG, EMO, EMPSFM, DIE	
s 17(3)	Power to determine the terms and conditions of employment or engagement	EMPSFM, DIE	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	CPG, EMO, EMPSFM, DIE	
s 19	Power to carry out or permit the carrying out of works	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 20(1)	Duty to set aside areas for the interment of human remains	CPG, EMO, EMPSFM, DIE	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CPG, EMO, EMPSFM, DIE	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CPG, EMO, EMPSFM, DIE	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CPG, EMO, EMPSFM, DIE	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CPG, EMO, EMPSFM, DIE	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	CPG, EMO, EMPSFM, DIE	Subject to the Minister approving the purpose

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CPG, EMO, EMPSFM, DIE	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DCS	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CPG, EMO, EMPSFM, DIE	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CPG, EMO, EMPSFM, DIE	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	EMPSFM, DIE	
s 60(2)	Power to charge fees for providing information	DCS	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CPG, EMO, EMPSFM, DIE	
s 64B(d)	Power to permit interments at a reopened cemetery	CPG, EMO, EMPSFM, DIE	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CPG, EMO, EMPSFM, DIE	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	EMPSFM, DIE	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	CPG, EMO, EMPSFM, DIE	
s 70(2)	Duty to make plans of existing place of interment available to the public	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CPG, EMO, EMPSFM, DIE	
s 71(2)	Power to dispose of any memorial or other structure removed	CPG, EMO, EMPSFM, DIE	
s 72(2)	Duty to comply with request received under s 72	CPG, EMO, EMPSFM, DIE	
s 73(1)	Power to grant a right of interment	CPG, EMO, EMPSFM, DIE	
s 73(2)	Power to impose conditions on the right of interment	CPG, EMO, EMPSFM, DIE	
s 74	Duty to offer a perpetual right of interment	EMPSFM, DIE	Provision commences on 1 March 2022 unless proclaimed earlier

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPG, EMO, EMPSFM, DIE	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CPG, EMO, EMPSFM, DIE	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	EMPSFM, DIE	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CPG, EMO, EMPSFM, DIE	
s 80(2)	Function of recording transfer of right of interment	CPG, EMO, EMPSFM, DIE	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCS	Reference to 'sole holder' will no longer apply from 1 March 2022
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CPG, EMO, EMPSFM, DIE	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CPG, EMO, EMPSFM, DIE	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	EMPSFM, DIE	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	EMPSFM, DIE	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	EMPSFM, DIE	
s 84I(6)(a)	Power to remove any memorial on the place of interment	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 84(6)(b)	Power to grant right of interment under s 73	EMPSFM, DIE	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CPG, EMO, EMPSFM, DIE	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CPG, EMO, EMPSFM, DIE	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	EMPSFM, DIE	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	EMPSFM, DIE	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	EMPSFM, DIE	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	EMPSFM, DIE	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	EMPSFM, DIE	
s.86(5)	duty to provide notification before taking action under s.86(4)	EMPSFM, DIE	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	EMPSFM, DIE	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	EMPSFM, DIE	
s 91(1)	Power to cancel a right of interment in accordance with s 91	EMPSFM, DIE	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CPG, EMO, EMPSFM, DIE	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CPG, EMO, EMPSFM, DCS, DIE	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CPG, EMO, EMPSFM, DIE	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CPG, EMO, EMPSFM, DIE	
s 100(1)	Power to require a person to remove memorials or places of interment	EMPSFM, DIE	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	EMPSFM, DIE	
s 100(3)	Power to recover costs of taking action under s 100(2)	CPG, EMO, EMPSFM, DIE	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CPG, EMO, EMPSFM, DIE	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CPG, EMO, EMPSFM, DIE	
s 103(1)	Power to require a person to remove a building for ceremonies	CPG, EMO, EMPSFM, DIE	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CPG, EMO, EMPSFM, DIE	
s 103(3)	Power to recover costs of taking action under s 103(2)	CPG, EMO, EMPSFM, DIE	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CPG, EMO, EMPSFM, DIE	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	EMPSFM, DIE	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	EMPSFM, DIE	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CPG, EMO, EMPSFM, DIE	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 108	Power to recover costs and expenses	CPG, EMO, EMPSFM, DIE	
s 109(1)(a)	Power to open, examine and repair a place of interment	EMPSFM, DIE	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	EMPSFM, DIE	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CPG, EMO, EMPSFM, DIE	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	EMPSFM, DIE	Provision commences on 1 March 2022
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CPG, EMO, EMPSFM, DIE	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCS	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CPG, EMO, EMPSFM, DIE	
s 112	Power to sell and supply memorials	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CPG, EMO, EMPSFM, DIE	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CPG, EMO, EMPSFM, DIE	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CPG, EMO, EMPSFM, DIE	
s 119	Power to set terms and conditions for interment authorisations	EMPSFM, DIE	
s 131	Function of receiving an application for cremation authorisation	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	CPG, EMO, EMPSFM, DIE	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CPG, EMO, EMPSFM, DIE	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	EMPSFM, DIE	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	EMPSFM, DIE	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	EMPSFM, DIE	

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Cemeteries and Crematoria Act 2003			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 151	Function of receiving applications to inter or cremate body parts	EMPSFM, DIE	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CPG, EMO, EMPSFM, DIE	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	CPG, EMO, EMPSFM, DIE	
sch 1 cl 8(8)	Power to regulate own proceedings	CPG, EMO, EMPSFM, DIE, CSS	Subject to cl 8

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<b>Domestic Animals Act 1994</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 41A(1)	Power to declare a dog to be a menacing dog	CCPSC, DIE, EMRS	Council may delegate this power to a Council authorised officer

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	If s 19(1) applies Only in relation to temporary food premises or mobile food premises

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDG	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	TLEH, EHO, CEH	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	TLEH, EHO, CEH	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).	TLEH, EHO, CEH, DDG	Where Council is the registration authority
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	TLEH, EHO, CEH	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

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<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	TLEH, EHO, CEH	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	TLEH, EHO, CEH, EMRS	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19IA(2)	Duty to give written notice to the proprietor of the premises	TLEH, EHO, CEH, EMRS	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	Not Delegated	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSA, HSO, AORS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Not Delegated	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH, DDG, EMRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	TLEH, EHO, CEH, DDG	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	TLEH, CEH	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	TLEH, CEH	Where Council is the registration authority
	Power to register or renew the registration of a food premises	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Refusal to grant or renew the registration of a food premises 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	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRATS, HSO, AORS	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)	EHO, CEH	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSATS, HSO, AORS	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	TLEH, EHO, AOBS, AOEH, AOLLT, CAEO, TOBS, CEH, TLRSA, HSO, AORS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	TLEH, EHO, CEH, DDG	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH, EMRS	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	TLEH, EHO, CEH, DDG	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	TLEH, EHO, CEH, EMRS	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	TLEH, EHO, CEH, EMRS	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	TLEH, EHO, CEH, DDG	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	TLEH, CEH, DDG	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	TLEH, CEH, DDG	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	TLEH, EHO, CEH, EMRS	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40F	Power to cancel registration of food premises	TLEH, EHO, CEH, EMRS	Where Council is the registration authority
s 43	Duty to maintain records of registration	TLEH, EHO, CEH, EMRS	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 or renewing registration of a component of a food business	TLEH, EHO, CEH	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	TLEH, EHO, CEH, DDG	Where Council is the registration authority
s 45AC	Power to bring proceedings	TLEH, EHO, CEH, EMRS	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	TLEH, EHO, CEH, DDG	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DDG, DIE	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

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Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	Not Delegated	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP, PP, SGP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 8A(5)	Function of receiving notice of the Minister's decision	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
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	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 12B(1)	Duty to review planning scheme	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 12B(2)	Duty to review planning scheme at direction of Minister	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 17(1)	Duty of giving copy amendment to the planning scheme	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 17(2)	Duty of giving copy s 173 agreement	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	SP, SPAO, MSTP, CSTP, DDG,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, PSTP, MSP, PP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
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	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	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.



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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 21A(4)	Duty to publish notice	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 22	Duty to consider all submissions	SP, SPAO, EMO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	Except submissions which request a change to the items in s 22(5)(a) and (b)

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SP, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 27(2)	Power to apply for exemption if panel's report not received	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	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	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 32(2)	Duty to give more notice if required	SP, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 33(1)	Duty to give more notice of changes to an amendment	SP, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 38(5)	Duty to give notice of revocation of an amendment	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SP, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 40(1)	Function of lodging copy of approved amendment	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
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	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	Not Applicable	Where Council is a responsible public entity and is a planning authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	DDG, EMDF	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	DDG, EMDF	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	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	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	SP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	DDG, EMDF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DDG, EMDF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MSG, SGO, DCA, DDG, EMDF, SGTSO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DDG, EMDF	
s 46GP	Function of receiving a notice under s 46GO	DDG, EMDF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, DCA, DDG, EMDF, SGTSO	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MSG, SGO, DCA, DDG, EMDF, SGTSO	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DDG, EMDF	
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	DDG, EMDF	
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	DDG, EMDF	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DDG, EMDF	
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	MSG, SGO, DCA, DDG, EMDF, SGTSO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MSG, SGO, DCA, DDG, EMDF, SGTSO	
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	MSG, SGO, DCA, DDG, EMDF, SGTSO	
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	DCS, DDG, EMDF	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DDG, EMDF	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)	DDG, EMDF	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)	DDG, EMDF	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	DDG, EMDF	
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	DDG, EMDF	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	MSG, SGO, DCA, DDG, EMDF, SGTSO	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DDG, EMDF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(a)	Function of receiving the monetary component	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DDG, EMDF, SGTSO	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)

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	Where Council is a development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	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)	MSG, SGO, DCA, DDG, EMDF, SGTSO	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)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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)	MSG, SGO, DCA, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	land 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)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DDG, EMDF, SGTSO	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	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	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)	MSG, SGO, DCA, DCS, DDG, EMDF, SGTSO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGTSO, SGP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
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	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46Q(1)	Duty to keep proper accounts of levies paid	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
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	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	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)	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MSTP, CSTP, DDG, EMDF, PSTP, PP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, PP, SGTSO	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MSG, SGO, DCA, MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP, SGTSO	
s 46QD	Duty to prepare report and give a report to the Minister	MSG, DCA, DDG, EMDF	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 47	Power to decide that an application for a planning permit does not comply with that Act	CO, POC, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 50(4)	Duty to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50(6)	Duty to make note of amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, SCO, EMDF, PSTP, AOSC, CP, PP	
s 50A(1)	Power to make amendment to application	SO, SP, STP, SPAO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SO, SP, STP, SPAO, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP, PP, SGP	
s 50A(4)	Duty to note amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(3)	Power to give any further notice of an application where appropriate	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1)	Power to require the applicant to provide more information	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1B)	Duty to specify the lapse date for an application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(5)	Power to refuse to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(6)	Duty to note amendments to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57C(1)	Duty to give copy of amended application to referral authority	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 58	Duty to consider every application for a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 58A	Power to request advice from the Planning Application Committee	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 60	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1A)	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Not Delegated	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(2)	Power to include other conditions	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SO, TSODF, MSTP, CSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, PSTP, PP	
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)	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF,	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 64(5)	Duty to give each objector a copy of an exempt decision	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(1A)	Function of receiving application for extension of time to complete development	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(2)	Power to extend time	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	
s 71(1)	Power to correct certain mistakes	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 71(2)	Duty to note corrections in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 73	Power to decide to grant amendment subject to conditions	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 74	Duty to issue amended permit to applicant if no objectors	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, MSTP, CSTP, DDG, EMDF,	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 83	Function of being respondent to an appeal	SO, STP, TSODF, MSTP, CSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 83B	Duty to give or publish notice of application for review	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84AB	Power to agree to confining a review by the Tribunal	SO, MSG, SGO, TSODF, DCA, DCS, DDG, EMDF, SGTSO	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, CP, PP, SGP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	SO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2)	Duty to comply with the directions of VCAT	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SO, STP, TSODF, MSTP, CSTP,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 93(2)	Duty to give notice of VCAT order to stop development	SO, STP, CCPSC, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMRS, CP, PP, SGP	
s 95(3)	Function of referring certain applications to the Minister	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96F	Duty to consider the panel's report under s 96E	Not Delegated	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 96J	Power to issue permit as directed by the Minister	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	CO, POC, MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 97C	Power to request Minister to decide the application	DDG, EMDF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, PP, SGP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 101	Function of receiving claim for expenses in conjunction with claim	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 103	Power to reject a claim for compensation in certain circumstances	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s.107(1)	function of receiving claim for compensation	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 107(3)	Power to agree to extend time for making claim	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	SO, STP, MSTP, EMDF	
s 114(1)	Power to apply to the VCAT for an enforcement order	CCPSC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CCPSC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CCPSC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	CCPSC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP	Except Crown Land
s 129	Function of recovering penalties	MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP	
s 130(5)	Power to allow person served with an infringement notice further time	CCPSC, MSTP, DCS, CSTP, DDG, EMDF, PSTP, EMRS, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CCPSC, MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	
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)	MSTP, CSTP, DDG, EMDF, PSTP, PP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 171(2)(g)	Power to grant and reserve easements	STP, MSTP, CSTP, DDG, EMDF, PSTP, CP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DCS, DDG, EMDF	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)	DCS, DDG, EMDF	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)	DCS, DDG, EMDF	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	MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP	
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	DCS, DDG, TLEG	Where Council is the relevant responsible authority

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP	
	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	MSTP, DCS, CSTP, DDG, EMDF, PSTP, MSP, PP	
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	MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	MSTP, DCS, CSTP, DDG, EMDF, PSTP, PP	
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(5)	Power to propose to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP,	If no objections are made under s 178D

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTP, MSP, CP, PP, SGP	Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	After considering objections, submissions and matters in s.178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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)	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application for review to the Tribunal has been determined or withdrawn	PSTP, SSTP, MSP, CP, PP, SGP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SP, STP, SPAO, MSTP, EMPSFM, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSTP, CSTP, DDG, EMDF, PSTP, PP	
s 182	Power to enforce an agreement	MSTP, CSTP, DDG, EMDF, PSTP, EMRS, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSTP, CSTP, DDG, EMDF, PSTP, PP	
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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184G(2)	Duty to comply with a direction of the Tribunal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 199(1)	Duty to give planning certificate to applicant	STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(3)	Duty to make declaration	MSTP, CSTP, DDG, EMDF, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
	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	MSTP, CSTP, DDG, EMDF, PSTP, MSP, PP	
	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	MSTP, CSTP, DDG, EMDF, PSTP, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	MSTP, CSTP, DDG, PSTP, PP	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDG, MSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DDG, MSP	

Residential Tenancies Act 1997			
Provision	Power 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	TLEH, TOEH, EHO, CEH, EMPSFM, EMRS	
s 522(1)	Power to give a compliance notice to a person	TLEH, TOEH, EHO, MBS, CEH, CBS, EMRS	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DIE	
s 525(4)	Duty to issue identity card to authorised officers	EMGR, SCO, AOSC, CRC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, CBS, EMRS	
s 526A(3)	Function of receiving report of inspection	TLEH, TOEH, EHO, AOEH, CEH, TLRATS, HSO, AORS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	TLEH, TOEH, EHO, MBS, CEH, EMPSFM, DDG, CBS, EMRS	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	
s 11(9)(b)	Duty to advise Registrar	EMO, DDG, DIE, EMDF, EMI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	EMO, DDG, DIE, EMDF, EMI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	Duty of coordinating road authority where it is the discontinuing body

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI, CIT	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	EMO, DDG, DIE, CAM, EMDF, EMI, CIT	
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	EMO, DDG, DIE, CAM, EMDF, EMI	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DDG, DIE, CAM, EMDF, EMI	
s 15(2)	Duty to include details of arrangement in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 16(7)	Power to enter into an arrangement under s 15	DDG, DIE, CAM, EMDF, EMI	
s 16(8)	Duty to enter details of determination in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 17(2)	Duty to register public road in public roads register	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)	Duty to specify details of discontinuance in public roads register	DDG, DIE, CAM, EMDF, EMI	
s 19(5)	Duty to ensure public roads register is available for public inspection	DDG, DIE, CAM, EMDF, EMI	
s 21	Function of replying to request for information or advice	DDG, DIE, CAM, EMDF, EMI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DDG, DIE, CAM, EMDF, EMI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	EMO, DIE	
s 22(5)	Duty to give effect to a direction under s 22	EMO, DIE	
s 40(1)	Duty to inspect, maintain and repair a public road.	SPD, SRS, RMS, EMO, DDG, DIE, RMCS,	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SUR, SUSR, EMDF, EMI, CRM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	
s 42(1)	Power to declare a public road as a controlled access road	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	Power of coordinating road authority and sch 2 also applies

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	EMO, DDG, DIE, CAM, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI, CIT	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)	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	
s 49	Power to develop and publish a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Power to determine standards by incorporating the standards in a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(2)	Duty to give notice of proposal to make a road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 54(6)	Power to amend road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(7)	Duty to incorporate the amendments into the road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
s 63(1)	Power to consent to conduct of works on road	SPD, SRS, RMS, EMO, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	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	SPD, SRS, RMS, CEH, CAM, RMCS, SUR, SUSR, EMI, SASU, CRM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to consent to structure etc	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 68(2)	Power to request information	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, TLCP, EMDF, EMI, SASU, CID, CRM, CIT	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72	Duty to issue an identity card to each authorised officer	DCS, EMGR, SCO, AOSC, CRC	
s 85	Function of receiving report from authorised officer	DDG, DIE, EMDF, EMI	
s 86	Duty to keep register re s 85 matters	DDG, DIE, EMDF, EMI	
s 87(1)	Function of receiving complaints	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 87(2)	Duty to investigate complaint and provide report	SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DIE, EMI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 112(2)	Power to recover damages in court	EMO, DDG, DIE, EMDF, EMI	
s 116	Power to cause or carry out inspection	SPD, SRS, RMS, EMO, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	EMO, DDG, DIE, EMDF, EMI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	EMO, DDG, DIE, CAM, EMDF, EMI, SASU	
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)	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR, EMDF, EMI, SASU, CRM	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 121(1)	Power to enter into an agreement in respect of works	EMO, DDG, DIE, CAM, EMDF, EMI	
s 122(1)	Power to charge and recover fees	EMO, DDG, DIE, CAM, EMDF, EMI	
s 123(1)	Power to charge for any service	SPD, SRS, RMS, EMO, DCS, DDG, DIE, RMCS, SUR, SUSR, EMDF, EMI, CRM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DDG, DIE, CAM, EMDF, EMI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not Delegated	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Not Delegated	

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DDG, DIE, CAM, EMDF, EMI	
sch 2 cl 5	Duty to publish notice of declaration	DDG, DIE, CAM, EMDF, EMI	
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	DDG, DIE, CAM, EMDF, EMI	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 could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager or works manager
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	SPD, SRS, RMS, EMO, DDG, DIE, CAM,	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	non-road infrastructure and technical advice or assistance in conduct of works	RMCS, SUR, SUSR, EMDF, EMI, CRM	
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	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	SPD, SRS, RMS, EMO, DDG, DIE, CAM, RMCS, SUR, SUSR,	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		EMDF, EMI, SASU, CRM	
sch 7 cl 12(5)	Power to recover costs	DDG, DIE, CAM, EMDF, EMI, SASU	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)	DDG, DIE, CAM, EMDF, EMI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DDG, DIE, CAM, EMDF, EMI	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)	DDG, DIE, CAM, EMDF, EMI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 16(4)	Duty to consult	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	EMO, DDG, DIE, CAM, EMDF, EMI	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	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	DDG, DIE, CAM, EMDF, EMI, SASU	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	DDG, DIE, CAM, EMDF, EMI, SASU	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	DDG, DIE, CAM, EMDF, EMI, SASU	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DDG, DIE, EMDF, EMI	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	DDG, DIE, EMDF, EMI	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	DDG, DIE, EMDF, EMI	Where Council is the responsible road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DDG, DIE, EMDF, EMI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	EMPSFM, DIE	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	EMPSFM, DIE	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	EMPSFM, DIE	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	EMPSFM, DIE	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	EMPSFM, DIE	
r 30(2)	Power to release cremated human remains to certain persons	EMPSFM, DIE	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	EMPSFM, DIE	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	EMPSFM, DIE	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	EMPSFM, DIE	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	EMPSFM, DIE	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	EMPSFM, DIE	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	EMPSFM, DIE	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	EMPSFM, DIE	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	EMPSFM, DIE	
r 40	Power to approve a person to play sport within a public cemetery	EMPSFM, DIE	
r 41(1)	Power to approve fishing and bathing within a public cemetery	EMPSFM, DIE	

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<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 42(1)	Power to approve hunting within a public cemetery	EMPSFM, DIE	
r 43	Power to approve camping within a public cemetery	EMPSFM, DIE	
r 45(1)	Power to approve the removal of plants within a public cemetery	CPG, EMPSFM, DIE	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, EMO, EMPSFM, DIE	
r 47(3)	Power to approve the use of fire in a public cemetery	EMPSFM, DIE	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, EMO, EMPSFM, DIE	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	CPG, EMO, EMPSFM, DIE	

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<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, EMO, EMPSFM, DIE	See note above regarding model rules

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<b>Cemeteries and Crematoria Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CPG, EMO, EMPSFM, DIE	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, EMO, EMPSFM, DIE	See note above regarding model rules

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, DDG, EMDF, MSP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	where Council is not the responsible authority but the relevant land is within Council's municipal district

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, DDG, EMDF, MSP	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			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DDG, MSP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MSTP, DDG, EMDF	

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Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MSTP, DDG, EMDF, MSP	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	TLEH, TOEH, EHO, CEH, EMPSFM	
r 10	Function of receiving application for registration	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, CEH, TLRATS, EMRS, HSO, AORS	
r 11	Function of receiving application for renewal of registration	EMPSFM, DIE	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	TLEH, EHO, CEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	TLEH, TOEH, EHO, CEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EMPSFM, DIE	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EMPSFM, DIE	
r 12(4) & (5)	Duty to issue certificate of registration	TLEH, TOEH, EHO, CEH	
r 14(1)	Function of receiving notice of transfer of ownership	TLEH, TOEH, EHO, AOBs, AOEH,	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		AOLLT, TOBS, CEH, TLRSATS, EMRS, HSO, AORS	
r 14(3)	Power to determine where notice of transfer is displayed	TLEH, TOEH, EHO, CEH	
r 15(1)	Duty to transfer registration to new caravan park owner	TLEH, TOEH, EHO, CEH	
r 15(2)	Duty to issue a certificate of transfer of registration	TLEH, TOEH, EHO, CEH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	TLEH, EHO, CEH, EMPSFM	
r 17	Duty to keep register of caravan parks	TLEH, CEH	
r 18(4)	Power to determine where the emergency contact person's details are displayed	TLEH, TOEH, EHO, CEH	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 18(6)	Power to determine where certain information is displayed	TLEH, TOEH, EHO, CEH	
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	TLEH, TOEH, EHO, CEH	
r 22(2)	Duty to consult with relevant emergency services agencies	TLEH, TOEH, EHO, CEH	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	TLEH, TOEH, EHO, CEH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	TLEH, TOEH, EHO, CEH	
r 25(3)	Duty to consult with relevant floodplain management authority	TLEH, TOEH, EHO, CEH	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 26	Duty to have regard to any report of the relevant fire authority	TLEH, TOEH, EHO, CEH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	TLEH, TOEH, EHO, CEH	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	TLEH, TOEH, EHO, AOBS, AOEH, AOLLT, TOBS, MBS, CEH, EMPSFM, CBS, TLRSATS, EMRS, HSO, AORS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MBS, EMPSFM, DDG, DIE, CBS, EMRS	

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<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 41(4)	Function of receiving installation certificate	MBS, EMPSFM, DDG, DIE, CBS, EMRS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS, EMPSFM, DDG, DIE, CBS, EMRS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DDG, DIE, EMRS	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
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)	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	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	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	
r 13(1)	Duty to publish notice of amendments to road management plan	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	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	EMO, DDG, DIE, CAM, EMGR, EMDF, EMI, CRC	

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<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 16(3)	Power to issue permit	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	EMO, DDG, DIE, CAM, EMDF, EMI, SASU	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))	EMO, DDG, DIE, CAM, EMDF, EMI	Where Council is the responsible road authority

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<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	EMO, DDG, DIE, CAM, EMDF, EMI	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	EMO, DDG, DIE, EMDF, EMI	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	EMO, DDG, DIE, EMDF, EMI	Where Council is the coordinating road authority

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**Provisions for Sustainable Growth Planner (SGP)**

<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 28(2)	Duty to publish notice of the decision on Internet site	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	
s 30(4)(a)	Duty to say if amendment has lapsed	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 30(4)(b)	Duty to provide information in writing upon request	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	SPAO, MSTP, CSTP, DDG, EMDF, SSTP, SGP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	STP, MSG, SGO, DCA, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGTSO, SGP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 50(4)	Duty to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 50(5)	Power to refuse to amend application	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 50A(1)	Power to make amendment to application	SO, SP, STP, SPAO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SO, SP, STP, SPAO, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 50A(4)	Duty to note amendment to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 52(3)	Power to give any further notice of an application where appropriate	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1)	Power to require the applicant to provide more information	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 54(1B)	Duty to specify the lapse date for an application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(5)	Power to refuse to amend application	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57A(6)	Duty to note amendments to application in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 57B(1)	Duty to determine whether and to whom notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 57C(1)	Duty to give copy of amended application to referral authority	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 58	Duty to consider every application for a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 60	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1A)	Duty to consider certain matters	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 62(2)	Power to include other conditions	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 64(3)	Duty not to issue a permit until after the specified period	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SO, STP, TSODF, MSTP, CSTP, DDG,	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(1A)	Function of receiving application for extension of time to complete development	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 69(2)	Power to extend time	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 71(1)	Power to correct certain mistakes	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 71(2)	Duty to note corrections in register	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 73	Power to decide to grant amendment subject to conditions	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 74	Duty to issue amended permit to applicant if no objectors	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, PSO, SGP	
s 83	Function of being respondent to an appeal	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 83B	Duty to give or publish notice of application for review	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
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	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2)	Duty to comply with the directions of VCAT	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SO, STP, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 93(2)	Duty to give notice of VCAT order to stop development	SO, STP, CCPSC, TSODF, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, EMRS, CP, PP, SGP	
s 95(4)	Duty to comply with an order or direction	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, PP, SGP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97Q(4)	Duty to comply with directions of VCAT	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 178A(1)	Function of receiving application to amend or end an agreement	SP, STP, SPAO, MSTP, CSTP, DDG,	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178A(5)	Power to propose to amend or end an agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SP, STP, MSTP, CSTP, DDG, EMDF,	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PSTP, SSTP, MSP, CP, PP, SGP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	If no objections are made under s 178D  Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF,	After considering objections, submissions and matters in s 178B

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PSTP, SSTP, MSP, CP, PP, SGP	
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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)	SP, STP, SPAO, MSTP, CSTP, DDG,	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SP, STP, SPAO, MSTP, EMPSFM, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
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	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184G(2)	Duty to comply with a direction of the Tribunal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
s 184G(3)	Duty to give notice as directed by the Tribunal	SP, STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 198(1)	Function to receive application for planning certificate	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 199(1)	Duty to give planning certificate to applicant	STP, SPAO, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
s 201(1)	Function of receiving application for declaration of underlying zoning	STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, CP, PP, SGP	
	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	

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<b>S6 Instrument of Delegation - Members of Staff - Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	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	SP, STP, MSTP, CSTP, DDG, EMDF, PSTP, SSTP, MSP, CP, PP, SGP	where Council is not the responsible authority but the relevant land is within Council's municipal district

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## 8.12. OUTSTANDING QUESTION TIME ITEMS

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position** Sophie Constable – Administration Officer Statutory Compliance

### PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

### BACKGROUND

2. The City of Ballarat Governance Rules, section 3.7.1 calls for a standard agenda item at each Council Meeting that reflects unanswered questions from question time

### KEY MATTERS

3. Nil

### OFFICER RECOMMENDATION

**4. That Council:**

**4.1 Endorse the Outstanding Question Time report.**

### ATTACHMENTS

1. QT29/22 - Dr Sean Mulcahy [8.12.1 - 1 page]
2. QT30/22 - Susan Crighton [8.12.2 - 1 page]
3. QT32/22 Lachlan Mac Donald [8.12.3 - 1 page]
4. QT33/22 - Miriam Robinson [8.12.4 - 1 page]
5. Outstanding Question Time Items [8.12.5 - 1 page]

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 28 April 2022

Our Ref: QT

Your Ref:

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Dr Sean Mulcahy

Dear Dr Mulcahy

Thank you for your questions submitted to the Council Meeting on 27 April 2022 in relation to the Ballarat Events Strategy, Ballarat Housing Strategy and Harmony Sculpture.

I have provided my responses, which were read out at the Council meeting, below:

1. Ballarat Events Strategy - The following short-term action of the 2018 – 2028 Ballarat Events Strategy is on track to be completed by 31 December 2022. However, it should be noted that as we emerge into the post COVID environment, the structures and outcomes of events, including multi-year plans, may continue to be further adapted to meet the short-term economic recovery needs of the city and our community. For instance, this may mean the lengthening or shortening of some events, the relocation or expansion of event footprints into the CBD and so on.
2. Ballarat Housing Strategy - Officers are finalising a number of background and technical documents which inform the Housing Strategy. We look forward to engaging with the community and other stakeholders on this priority project later in the year, which will define the vision for housing growth and change across the Ballarat municipality for the next 15 years.
3. Harmony Sculpture - The Harmony installation was originally displayed by the City of Ballarat at the roundabout at the intersection of Mair and Ripon Streets in March 2016 to coincide with the 2016 Harmony Festival. The installation was constructed as a temporary activation and was removed in July 2016. As is the case with some temporary Council assets developed for community events, the installation was used again in 2017 for the Harmony Festival and was located in Alfred Deakin Place for another 4 weeks duration. The installation was then decommissioned.

If you wish to discuss this matter further, please do not hesitate to contact me via Council's customer service number (03) 5320 5500.

Yours sincerely

A handwritten signature in blue ink, appearing to be "M. Wilson", written over a white background.

Matthew Wilson  
Director Community Wellbeing

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 4 May 2022

Our Ref: BW:bk

Your Ref: QT30/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Susan Crighton

Email: [REDACTED]

Dear Susan

**RE: PUBLIC QUESTION ASKED AT COUNCIL MEETING**

I refer to your questions asked at the Council meeting held on Wednesday 27 April 2022 as follows:

1. *"Which department is responsible for keeping the kerb drains free from dirt, leaves and rubbish"*

Council's Waste and Environment team are responsible for keeping the kerb drains free from dirt, leaves and rubbish.

2. *"Who do we have to BEG to have all delivery trucks PROHIBITED from using Waverley Lane as access to the Midvale Shopping complex?"*

Waverley Road already has traffic calming in the form of two speed humps and with the last traffic count indicating that speeds are generally much less than the 50 km/hr limit on the road. Council will however undertake another traffic count which will help to identify the number of trucks and speed of all vehicles.

Council will register this item as a planning enforcement complaint, and the matter will be investigated by the Planning team to ensure no breach of the Planning Permit has occurred. The planning permit requires that all commercial vehicles associated with loading and unloading goods to and from the supermarket must use Geelong Rd.

Council will again contact IGA manager again to discuss truck movement to the IGA.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

Bridget Wetherall  
Director Infrastructure & Environment

CC: Mayor and Councillors  
Governance  
Civic Support



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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA  
Telephone: 03 5320 5500



Date: 4 May 2022  
Enquiries: 5320 5500  
Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Mr Lachlan MacDonald

By Email: [REDACTED]

Dear Mr MacDonald,

**RE: OUTSTANDING QUESTION TIME ITEM – QT32/22**

I refer to your question asked at the Council meeting held on Wednesday, 27 April 2022 as follows:

*In the printed minutes of Council meeting 23rd Feb, 2022 in reply to my question, the following appears.*

*The notice of decision to grant a permit was provided to all parties on 22 October 2020. No parties appealed to VCAT and upon issuing the planning permit in November 2020 the officer amended the permit under the provisions of Clause 72, that is, a clerical error was corrected.*

*This was NOT part of the answer given. Is it Council policy to falsify minutes, so they are no longer a true and accurate record of the meeting? I am convinced Councillors would not have been aware of this (nor could they be reasonably be expected to be aware) when they passed the minutes. HOWEVER, now that they are aware, can silent acceptance of this be taken as approval of falsified minutes being accepted, both in this case and as an ongoing policy?*

A written response to the question was prepared in advance to the meeting. When it was read out at the meeting, a section of the response was omitted. Whereas the full response was provided in the minutes.

An additional notation will be added to the minutes to reflect that the relevant paragraph was not read out at the meeting.

As always, if you have any questions or would like further information, please don't hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to be "Cameron Montgomery".

Cameron Montgomery  
Executive Manager Governance and Risk

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 4 May 2022

Our Ref: BW:bk

Your Ref: QT33/22

Enquiries: (61) 03 5320 5500

Direct Email: [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au)

Miriam Robinson

Email: [REDACTED]

Dear Miriam

**RE: PUBLIC QUESTION ASKED AT COUNCIL MEETING**

I refer to your questions asked at the Council meeting held on Wednesday 27 April 2022 as follows:

*1. Is Ballarat Council aware of the plan to cut down a blue gum plantation in Gordon, which is currently home to a sizeable population of koalas? There are presently no plans to relocate these koalas, instead they will most likely end up being hit by cars on the freeway. Has Ballarat Council been in touch with Moorabool Shire and offered any assistance to relocate these koalas?*

Council have not been working with Moorabool Shire to relocate the Koala population.

*2. I have already been in touch with the Minister for Environment, Lily D'Ambrosio the local state member Michaela Settle, Central Highlands Water, which owns the land and Midway, which is the company that will be harvesting the trees. I am awaiting call backs to clarify the situation. The plan is to build a sewerage plant on the land. This issue is very urgent as harvesting is planned to commence next week, threatening the lives of koalas, which are now on the endangered list. Will someone be in contact with Moorabool?*

Central Highlands Water (CHW) advises Council that the removal of blue gum plantation is required to accommodate increasing sewage flows to the Gordon wastewater treatment plant, providing for increased land area for irrigation. CHW has been engaging with a variety of interested members of the local community on this matter for over 9 months and has taken into consideration the views expressed. The site is owned by CHW and leased by a reputable Australian plantation company. CHW has not engaged with City of Ballarat on this project as it is not within the Council boundary and not a direct Council matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

**Bridget Wetherall**  
**Director Infrastructure & Environment**

CC: Mayor and Councillors  
Governance  
Civic Support

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Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
QT29/22 27/04/2022	Closed	Sean Mulcahy	1. Whatever happened to the Harmony sculpture? 2. Could Council please provide an update on: (a) the implementation of the Ballarat Events Strategy and, in particular, the commitment to write multi-year strategies for all signature events; and (b) the draft Ballarat Housing Strategy that is due to be released for community engagement this year?	Matthew Wilson, Director Community Wellbeing	Matthew Wilson, Director Community Wellbeing to provided a written response on 28 April 2022 (see attached)
QT30/22 27/04/2022	Closed	Susan Crighton	1. Which department is responsible for keeping the kerb drains free from dirt, leaves and rubbish? 2. Who do we have to BEG to have all delivery trucks PROHIBITED from using Waverley Lane as access to the Midvale Shopping complex?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response (see attached)
QT31/22 27/04/2022	Open	Beverly Lovett	Sebastopol Senior Citizens Club has recently been visited by Labour/Liberal Federal 2022 Candidates, Councillors and Officers. Both Candidates have committed \$4.5M with Council required to provide a further \$4.0M.  We have for 15 years requested its replacement, so hearing these commitments is reassuring. The building : • is outdated • will be a Community Hub • an asset to the Sebastopol Community  We ask in Council's 2022/23 Budget, will the other \$4.0M be committed, and completed within 2 financial years?	Evan King, Chief Executive Officer	Evan King, Chief Executive Officer to provide a written response
QT32/22 27/04/2022	Closed	Lachlan MacDonald	In the printed minutes of Council meeting 23rd Feb, 2022 in reply to my question, the following appears. The notice of decision to grant a permit was provided to all parties on 22 October 2020. No parties appealed to VCAT and upon issuing the planning permit in November 2020 the officer amended the permit under the provisions of Clause 72, that is, a clerical error was corrected.  This was NOT part of the answer given. Is it Council policy to falsify minutes, so they are no longer a true and accurate record of the meeting? I am convinced Councillors would not have been aware of this (nor could they be reasonably be expected to be aware) when they passed the minutes. HOWEVER, now that they are aware, can silent acceptance of this be taken as approval of falsified minutes being accepted, both in this case and as an ongoing policy?	Cameron Montgomery, Executive Manager Governance and Risk	Cameron Montgomery, Executive Manager Governance and Risk to provided a written response (see attached)
QT33/22 27/04/2022	Closed	Miriam Robinson	1. Is Ballarat Council aware of the plan to cut down a blue gum plantation in Gordon, which is currently home to a sizeable population of koalas? There are presently no plans to relocate these koalas, instead they will most likely end up being hit by cars on the freeway. Has Ballarat Council been in touch with Moorabool Shire and offered any assistance to relocate these koalas?  2. I have already been in touch with the Minister for Environment, Lily D'Ambrosio the local state member Michaela Settle, Central Highlands Water, which owns the land and Midway, which is the company that will be harvesting the trees. I am awaiting call backs to clarify the situation. The plan is to build a sewerage plant on the land. This issue is very urgent as harvesting is planned to commence next week, threatening the lives of koalas, which are now on the endangered list. Will someone be in contact with Moorabool?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response (see attached)

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## 9. NOTICE OF MOTION

### 9.1. TRAFFIC CONCERNS IN BUNINYONG

1. A Notice of Motion was lodged by South Ward Councillors, Cr Taylor, Cr Hudson and Cr Hargreaves on 19 May 2022.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer then approved to proceed to the 25 May 2022 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 19 May 2022 which was then recorded in the Notice of Motion Register by the Governance team.
4. South Ward Councillors, Cr Taylor, Cr Hudson and Cr Hargreaves propose the following motion:

#### That Council:

- 1 **Write to the Victorian State Government Premier and Roads Minister to request they:**
  - 1.1 **Immediately address community concerns about truck traffic and FastTrack traffic calming measures including road infrastructure to improve the safety for Buninyong residents, and**
  - 1.2 **Investigate and development a long-term solution for how heavy vehicles can be diverted from the middle of Buninyong.**

## ATTACHMENTS

1. Notice of Motion South Ward Councillors 19.05.22 [9.1.1 - 3 pages]



### COUNCILLORS NOTICE OF MOTION FORM

(In accordance with Chapter 3, Rules 3.8.1 and 3.8.2)

**TO:** Chief Executive Officer – City of Ballarat

**FROM:** South Ward Councillors: Cr Ben Taylor, Cr Des Hudson, Cr Tracey Hargreaves

**DATE:** 19 May 2022

I hereby give notice that at the Ordinary Meeting of Council on 25 May 2022 we will propose the following motion:

**That Council:**

1. Write to the Victorian State Government Premier and Roads Minister to request they:
  - 1.1 Immediately address community concerns about truck traffic and FastTrack traffic calming measures including road infrastructure to improve the safety for Buninyong residents, and
  - 1.2 Investigate and develop a long-term solution for how heavy vehicles can be diverted from the middle of Buninyong.

Signed:..... *Cr Ben Taylor* .....  
 (Signature of Councillor)

Dated: 19 May 2022

Signed:..... *Cr Des Hudson* .....  
 (Signature of Councillor)

Dated: 19 May 2022

Signed:..... *Cr Tracey Hargreaves* .....  
 (Signature of Councillor)

Dated: 19 May 2022

## Extracts from Governance Rules

### 3.8.1 Councillors may propose Notices of Motion

Councillors may propose an issue to be listed on the agenda by lodging a Notice of Motion in accordance with the rules outlined in this Chapter.

### 3.8.2 Notices of Motion

- a) Prior to a Council meeting, Councillors wanting to include a matter on the agenda, must complete a notice of motion form.
- b) A notice of motion form must be signed by the Councillor; and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 4pm the Thursday before the Council meeting agenda is due to be published. So as to allow sufficient time for him or her to give each other Councillor notice of such notice of motion; and to allow sufficient time for the notice of motion to be put in the agenda for the next Council meeting. If a notice of motion form is received after that time, it must, unless withdrawn, be included in the agenda for the following Council meeting
- c) The Chief Executive Officer must reject any notice of motion which:
  - i) is too vague;
  - ii) is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six (6) months;
  - iii) is defamatory;
  - iv) may be prejudicial to any person or Council;
  - v) is objectionable in language or nature;
  - vi) is outside the powers of Council;
  - vii) is a notice of motion submitted during the Caretaker Period; or
  - viii) is a matter subject to a Council decision making process which has commenced but is not yet complete.
- d) If the Chief Executive Officer rejects a notice of motion under sub-rule 3.8.2 c), he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with 24 hours to lodge a revised notice of motion provided that the meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- e) The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that he or she determines is more appropriately addressed that way.
- f) Subject to sub- rules 3.8.2 g) and h) a notice of motion must call for a Council report if the notice of motion:
  - i) substantially affects the level of Council services;
  - ii) commits the Council to expenditure in excess of \$20,000 and that has not been included in the adopted budget;
  - iii) establishes or amends a Council policy; or
  - iv) commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.

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- g) Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must call for a report for Council's consideration and public submission process if applicable.
- h) The Chief Executive Officer may direct a notice of motion to be confidential in accordance with Section 66(2)(a) of the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- i) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- j) The Chief Executive Officer must arrange for a formal report to be prepared and presented to the Council for the purposes of sub-rule f). Where practicable the report should be presented to the next Council meeting.
- k) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- l) Except by leave of Council, each notice of motion must be considered in the order in which they were received by the Chief Executive Officer.
- m) If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- n) If a Councillor proposing the motion wishes to amend the notice of motion, he or she may do so by seeking leave of the Council to amend the notice of motion prior to it being seconded.
- o) The Chairperson, having lodged a notice of motion in accordance with this sub-rule, must vacate the Chair of the Council meeting to move the notice of motion; and the Deputy Mayor or, in the absence of the Deputy Mayor, temporary Chairperson appointed by the Council, will take the Chair for the duration of consideration of the item.
- p) If a notice of motion is not moved at the Council Meeting at which it is listed, it lapses.

## Office Use Only

<b>Notice Received</b>	Date: 19 May 2022
<b>Notice <u>accepted</u> / rejected by CEO (please circle)</b>	Date: 19 May 2022 Signature: <i>Evan King</i>
<b>Notice given to Councillors</b>	Date: 19 May 2022 Signature: <i>Cameron Montgomery</i>
<b>Date of Meeting</b>	Date: 25 May 2022
<b>Notice Number</b>	2022/3

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## 10. REPORTS FROM COMMITTEES/COUNCILLORS

### 11. URGENT BUSINESS

### 12. SECTION 66 (IN CAMERA)

#### 8.1 HEARING OF VERBAL AND WRITTEN SUBMISSION PERTAINING TO THE 2022/23 DRAFT BUDGET

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Jason Clissold – Executive Manager Financial Services

#### 8.9 CONTRACTS APPROVAL DELEGATED COMMITTEE

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Lorraine Sendall - Executive Assistant, Director Corporate Services

(Confidential information)

### 13. CLOSE